



# **Procurement Code Review & Significant Changes**

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# Overview

- March 1986, the Alachua County Purchasing Code was adopted
- Update needed to ensure that best practices are being used in the procurement of services and supplies
- The County contracted with the National Institute of Governmental Purchasing, Inc. (NIGP) to review the current Purchasing Code and the current Policy and Procedure manual

# Overview (cont.)

- The NIGP Review Team compared the BoCC Procurement Code and current Procedures Manual to the American Bar Association (ABA) Model Procurement Code (MPC) and other government agencies.

# Overview (cont.)

- Recommendations provided to help:
  - Promote strategic objectives for operations
  - Streamline the procurement process
  - Improve operational effectiveness, transparency and accountability
  - Model our Code to be more reflective of the ABA Model Procurement Code

# Overview (cont.)

- The proposed Code keeps the original format of the ABA MPC, but it is modified to comply with BoCC policies and procedures
- Articles 1 through 10 cover the basic procurement of supplies and legal remedies
- Article 11 addresses our Small Business Enterprise Program
- Article 12 addresses our Government Minimum Wage Ordinance
- Article 13 addresses ethical standards

# Article 1 – General Provisions

- Describes the general purpose of the Code
- Specifies the Code's applicability
- Authorizes electronic signatures
- Contains definitions for terms used

# Article 2 – Procurement Organization

- Describes the basic organizational concepts for establishing procurement policy and conducting operations
- Delegation of Authority
  - All authority and duties delegated to the Procurement Manager are subject to the oversight and final determination of the County Manager
  - Operational procedures will be established and a Procurement Procedures Manual will be approved by County Manager

# Article 2 – Procurement Organization (cont.)

- Signature Authority Proposed Changes
  - County Manager, or Designee, will have the ability to award bid solicitations and approve purchase orders, contracts, contract amendments and contract renewals of \$100,000 or less
    - This is up from \$50,000
    - NIGP recommendation is \$100,000



# Article 3 – Source Selection

- Describes the source selection method allowed
- Identifies the requirements included in solicitations
- Sets the dollar thresholds for Bids
- Identifies exemptions from the source selection process

# Article 3 – Source Selection (cont.)

- Competitive Sealed Bidding Proposed Changes
  - Bidding threshold remains at \$50,000
    - NIGP recommends raising to \$100,000
  - Eliminate advertising formal solicitations in the newspaper
    - Procurement will still reach out to vendors and electronic advertising will continue
  - Post the intent of declaring a Sole Source for a minimum of 5 days in the County’s webpage
    - If there is no response, then the Sole Source becomes effective

# Article 4 - Contracts

- Allows the County Manager to establish administrative procedures necessary for a contract administration program
- Allows for contract clauses that define the responsibilities and rights of all parties
- Describes changes to work, specific to infrastructure, facilities and construction

## Article 4 – Contracts (cont.)

- Changes to work specific to infrastructure, facilities and construction services
  - The current code allows the Administrative Services Director and Public Works Director to approve Change Orders and Field Change Orders up to \$100,000, provided that the cumulative total does not exceed 10% of the original contract or \$500,000, whichever is less

## Article 4 – Contracts (cont.)

- The proposed Code allows Field Change Orders to be approved by the Department Director if the project has Board approved contingency in the original contract
- Contingency identified in a project budget, but not included in a contract, may be processed with a Field Change Order up to the aggregate monetary value of the contingency, but must be approved by the County Manager

## Article 4 – Contracts (cont.)

- The County Manager may approve Change Orders that, either cumulatively or individually, increase the contract price up to ten percent of the original contract price or \$100,000, whichever is less
- The Board shall approve Change Orders that, either cumulatively or individually, increase the contract price by more than ten percent or more than \$100,000

# Article 5 – Procurement of Infrastructure, Facilities and Construction Services

- This Article is specific to infrastructure, facilities and construction services, and identifies the different delivery methods that can be utilized, as well as the source selection method of each of the delivery methods
- Identifies the acquisition process for professional architectural, engineering, landscape, surveying, and mapping services.
- Describes bonds, insurance and other forms of security required

# Article 6 – Acquisition, Sale or Lease of Real Property improved and unimproved

- All conveyances must be approved by the Board

## Article 7 - Reserved



# Article 8 – Surplus Tangible Personal Property

- Disposal of County declared surplus tangible personal property shall be conducted in a manner in which will be in the best interest of the County
- Delegated to the Clerk of the Court of Alachua County in Resolution 94-34

# Article 9 – Legal and Contractual Remedies

- This Article provides mechanisms for the resolution of disputes and the authority to suspend vendors for cause
- Unauthorized purchases not procured in accordance with this Code

# Article 10 – Intergovernmental Relations

- Encourage cooperative procurement arrangements among different tiers of government units
- Intent is to broaden the opportunity to obtain volume discounts through joint purchasing and to lower transition costs of both agencies

# Article 11 – Assistance to Small and Disadvantaged Businesses

- This Article includes the current Small Business Enterprise Program with minor changes.
  - Removed wording that referenced specific departments
  - Replaced departments with County
  - Improve operational effectiveness and accountability

# Article 11 – Assistance to Small and Disadvantaged Businesses

- Addition to this section:
  - Part C was added to ensure compliance with state and federal requirements
  - Part D was added to address environmental procurement programs

# Article 12 – Alachua County Government Minimum Wage

- Government Minimum Wage with two recommended changes
  - 12-101 (7) Non-health benefit wage will equal to the health benefit wage plus \$2.00 an hour
  - 12-202 (3) Any contract awarded or amended shall contain the prevailing wage at the time of execution

# Article 13 – Ethics in Public Contracting

- This Article contains ethical standards with accompanying sanctions that are applicable to all participants in the public procurement process