

## SECTION 6 VENDOR RELATIONS

### 6.0 POLICY

- A. Formal bid invitation (which is defined as Invitation to Bid, Request for Proposal, Request for Quotation, Request for Negotiation) is the means for publicly notifying prospective vendors of the need for materials, commodities, and equipment and/or services that the County intends to purchase.
- B. Formal bid invitations will normally be conveyed to interested vendors by electronic notification, advertising in a local newspaper of general circulation, internet and any other means available at the discretion of the Director of Purchasing for the greatest solicitation.
- C. In no circumstance will the formal bid documents be made available to prospective bidders prior to the publication of the legal notice, unless otherwise required by Florida law.
- D. **Active Vendor File:** The Purchasing Department will maintain a list of prospective bidders who desire to receive bid invitations. A prospective bidder **may** submit a request in writing on the firm's letterhead or the County's pre-printed vendor application to the Purchasing Department to be added to the bid list as a bidder for a commercially useful item. The request will provide the following information at minimum.
  - 1. Location of business.
  - 2. Type of business and the equipment, commodities, materials, or services provided.
  - 3. Name, address and telephone number to include the telephone number, fax number, E-mail or Internet address (if applicable) of the nearest business representative.
  - 4. Principal owners or officials in the business and those authorized to sign bids and contracts for the firm.
  - 5. Length of time the firm has been in business and any references it may wish to provide.

6.0 **POLICY** - Continued

E. **The Purchasing Department will maintain an up-to-date vendor mailing list by:**

1. Adding new suppliers to provide increased competition
2. Modifying and refining commodity groups for more accuracy and efficiency
3. Removing prospective suppliers who fail to bid or suppliers whose performance is unsatisfactory

F. **Inactive Vendor File:** The Purchasing Department will maintain a vendor file and may purge the information at a minimum of one (1) time per year. At this time, those vendors failing to respond in any fashion to at least three (3) consecutive bids may be determined inactive in the vendor file. An acceptable response includes an actual bid/proposal, or the completion and return of the Statement of No Bid.

G. The Purchasing Department is responsible for investigating potential vendors requesting permission to submit bids/proposals to the County at the Purchasing Director's discretion. Investigative action will be conducted prior to the execution of an award, as deemed appropriate.

H. The Director of Purchasing will ensure that only bids from responsible vendors are considered and accepted.

I. Qualifications for bidders will be established and recorded by the Director of Purchasing. Bidder qualifications will be based on the following: (see Section 15 for Special Pre-Qualification Requirements).

1. Bidder reputation and/or performance
2. Type of commodity sold and/or services provided
3. Experience
4. Conviction of a Public Entity Crime as described in Florida Statute 287.133
5. Other factors related to bidder ability to perform

J. **Due Diligence:** The Director of Purchasing shall be responsible for conducting due diligence of firms with an estimated contract value exceeding \$100,000 when the County has not awarded a contract to the recommended firm within the past twelve (12) month period. Due diligence will be performed prior to Board/Administrator or Purchasing Director consideration of award or firm ranking.

## 6.1 COMMUNICATION WITH VENDORS

In order to resolve complaints or unsatisfactory delivery, these guidelines should be followed:

- A. For routine cases of non-compliance, such as late delivery, the originating department should contact the supplier to arrange for the supplier to correct the deficiencies. If the situation is not corrected promptly, then it should be reported to the Purchasing Department promptly in writing on the vendor complaint form or by memorandum.
- B. Where major purchases of commodities or services are involved, the situation should be reported immediately to Purchasing, which will assist in initiating action against the supplier.
- C. Where it may be necessary to revise a delivery schedule, cancel a contract initiate a new purchase order, or remove a supplier from the bidders list, the Department Director in conjunction with the Purchasing Department are responsible for such action. In addition, the Purchasing Department is responsible for scheduling and conducting cure meetings to bring a vendor back into specification compliance.

## 6.2 EVALUATION OF DEVIATIONS AND METHOD OF AWARD

- A. Only bids from responsive and responsible bidders are to be considered. A **responsive** bidder is one who has submitted a bid, which conforms in all material respects to the bid terms, conditions, and specifications.

A **responsible** bidder has demonstrated the financial capacity and experience to perform on the contract as specified.

- B. Deviations in bids may be either material or immaterial and minor in nature.
- C. Material deviations may not be waived in order to make an award. Material deviations are those that go to the substance of the bid, which **affects** the price, quality, or delivery of the materials or services offered and is prejudicial to the rights of other bidders. Illustrative examples include:
  - 1. Failure to meet minimum specification (e.g., the required horsepower in a truck.)
  - 2. Failure to provide the requested item (e.g., the type of pump needed in a water plant).
  - 3. Failure to provide a designated or firm price as requested.
  - 4. Failure to use forms as designated in the bid document.
  - 5. Failure to provide necessary bonding.

## 6.2 EVALUATION OF DEVIATIONS AND METHOD OF AWARD - Continued

- D. Immaterial or minor deviations are those that will not alter award of the bid. These may be clarified with the bidder or bidders. Illustrative examples included but not limited to the following:
1. Failure to submit requested brochures, catalogs or samples with the bid providing the name of manufacturer and/or model number has been included in the proposal.
  2. Failure to extend unit prices or where there is an error in extension of price.
  3. Failure to sign bid document.
- E. An award will be made to the lowest responsive and responsible bidder whose bid meets the intent and criteria set forth in the bid documents.

## 6.3 PROTEST PROCEDURE

As per Section 2-162 of County Code

1. (a) *Bid/Proposal protests.* Any actual or prospective bidder, proposer, who is allegedly aggrieved in connection with the issuance of a bid/proposal package or pending award of a contract may protest to the director of purchasing. (Ord. No. 94-51, § 5, 6-7-94)
- (b) *Posting.* The purchasing department shall post the formal award on the departmental website. The formal award shall be publicly posted on the purchasing department's website no less than three full business days after the decision to recommend the award to the bidder/proposer is made.
- (c) *Requirements to Protest.*
  - (1) If the protest relates to the content of the bid/proposal package, a formal written protest must be filed no later than 5:00 p.m. on the fifth full business day after issuance of the bid/proposal package.
  - (2) If the protest relates to the award of a contract, a formal written protest must be filed no later than 5:00 p.m., on the fifth business day after posting of either the contract award recommendation or the contract award itself. The formal written protest shall identify the protesting party and the solicitation involved; include a clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances or other legal authorities which the protesting party deems applicable to such grounds; and specifically request the relief to which the protesting party deems itself entitled by application of such authorities to such grounds.

6.3 PROTEST PROCEDURE - Continued

(3) A formal written protest is considered filed with the county when the Purchasing Department, County Administrator, or County Commission receives it. Accordingly, a protest is not timely filed unless it is received within the time specified above. Failure to file a formal written protest within the time period specified shall constitute a waiver of the right to protest and result in relinquishment of all rights to protest by the bidder/proposer.

(d) Sole remedy. These procedures shall be the sole remedy for challenging an award of bid. Bidder/proposers are prohibited from attempts to influence, persuade, or promote a bid protest through any other channels or means. Such attempts shall be cause for suspension in accordance with 2-161(b) of this article.

(e) Time Limits. The time limits in which protests must be filed as specified herein may be altered by specific provisions in the Bid/Request for Proposal.

(f) Authority to resolve. The Director of Purchasing shall resolve the protest in a fair and equitable manner and shall render a written decision to the protestant no later than 5:00 p.m. on the fifth business day after the filing thereof.

(g) Review of Purchasing Director's decision.

(1) The protesting party may request a review of the Purchasing Director's decision to the County Administrator by delivering written request for review of the decision to the Director of Purchasing by 5:00 p.m. on the fifth business day after the date of the written decision. The written notice shall include any written or physical materials, objects, statements, and arguments, which the bidder/proposer deems relevant to the issues raised in the request for review.

(2) If it is determined that the solicitation or award is in violation of law or the regulations and internal procedures of the purchasing department, the County Administrator shall immediately cancel or revise the solicitation or award as deem appropriate.

(3) If it is determined that the solicitation or award should be upheld, the county administrator shall issue a decision in writing stating the reason for the action with a copy furnished to the protesting party and all substantially affected persons or businesses no later than 5:00 p.m., on the fifth full business day. The decision shall be final and conclusive as to the county unless any further action is taken or a party commences action in court.

(h) Stay of Procurement During Protests. There shall be no stay of procurement during protests.