

STATEMENT OF POLICY:

A. PRINCIPLES OF PROCUREMENT

The following principles of procurement have been adopted by the Florida Engineers Management Corporation Board (FEMC), and will govern all situations involving the procurement of commodities, goods, services and all other acquisitions for value of FEMC.

1. The procurement practices of FEMC shall follow generally accepted public procurement practices, and to the extent practicable, comply with the legislative intent of Section 287.001, Florida Statutes.
2. Fair and open competition is essential to public procurement. Such competition is conducive to assuring public confidence that contracts are awarded equitably, economically and efficiently. However, FEMC also recognizes that, in some limited circumstances, the competitive process may not be practical or efficient.
3. FEMC recognizes that certain performance factors of a contractual service may outweigh the cost factor. Therefore, FEMC reserves the right to award a contract to the firm that is determined to be the most advantageous to FEMC, all factors considered.
4. Contract negotiations shall be conducted in a manner to ensure that FEMC receives fair value for its money, and contractors receive fair compensation for their work.
5. FEMC will actively solicit and encourage a diversity of qualified contractors, including Women-owned and Minority-owned businesses, to participate in FEMC's procurement process without discrimination.
6. FEMC desires to enter into agreements with language that is clear, concise, and comprehensive and with terms and conditions that are fair and equitable to the contracting parties.
7. Appropriate records and standards shall be maintained so as to ensure public confidence in FEMC procurement activities.

B. DELEGATIONS OF PROCUREMENT AUTHORITY

The FEMC is authorized, pursuant to Chapter 287, Florida Statutes, to contract with public agencies, private corporations or other persons.

The FEMC Board authorizes the President to implement all practices and procedures necessary to carry out the provisions of this policy.

The FEMC Board has made the following delegations of procurement approval authority to the President. All other types of procurement must be approved by the FEMC Board, as appropriate.

Type of Procurement	Contract Amount*
Commodities	1. Up to approved annual FEMC budgeted line-item.
Scheduled Non-Recurring Computer Equipment and other Office Equipment	1. Up to approved annual FEMC budget per scheduled item. 2. Substitutions not to exceed \$5,000 that are within the approved annual FEMC budget.

Unanticipated Scheduled Non-Recurring	1. Items not included in original approved annual FEMC budget not to exceed \$2,500 provided the funds can be made available from other sources within the budget.
Utility Services	1. Up to the approved annual FEMC budget.
Contractual Services	1. Up to approved annual FEMC budget per scheduled line item. 2. Cumulative amendments not to exceed \$5,000 that are within the approved annual FEMC budget.
Unanticipated Contractual Services	1. Items not included in original approved annual FEMC budget not to exceed \$2,500 provided the funds can be made available from other sources within the budget.

C. COMPETITIVE STANDARDS

The following standards are to be used in all procurement transactions within FEMC.

1. General Procurement - The following standards for general procurement govern when the procurement is not classified as a special procurement.

Procurement Amount*	Type of Competition Required
\$0 - \$2,500 \$0 - \$2,499	Competitive quotations not required. Best source catalog price or oral quote.
\$2,501 - \$5,000 \$2,500 - \$10,000	Minimum two (2) competitive oral quotations required. Minimum two (2) competitive written quotations or written records of telephone quotations required.
\$5,001 - \$10,000 \$10,001 - \$24,999	Minimum three (3) competitive written quotations required. Except as set forth herein, at least two written quotations, two written records of telephone quotations, or two informal bids to be opened upon receipt are required. If FEMC utilizes verbal quotations, the name and address of each respondent and the amount quoted shall be a part of the written documentation. If FEMC receives less than two quotations of any sort, it must include a statement as to why additional quotes were not received. Notwithstanding the foregoing, if FEMC determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, it may proceed with the procurement. FEMC will document the conditions and circumstances used to determine the procurement method chosen.
Over \$10,000 <u>\$25,000</u>	Formal Request Invitation to for Bids, or Request for Proposals, or Invitation to Negotiate, as those terms are defined in Section 287.012, Florida Statutes, required for Commodities, Office and Field Equipment, Construction Contracts and Contractual Service Contracts. Sealed response, legal advertisements and specifications required.

* The contract amount for a leased or rented item is the capitalized value. The contract amount for an ongoing contractual service contract is the cash amount per fiscal year. The stated dollar amounts are subject to modification utilizing the formula for such modification contained in Rule 60A-1.012, Florida Administrative Code, Purchasing Categories and Adjustments Thereto.

2. **Special Procurement** - The following standards govern procurement in the following special situations:

- a. Commodities, office and field equipment, and contract services may be procured under a contract or purchase agreement let by the federal government, the State of Florida, another state, or a political subdivision when it is determined to be cost effective and in the best interest of FEMC.
- b. A list of qualified contractors may be established annually for single purpose procurement when in the best interest of FEMC.
- c. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment practice shall be solicited and procured in compliance with the Consultants' Competitive Negotiation Act (CCNA) set forth in Section 287.055, Florida Statutes.
- d. The following contractual services and commodities are exempt from competitive bid requirements. However, they may be competitively solicited at the discretion of the FEMC Board:

Type of Contract	Type of Competition, if Required
Artistic Services	Request for Qualifications or Request for Proposals, when appropriate
Legal Services, including attorney, paralegal, expert witness, court reporter, appraisal or mediator services; hearing facilities and equipment rental and related support services	Request for Qualifications or Request for Proposals, when appropriate
Health Services	Request for Proposals or Request for Qualifications, when appropriate
Academic program reviews; research or study programs with educational institutions; services or commodities provided by governmental agencies	Request for Proposals
Auditing Services	Request for Proposals
Insurance	Request for Bids or Request for Proposals - negotiation when in the best interest of FEMC
Lectures by Individuals	Request for Qualifications, when appropriate
Media Services	Request for Qualifications, when appropriate
Licensing, maintenance or service agreements and associated parts and labor to maintain equipment	None, if warranty requirements or compatibility requirements limit selection to the manufacturer

- e. Exemptions include, but are not limited to, subscriptions, training programs, memberships, and travel costs such as for airfare or accommodations.

D. EXCEPTIONS TO STANDARDS FOR COMPETITION:

A contract may be awarded by negotiation and without further competitive action under the following circumstances:

1. If it is determined by the President or designee that an emergency exists which creates an immediate danger to the public health, safety, welfare, or other substantial loss to FEMC.
2. If it is justified and recommended by staff that only one source is available, the President or designee can approve sole source procurement up to prescribed limits in Section B of this Policy.