



FWC PURCHASING MANUAL

Florida Fish and Wildlife Conservation Commission

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Section 1: INTRODUCTION, PURPOSE AND AUTHORITY

The Florida Fish and Wildlife Conservation Commission (FWC, Commission) procures commodities and services that achieve the agency's goal of using the most cost-effective methods while adhering to the State's procurement laws, regulations and the agency's policies and procedures.

This manual contains FWC's procedures and guidelines to be observed when procuring commodities or services as established in the Internal Management Policy and Procedures (IMPP) 4.1 Procurement, 4.2 Contract and Lease Agreements, 4.3 Construction Contracts, and 4.5 Professional Services Contracts.

Authority for this manual is through the Executive Director and contained in Chapters 119, 287.057 and 413, Florida Statutes (F.S.); Sections 112.313, 112.3185, 120.57, 215.422 through 283, F.S.; Title 60A and 60D, Florida Administrative Code (F.A.C.); the [Reference Guide for State Expenditure](#); and IMPP Chapter 4 Purchasing.

SPECIAL NOTE: The manual cannot be expected to cover all situations that may be encountered. Some situations must be addressed on a case-by-case basis. Please consult with your supporting purchasing office for guidance as needed.

1.1 ETHICS OF PROCUREMENT

There are several statutes that contain important information on procurement ethics for State of Florida employees. Employees involved with any facet of the procurement process should be very familiar with Chapter 112, (F.S.), specifically Sections 112.3145, 112.3148, 112.3149 and 112.3185. All agency policies related to procurement and contracts shall be followed as well.

Refer to IMPP 6.44.4, Statutory Code of Ethics, which applies to public officers, reporting individuals, procurement employees and in some cases to all employees. This includes information about the Annual Financial Disclosure (Form 1) required for those with authority to approve purchases greater than \$35,000.

1.2 AREAS OF RESPONSIBILITY

The [Tallahassee Purchasing Office](#) and the Regional Purchasing Directors (RPDs) ensure compliancy with FWC and statutory purchasing guidelines.

- The Tallahassee Purchasing Office reviews and approves purchases for, but not limited to, the Divisions/Offices (D/O) within Tallahassee and all purchases exceeding Category Two statewide.
- The Regional Purchasing Directors, located in each of the Regional Service Centers, are delegated purchasing authority to review and approve MyFloridaMarketPlace (MFMP) requisitions and purchase orders less than Category Two.

All purchases shall be approved in accordance with each Division/Office's [official delegation of authority](#).

Section 2: DEFINITIONS AND ACRONYMS

2.1 AFTER THE FACT (ATF)

Any commodity ordered or service under Category Two that begins before the purchase is formally approved or authorized is considered after the fact.

2.2 ALTERNATE CONTRACT SOURCE AGREEMENT (ACS)

Upon approval of the Department of Management Services (DMS), other contracts may be used that have been competitively procured by governmental entities or approved cooperative procurement groups. May be referred to as piggybacking.

2.3 APPROPRIATION

A legal authorization to make expenditures for specific purposes within the amounts authorized in the appropriations act.

2.4 BEST VALUE

The highest overall value to the State based on objective factors that include, but are not limited to, price, quality, design, and workmanship.

2.5 CALENDAR OF EVENTS

A timeline of all events occurring throughout a formal solicitation.

2.6 CARRY FORWARDS

The undisbursed release balance of any authorized appropriation for any given fiscal year remaining on June 30 of the fiscal year shall be carried forward in an amount equal to the incurred obligations. Any such incurred obligations remaining undisbursed on September 30 shall revert to the fund from which appropriated and shall be available for re-appropriation by the Legislature. This does not apply to an appropriation for fixed capital outlay.

2.7 CHIEF FINANCIAL OFFICER OR DEPARTMENT

For the purposes of this manual, these references pertain to the State of Florida, Department of Financial Services (DFS) or its head, the Chief Financial Officer (CFO).

2.8 COMMODITY

Any of the various supplies, materials, goods, merchandise, food, equipment and other personal property, including a mobile home, trailer or other portable structure with floor space of less than 5,000 square feet, purchased, leased or otherwise contracted for by the State and its agencies. "Commodity" also

includes interest on deferred-payment commodity contracts approved pursuant to s. 287.063, F.S., entered into by an agency for the purchase of other commodities. Printing of publications shall be considered a commodity if procured pursuant to s. 283.33, F.S., whether purchased for resale or not.

2.9 COMMODITY CODE

A commodity code is a standard system of numbers used to identify goods and services purchased.

2.10 COMPETITIVE SOLICITATION

The process of requesting and receiving sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process.

2.11 CONSTRUCTION SERVICES

All labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property, per Chapter 255, F.S.

2.12 CONTRACT

An enforceable agreement between two or more parties. Purchase orders, written formal contracts and recipient-subrecipient agreements are all considered types of contracts.

2.13 CONTRACT MANAGER

The agency employee who is responsible for monitoring performance of the contract terms and conditions and serves as a liaison between the contractor and the agency.

2.14 CONTRACTOR

A person who contracts to sell commodities, contractual services or construction services. Also see [Vendor](#).

2.15 CONTRACTUAL SERVICE

The rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to: evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development studies or reports on the findings of consultants engaged there under; and professional, technical, and social services. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification or demolition of any facility, building, portion of building, utility, park, parking lot or structure or other improvement to real property entered into pursuant to Chapter 255, F.S., and rules adopted there under.

2.16 COST ANALYSIS

An agency's documented review in accordance with Section 216.3475, F.S., of a contractor or vendor's detailed budget to determine that all costs are reasonable, necessary and allowable by state law. A cost analysis is to be completed for service agreements in excess of Category Two, which are awarded on a non-competitive basis. See [CFO Memo No. 1 – Contract and Grant Review and Related Payment Information](#).

In addition to non-competitive procurements, all Recipient/Subrecipient agreements require detailed cost analysis per CFO Memo No. 1.

2.17 DIGITAL SIGNATURE

A type of electronic signature that encrypts documents with electronic codes that are difficult to duplicate.

2.18 EXPENDITURE

The creation or incurring of a legal obligation to disburse money.

2.19 EXPENSE

The appropriation category used to fund the usual, ordinary, and incidental expenditures by an agency or the judicial branch, including such items as commodities, supplies of a consumable nature, current obligations, and fixed charges, and excluding expenditures classified as operating capital outlay. Payments to other funds or local, state, or federal agencies may be included in this category.

2.20 EXTENSION

An increase in the time allowed for a contract period due to circumstances which, without fault of either party, make performance impracticable or impossible, or which prevent a new contract from being executed, with or without a proportional increase in the total dollar amount, with any increase to be based on the method and rate previously established in the contract.

2.21 FLORIDA ACCOUNTABILITY CONTRACT TRACKING SYSTEM (FACTS)

Section 215.985, F.S., requires the Department of Financial Services to provide the capability for State Agencies to report their contracts to the public in one central location. FACTS is the application that provides this function.

2.21.1 FACTS Contract Summary Form

A DFS Summary of Contractual Services Agreement/Purchase Order Form that is used to summarize the terms and conditions of a contract, grant agreement or purchase order.

2.22 FIRM

Any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice architecture, engineering or surveying and mapping in the State.

2.23 FLORIDA ADMINISTRATIVE CODE (F.A.C.)

Official rules and regulations of all Florida regulatory agencies.

2.24 FLORIDA CERTIFIED CONTRACT MANAGER (FCCM)

Contract managers who are responsible for contracts in excess of \$100,000 annually who have completed the statute-required training in contract management and received certification from the Department of Management Services.

2.25 FLORIDA CERTIFIED CONTRACT NEGOTIATOR (FCCN)

If the value of a contract is in excess of \$1 million in any fiscal year, at least one of the persons conducting negotiations must be a certified contract negotiator, who has completed the statute-required training and received certification from the Department of Management Services. A certified contract negotiator is required to complete training every 5 years for certification renewal.

2.26 FLORIDA STATUTES (F.S.)

A collection of states laws organized by subject area, updated annually by laws that create, amend, or repeal statutory material.

2.27 INVITATION TO BID (ITB)

A formal solicitation for competitive sealed bids. The ITB is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.

2.28 INVITATION TO NEGOTIATE (ITN)

A formal solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The ITN is used when the agency determines that negotiations may be necessary for the State to receive the best value.

2.29 INVOICE

A written document submitted to a purchaser showing the quantity, price, terms, nature of delivery and other particulars of goods or services sold or services rendered.

2.30 LEGISLATIVE BUDGET REQUEST (LBR)

A request to the Legislature, filed pursuant to Section 216.023, F.S., or supplemental detailed requests filed with the Legislature, for the amounts of money such agency or branch believes will be needed in the performance of the functions that it is authorized, or which it is requesting authorization by law, to perform.

2.31 LIQUIDATED DAMAGES

“A liquidated damages provision is a clause in a contract that determines in advance the measure of damages in the event of a contractual breach,” per *RKR Motors, Inc. v. Associated Unif. Rental & Linen Supply, Inc.*, 995 So.2d 588 (Fla. 3rd DCA 2008). For liquidated damages to be lawful, the amount must not be a “penalty” (a financial consequence).

2.32 MATCH

A contribution, in cash or in kind, specified by the funding source to be used in conjunction with the donations of the funding source and upon which receipt of that donation is contingent.

2.33 METHOD OF PROCUREMENT (MOP)

Indicates the statutory authority being used to make a purchase.

2.34 MONITORING TOOL

A monitoring tool is a checklist that identifies the procedures that will be performed during a monitoring activity. See [CFO Memo No. 5 - Contract Monitoring and Documenting Contractor Performance](#).

2.35 MOTOR VEHICLE

As defined in Section 316.003(46), F.S., a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy or moped.

2.36 MYFLORIDAMARKETPLACE (MFMP)

The State of Florida's eProcurement system. MFMP applications are utilized by State of Florida agencies to support the procure-to-pay process including conducting solicitations, sending purchase orders, receiving goods and services, and submitting invoices for payment.

2.37 NONSTATE ENTITY

For the purposes of Financial Assistance determinations, nonstate entities are considered local governmental entities, higher education entities, nonprofit organizations, or for-profit organizations that receive state financial assistance, per 215.97(2)(n).

2.38 PERQUISITES

Certain items, or the use thereof, or services that confer on the officers or employees receiving them a benefit that is in the nature of additional compensation, or that reduce to some extent the normal personal expenses of the officer or employee receiving the same. The term includes, but is not limited to, such things as apparel, quarters, subsistence, utilities, and the use of state-owned vehicles for other than state purposes.

2.39 PROCUREMENT MANAGER

Official facilitator of a formal solicitation process.

2.40 PROFESSIONAL SERVICES

Pursuant to Section 287.055, F.S., those 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 or practice.

2.41 PROJECT MANAGER

Person in overall charge of the planning and execution of a particular project.

2.42 PURCHASE ORDER (PO)

An agreement formalizing the terms and conditions under which a vendor furnishes commodities and contractual services to the agency. Construction services that are less than \$35,000, is also allowed for the use of a PO. POs are generated and issued to vendors once a requisition completes the approval process in MFMP.

2.43 PURCHASE REQUISITION (PR)

A request to identify a need to procure a commodity and/or service.

2.44 RECIPIENT

A nonstate entity that receives state financial assistance directly from a state awarding agency.

2.45 RENEWAL

Contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

2.46 REQUEST FOR INFORMATION (RFI)

A written request made by an agency to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the agency to create a binding contract.

2.47 REQUEST FOR PROPOSALS (RFP)

A formal solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the agency to specifically define the scope of work for which the commodity, group of commodities or contractual service is required and when the agency is requesting that a responsible

vendor propose a commodity, group of commodities or contractual service to meet the specifications of the solicitation document.

2.48 REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSOQ)

A formal solicitation for statements of qualifications 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 or practice.

2.49 RESPONSIBLE VENDOR

A vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good-faith performance.

2.50 RESPONSIVE BID, RESPONSIVE PROPOSAL OR RESPONSIVE REPLY

A bid, proposal, or reply submitted by a responsive and responsible vendor, which conforms in all material respects to the solicitation.

2.51 RESPONSIVE VENDOR

A vendor that has submitted a bid, proposal or reply that conforms in all material respects to the solicitation.

2.52 SCOPE OF WORK (SOW)

The area in an agreement that clearly establishes all tasks the contractor is required to perform.

2.53 SETTLEMENT AGREEMENT

An agreement obligating the State or agency to expend state funds to discharge a debt due to a person, entity or group of persons when the amount owed is in dispute.

2.54 SINGLE SOURCE (SS)

Commodities or contractual services available only from a single source may be exempted from the competitive-solicitation requirements.

2.55 STATE FINANCIAL ASSISTANCE

State resources, not including federal financial assistance and state matching on federal programs, provided to a nonstate entity to carry out a state project.

State financial assistance includes the types of state resources stated in the rules of the Department of Financial Services established in consultation with all state awarding agencies.

State financial assistance may be provided directly by state awarding agencies or indirectly by nonstate entities. State financial assistance does not include procurement contracts used to buy goods or services from vendors and contracts to operate state-owned and contractor-operated facilities.

2.56 STATE PROGRAM

Per Section 215.97, F.S., a set of special purpose activities undertaken to realize identifiable goals and objectives in order to achieve a state agency's mission and legislative intent requiring accountability for state resources.

2.57 STATE PROJECT

Per Section 215.97, F.S., a state program that provides state financial assistance to a nonstate organization and that must be assigned a state project number identifier in the Catalog of State Financial Assistance.

2.58 STATE TERM CONTRACTS (STC)

Contracts established by the Department of Management Services (DMS) for use by state agencies, universities, local governments, and other eligible users. Some of the DMS State Term Contracts require informal quotations to be obtained from the various awardees, but none require a formal competitive solicitation.

2.59 STATE PROJECTS COMPLIANCE SUPPLEMENT

A document issued by the Department of Financial Services, in consultation with all state awarding agencies.

The State Projects Compliance Supplement shall identify state projects, the significant compliance requirements, eligibility requirements, matching requirements, suggested audit procedures, and other relevant information determined necessary.

2.60 STATE RESOURCES

State funding expended to achieve the Agency's mission that is not Federal Funding or match to federal funding.

2.61 SUBRECIPIENT

A nonstate entity that receives state financial assistance through another nonstate entity.

2.62 TWO PARTY AGREEMENT

A contract between two parties. See [Contract](#) definition.

2.63 VENDOR

A person or entity that may provide or is providing commodities or contractual services under a Purchase Order or Contract, per 60A-1(3), F.A.C.

Section 3: CATEGORIES, LEVELS AND THRESHOLDS

3.1 CATEGORIES FOR COMMODITIES AND SERVICES (CHAPTER 287)

Per Section 287.017, F.S., the following categories apply to all commodity and service-based purchases:

| Category | Threshold |
|--------------|--------------|
| One | \$20,000.00 |
| Two | \$35,000.00 |
| Three | \$65,000.00 |
| Four | \$195,000.00 |
| Five | \$325,000.00 |

3.2 PURCHASING THRESHOLDS

The thresholds listed below apply when purchasing commodities or services; except as exempt by statute or rule per Section 287.057, F.S.

| Threshold | Purchasing Requirements |
|------------------------------|--|
| \$0 - \$2,499.99 | Purchases with value below \$2,500 shall be carried out using best purchasing practices, which include but are not limited to the receipt of written or documented telephone quotes. Quotes should be obtained whenever possible and maintained in the procurement file. |
| \$2,500 - \$34,999.99 | Purchases which meet or exceed \$2,500, but are less than Category Two, written records of a minimum of two (2) written or telephone quotes are required. The quote shall include the name and address of each respondent and the amount quoted. |
| \$35,000+ | Purchases with a total contract value of \$35,000 or greater shall be made by utilizing a formal competitive solicitation, unless exempt by statute. Total value includes renewals and all other associated costs. |

Section 4: APPROVAL AUTHORITIES

All purchases shall be approved in accordance with the official [delegation of authority](#) on file for each Division or Office.

For purposes of this Manual, the following sections will identify approving authorities for each category/threshold.

4.1 MFMP/AOD (BUYING AND INVOICING)

| Purchase Approvals: \$0 - \$34,999.99 | Approving Authority |
|---|--|
| All Purchase Requisitions (PRs), including informal single sources, urgent or emergency purchases and after the fact | <ul style="list-style-type: none"> Regional Purchasing Staff Regional Purchasing Director Tallahassee Purchasing Office |
| Requisitions for Fleet | In addition to the above: <ul style="list-style-type: none"> FWC Fleet Approver Department of Management Services (DMS) Statewide Fleet Approver |
| Advanced Payment | Internal approval not required by FBO Accounting |

Excluding informal single sources and after the fact requisitions, the following approvals are required in addition to those listed above for requisitions that meet or exceed \$35,000.

| Purchase Approvals: \$35,000+ | Approving Authority |
|---|---|
| Purchase Requisitions, including Fleet, solicitations and formal single source purchases | <ul style="list-style-type: none"> ≥\$65,000: Legal (services only) ≥\$100,000: FWC Assistant Purchasing Director ≥\$250,000: FWC Purchasing Director ≥\$325,000: General Services Section Leader ≥\$500,000: Chief Operating Officer (COO) and Executive Director (OED) or Designee |
| Advanced Payment | <ul style="list-style-type: none"> ≥\$35,000.00: DFS approval required to be attached prior to PR approval. |

4.2 FORMAL CONTRACTS

| Purchase Approvals | Approving Authority |
|--|---|
| Formal Written Contracts, Agreements or Amendments Includes: Expenditure Contracts, Revenue Generating Contracts with the exception of grants, Recipient/Subrecipient Agreements, Memorandum of Agreements, Memorandum of Understanding, and all Amendments, Task Assignments, Task Assignment Change Orders, and Construction Change Orders. | <ul style="list-style-type: none"> • Tallahassee Purchasing Office • $\geq \\$65,000$: Legal • $\geq \\$250,000$: FWC Purchasing Director • $\geq \\$325,000$: General Services Section Leader • $\leq \\$499,999$: Division/Office Director or Designee • $\geq \\$500,000$: COO and Executive Director or Designee |

4.3 FORMAL PROCESS APPROVALS

The following must be routed for review and approval through the Tallahassee Purchasing Office prior to use or advertisement:

| Request Type | Approval Authority |
|--|--|
| Advertising RFI | <ul style="list-style-type: none"> • Tallahassee Purchasing Office • Legal • Division/Office |
| Advertising Formal Solicitations | <ul style="list-style-type: none"> • Tallahassee Purchasing Office • Legal • Division/Office |
| Formal Single Source | <ul style="list-style-type: none"> • Tallahassee Purchasing Office • COO |
| Alternate Contract Source | <ul style="list-style-type: none"> • Tallahassee Purchasing Office • DMS State Purchasing Office |
| Agency Emergency Purchase (\$35,000+) | <ul style="list-style-type: none"> • Purchasing Director • COO • Executive Director or Designee |

| Request Type | Approval Authority |
|-----------------------------|--|
| Settlement Agreement | <ul style="list-style-type: none"> • Tallahassee Purchasing Office (Contracts Administration) • Legal • Tallahassee Finance & Accounting • DFS - Bureau of Auditing • ≥\$250,000: FWC Purchasing Director • ≥\$325,000: General Services Section Leader • ≥\$500,000: COO and Executive Director or Designee • ≥\$1 Million: Office of Policy & Budget |

Section 5: FINANCIAL ASSISTANCE

The [FWC State Financial Assistance SharePoint](#) provides the information needed to answer questions regarding Financial Assistance.

5.1 DIVISION/OFFICE RESPONSIBILITY

It is the responsibility of Division/Office staff to comply with (as applicable):

- [2 Code of Federal Regulations \(CFR\) 200, Subpart E \(Cost Principles\)](#)
- [2 CFR 200, Subpart F \(Audit Requirements\)](#)
- [215.97, F.S. \(Florida Single Audit Act\)](#)
- [215.971, F.S. \(Agreements Funded with Federal or State Assistance\)](#)
- [Chapter 69I-5, F.A.C.](#)

5.2 FEDERAL AND STATE FINANCIAL ASSISTANCE DETERMINATIONS FOR CONTRACTUAL SERVICES

In order to determine whether using federal or state financial assistance, consider the source of funding for all contractual services prior to beginning the procurement process.

5.2.1 Federal Funding Source

If the federal funding source used is tied to a Catalog of Federal Domestic Assistance (CFDA) listing, complete the FWC Federal Subrecipient vs. Vendor Determination Form.

5.2.2 Non-Federal Funding Source (State or Non-Governmental)

For non-federal funding sources being used for a state program not previously evaluated, complete the DFS-A2-PD Florida Single Audit Act State Project Determination Checklist and, if applicable, the DFS-A2-NS Florida Single Audit Act Checklist for Nonstate Organizations-Recipient-Subrecipient vs. Vendor Determination forms. See the [FWC State Financial Assistance SharePoint](#).

5.3 RECIPIENT/SUBRECIPIENT AGREEMENTS

Recipient/Subrecipient relationships require a formal written agreement, risk assessment and, as applicable, the Federal Funding Accountability and Transparency Act (FFATA) form.

5.3.1 Cost Analysis

Contract Managers will be required to conduct a cost analysis of the proposed detailed budget submitted by the recipient/sub-recipient to ensure projected costs are appropriate. The agency's analysis of the submitted budget will consist of evaluating individual cost elements for allowability, reasonableness, and necessity. Part of evaluating "reasonableness" will also include evaluating the basis of the allocation of direct costs. Agencies are required to maintain all documentation to support the evaluation and completion of the cost analysis.

5.4 PAYMENT METHODS BASED ON RELATIONSHIP

After completing the Financial Assistance forms to determine if a Vendor or Recipient/Subrecipient relationship exists, use the following charts to determine if a purchase can be made by Purchase Order, formal written Contract, or PCard. Any direct appropriation to a non-state entity must be done as a Recipient/Subrecipient Agreement. All PCard purchases must comply with the agency's PCard Manual.

5.4.1 Services and Commodities

| Threshold | Payment Method | Vendor | Recipient/Subrecipient |
|---|----------------|-------------|------------------------|
| Less than Category Two (< \$35,000) | Purchase Order | Allowed | Not allowed |
| | Contract | Allowed | Allowed |
| | PCard | Allowed | Not allowed |
| Categories Two through Five (\$35,000 - \$195,000+) | Purchase Order | Allowed | Not allowed |
| | Contract | Allowed | Allowed |
| | PCard | Not allowed | Not allowed |

5.4.2 Construction Procured Pursuant to Section 255.055, F.S.

| Threshold | Payment Method | Vendor | Recipient/Subrecipient (Direct Appropriations, Grants, Cooperative Agreements) |
|--|----------------|-------------|--|
| Level One (< \$35,000) | Purchase Order | Allowed | Not allowed |
| | Contract | Allowed | Allowed |
| | PCard | Not allowed | Not Allowed |
| Level Two through Five (\$35,000 - \$500,000+) | Purchase Order | Not allowed | N/A |
| | Contract | Allowed | N/A |
| | PCard | Not allowed | N/A |

Section 6: SPECIAL APPROVALS

Approvals and/or documentation required for specific purchase types.

6.1 ADVANCED PAYMENT

Advanced Payment for goods and services less than the Category Two threshold no longer requires prior approval from the Bureau of Auditing. However, the payment request must document that the Agency has the authority to make the purchase and that one of the following advance payment criteria has been met and the agency has complied with applicable procurement requirements:

- Advanced payment will result in a savings to the State that is equal to or greater than the amount the State would earn by investing the funds and paying in arrears.
- The goods or services are essential to the operation of a state agency and are available only if advance payment is made.

Advanced approval will continue to be required for maintenance agreements, software license agreements and subscriptions that exceed Category Two.

Direct payment of registration fees for conferences and conventions, where attendance is more than 20 workdays out will no longer require prior approval from the Bureau of Auditing stated in CFO Memorandum No. 23 (2022). All payments through Florida Accounting Information Resource (FLAIR), MyFloridaMarketPlace (MFMP) and PCard must be properly approved, documented, and in compliance with law. All payments will be subject to post audit from the Chief Financial Officer (CFO).

6.2 REPAIR TO FWC-OWNED MOBILE EQUIPMENT DUE TO AN ACCIDENT

When repairs to FWC-owned mobile equipment are due to an accident, follow IMPP 5.3, Use of Commission Vehicles, Vessels, Equipment, and Aircraft.

6.3 MOBILE EQUIPMENT LEASES

All leases for mobile equipment for a period in excess of thirty (30) days (any cost) requires the prior approval of the DMS Bureau of Fleet Management and Federal Property Assistance. The approval shall be obtained only through the MFMP requisition approval flow. PCards may not be utilized for the lease of mobile equipment in excess of thirty (30) days.

If renting/leasing equipment from another source (not the DMS State Term Contract), insurance may need to be obtained. Contact the Asset Management Section for instructions or assistance.

If a lease agreement is anticipated to meet or exceed Category Two, in any fiscal year, the [DFS Checklist for Equipment Leases \(DFS-A1-411\)](#) requirement shall also apply.

6.4 PURCHASE OF MOTOR VEHICLES, VESSELS, AIRCRAFT OR OTHER MOBILE EQUIPMENT

When purchasing mobile equipment, a completed MP6301 form must be attached to the MFMP purchase requisition. Contact [Asset Management](#) for additional guidance as it relates to this section.

6.5 OPERATING CAPITAL OUTLAY (OCO)

OCO is the appropriation category used to fund equipment, fixtures and other tangible personal property of a non-consumable and nonexpendable nature, the value or cost of which is \$5,000 or more and the normal expected life of which is one (1) year or more. The state may base OCO purchases on the cost of the functional unit. A functional unit is a collection of items purchased at the same time that you must combine or use together for a certain purpose.

Please refer to the [Reference Guide for State Expenditure](#) for further guidance and requirements for state-owned tangible personal property.

Improvements to leasehold property not insured by the FWC that will revert to the leaser upon termination of the lease, are not capitalized in the property records when the total project cost is less than \$5,000. These items should be purchased with Expense funds and will be identified as "to be used on leased property" on the MFMP requisition.

Furniture and equipment, purchased using OCO, include fixed or movable tangible assets to be used for operations, the benefits of which extend beyond one year from date of receipt and rendered into service.

6.6 FURNITURE

The [Reference Guide for State Expenditure](#) has established price limits for chairs, tables, etc. Requests exceeding those established in the guide must be approved by the DFS-Bureau of Auditing prior to the purchase. The Finance and Budget Office will be responsible for submitting these requests to DFS.

6.7 JOB-RELATED TRAINING

Divisions and Offices are responsible for arranging for job-related training for their personnel. For information regarding internal training opportunities, go to the [Agency Training Portal](#).

6.8 MOVING EXPENSES

Refer to [IMPP 6.23, Personnel Moving Expenses](#). Purchase Orders are the only acceptable method of payment for moving expenses.

6.9 PERQUISITES

Refer to [IMPP 6.19, Perquisites and Sale of Goods and Services](#).

6.10 RADIOS/COMMUNICATION EQUIPMENT

All purchases of radios/communication equipment for FWC radio system use are required to have prior approval of the Communications Systems Manager in the Division of Law Enforcement to assure compatibility with current systems.

Marine VHF radio purchases for use in vessels to contact the Coast Guard or Marine operator do not require the approval of the Law Enforcement Communications Systems Manager.

6.11 RENTAL OF SPACE AND INFORMAL LEASES

Rental of space (e.g., office, storage, modular buildings, trailer/mobile unit, hangars) for one hundred twenty (120) days or less may be accomplished by a MFMP purchase order or a PCard transaction with the prior approval of the General Service Section's Facilities Services Manager. A purchase order or PCard may be used for leases of uncovered space or wet slips for any amount of time. All purchasing guidelines shall apply.

6.11.1 Facility Rentals for 120 Days or More

When renting space for 120 days or more, proceed with the following guidelines:

| Rental Space Square Footage | Method of Procurement |
|-----------------------------|---|
| Up to 1,999 sq ft | Obtain 3 informal quotes |
| 2,000-4,999 sq ft | Use Tenant Broker, who will obtain quotes and negotiate |
| 5,000 sq ft | Use of Tenant Broker, Invitation to Negotiate (ITN) |

Regardless of square footage, contact the Agency Leasing Coordinator prior to initiating a facility lease through DMS.

6.11.2 Temporary Housing for Seasonal Work

It is not considered a facility lease when renting space for temporary housing due to seasonal work. A purchase order can be issued for this type of rental regardless of the length of stay.

6.12 AIR CARDS

Request the approval to purchase air cards using the Office of Information Technology (OIT) form located on the FWC SharePoint.

6.13 INFORMATION TECHNOLOGY RELATED PURCHASES

6.13.1 Drones

Use the form located on the [Office of Information Technology \(OIT\) SharePoint](#) to request the approval to purchase drones.

6.13.2 Cellular Phone Purchases

Requests for obtaining a new or replacement cellular phone shall be reviewed and approved by the designated D/O. This approval must be obtained via the form located on the [OIT SharePoint](#).

Cellular services are a prohibited purchase via the PCard. Cellular service invoices are to be submitted for payment processing using the Invoice Tracking System (ITS). However, purchases for cellular phone equipment (charger, case, etc.) can be purchased using the PCard.

6.13.3 Communication Equipment - Telephones, Telephone Lines, Data and Video

The purchase of the following requires the prior approval of the Chief Information Officer (CIO):

1. Data Communications: Data services, communications lines, equipment and building wiring systems.
2. Telephone Communications: New and replacement telephone systems and related high-speed communications circuits.
3. Video Communications: Video conferencing systems and related high-speed communications circuits.

Submit a [Network Services Form on the OIT SharePoint](#) for OIT approval.

6.13.4 Information Technology Related Purchases

When there is a need to obtain standard desktops and/or portable computers, mobile communications devices, or software licenses, the OIT Desktop Services portal site shall be utilized, prior to issuing the MFMP requisition.

Refer to the [Hardware/Software Request Form on the OIT SharePoint](#) or contact the Desktop Services Manager for instructions on how to acquire these items.

See [IMPP 3.7, Informational Technology Resource Usage Policy](#) for more information.

6.13.5 Multi-Function Devices (e.g., copiers, printers)

Copiers shall be leased or purchased using the [DMS-State Term Contract](#).

6.13.5.1 *If purchasing a multi-function device that isn't on State Term Contract/Alternate Contract Source:*

Should a lease and overage estimate meet or exceed Category Two (\$35,000) in any fiscal year, the D/O must complete the [DFS-A1-411 Checklist to Lease Equipment form](#) (under the Financial Reporting tab) and submit it to the Tallahassee Purchasing Office for submittal to DFS, prior to the MFMP requisition submittal. Once the form has been reviewed/approved by DFS, the Tallahassee Purchasing Office will notify the requestor. This form/approval shall be attached to any subsequent MFMP purchase order.

Equipment: Any multi-function device (copier, scanner, printer, fax machine) must have prior approval from OIT using the [Hardware/Software Request Form on the OIT SharePoint](#). OIT must also approve the purchase in MFMP.

6.13.5.2 *Cloud Computing Services*

Must have prior approval from OIT using the [Cloud Services Request Form](#).

Section 7: BEST PURCHASING PRACTICES

It is important to use best purchasing practices to promote a fair and open environment to yield a good value for the agency. A few examples of best purchasing practices are listed below.

- Obtain competitive quotes to guarantee a fair market price. Unless the requestor has a great deal of specific product or service knowledge, relying on a single quote does not provide enough information to demonstrate a fair market price. The need for multiple quotes is also related to the cost of the purchase. The level of effort and documentation required for various dollar thresholds and types of purchases is discussed throughout this manual.
- Establish the terms and conditions of the purchase when initially contacting vendors to avoid confusion later. All vendors should be offered the same terms and conditions to ensure fairness.
- Establish the timeline and minimum specifications that will be accepted. Determine if a specific make and model of a product is required, or if alternate products can be considered if documentation is provided to verify their performance.
- Determine payment requirements (prepayments, one-time payments, or partial payments) before the purchase, if possible. All vendors should be offered the same payment terms to ensure fairness.
- Make sure shipping terms are extremely clear. The preferred state method is Freight on Board (F.O.B.)-Destination, which means the vendor is responsible for the product until received by the State. Vendors frequently do not include shipping charges in their quote, but later bill for it on their invoice. Make it very clear that all transportation costs must be included in the vendor's quote.
- Consider the product's warranty when making the purchase decision and consider requesting the same warranty period from all vendors. There is an obvious value gained if one vendor offers a two-year warranty while another offers a 90-day warranty.

When services are purchased, a [scope of work](#) should be prepared detailing the expectations of the awarded vendor. The period during which the contractor must complete the work should be included, and deliverables should be required for any payment request. As with the purchase of goods, payment terms are very important. If the fully developed service requires future maintenance, the vendor should be asked to provide the costs for such maintenance.

7.1 WRITTEN QUOTES

When obtaining written quotes, multiple vendors should be contacted, and quotations could be submitted on the vendor's letterhead, using [FWC's Request for Written Quote form](#), and/or by e-mail. The quotes must include the vendor's name and address and pricing for the product or service needed.

7.2 TELEPHONE QUOTES

When obtaining quotes by telephone, submit a list of vendors contacted with vendor names, addresses, and amount(s) quoted as required above. Include the vendor's contact person and phone numbers in case follow-up is needed. A telephone quotation form is available on the [Purchasing SharePoint](#).

7.3 TERMS AND CONDITIONS

All purchases must use the Agency's terms and conditions. If any alternate version is deemed necessary, it must first be reviewed and approved by the Legal Office.

If a vendor provides their own terms and conditions, the Legal Office must review those terms and conditions before Agency staff can accept and sign them (if applicable).

An Addendum must be used to identify any requested edits to the Agency's terms and conditions by a vendor. See the Contracts section for more information.

7.4 PROHIBITED EXPENDITURES

An expenditure of state funds must be authorized by law and the expenditure must meet the intent and spirit of the law authorizing the payment. The payment of items used generally for the personal convenience of employees, (example: portable heaters, fans, refrigerators, microwaves, clocks for private offices, coffee pots and supplies, etc.), and which are not apparently necessary in order for a state agency to carry out its statutory duties must provide justification for the purchase of these items or perquisite approval. State funds cannot be expended to satisfy the personal preference of employees (example: an agency may not purchase more expensive office furniture or equipment than is necessary to perform its official duties because the employee prefers a more expensive item).

Refer to the [Reference Guide for State Expenditure](#) for more information.

7.5 SUPPLIER DIVERSITY

FWC supports supplier diversity by working with Certified Business Enterprises (CBE) (woman-, veteran-, and minority-owned businesses) both directly and through subcontractors. The [Office of Supplier Diversity \(OSD\)](#) is a specialized team within the DMS Division of State Purchasing that facilitates certification efforts state-wide. The Tallahassee Purchasing Office supports OSD by networking with CBEs at regional events known as Supplier Diversity Exchanges.

Our agency also provides OSD with an annual Business Participation Plan, which outlines programs and initiatives that will be implemented each fiscal year to promote the increased use of CBEs in procurement. It also breaks down the previous fiscal year's contracting expenditures and total CBE use, including subcontractor spend.

FLAIR only tracks expenditures for primary contractors. Therefore, the Tallahassee Purchasing Office [collects subcontractor spend data from Contract Managers via SharePoint](#) using the Subcontractor Minority Status Report form. This information is factored into our contracting statistics within the Business Participation Plan.

Tallahassee Purchasing designates staff to liaison with OSD. See the [Supplier Diversity SharePoint](#) page for more information.

Section 8: AFTER THE FACT OR SETTLEMENT AGREEMENT

If commodities or contractual services are obtained without a purchase order and are below Category Two, a written justification must be provided on the after the fact requisition.

Settlement Agreements are required for purchase orders when exceeding Category Two and for all contracts when an agreement was not in place at the time commodities or services were rendered. Each Settlement Agreement must be processed and approved by DFS. Contact Contract Administration for processing questions.

[Financial Assistance forms](#) are required for all after the fact or Settlement Agreements. If determined to be a Recipient/Subrecipient relationship, then the Settlement Agreement must be used. After the fact purchase orders would not be allowed in that situation.

Proper planning and actively managing a contract can prevent most Settlement Agreements.

PCard shall not be used for late payments (avoids requirements of timely payment and 215.422, F.S.), after the fact payments or Settlement Agreements.

Section 9: DETERMINING A METHOD OF PROCUREMENT

The method of procurement (MOP) determines the route used to make a purchase. There are many types with different specifications. Refer to the [PR Checklist](#) for specific attachments required based on each MOP when processing purchase requisitions.

9.1 PURCHASING STRATEGY

A procurement need identifies the lack of a commodity or contractual service the agency requires to complete its normal business or fulfill its mission. Once the need has been identified, determine how the commodity or service should be obtained, which leads to developing a purchasing strategy.

Procurement activity may be conducted for the purpose of continuing services already provided by a contract. In this event, the information from the original contract may be utilized when drafting the scope of work, but it should not be recycled verbatim.

The Program must also determine whether there have been circumstances or actions that necessitate revising or updating information that describe the need. Examples that may cause revision include changes in federal or state laws, emerging best practices, and opportunities for improvement based on experience under the current contract.

9.2 CENTRAL NON-PROFIT AGENCY FOR THE BLIND OR OTHER SEVERELY HANDICAPPED (RESPECT) OF FL

The RESPECT of Florida program assists individuals with disabilities in achieving maximum independence through useful, productive, and gainful employment. RESPECT operates as a preferential purchasing program for government agencies.

The [RESPECT contract](#) can be found on the [DMS State Contracts and Agreements website](#).

9.3 PRISON REHABILITATIVE INDUSTRIES AND DIVERSIFIED ENTERPRISES, INC. (PRIDE)

PRIDE is a public corporation operating a correctional work program to produce or manufacture certain types of commodities or select services.

The [PRIDE contract](#) can be found on the [DMS State Contracts and Agreements website](#).

9.4 STATE TERM CONTRACT (STC)

STCs are competitively procured by DMS for use by state agencies, universities, local governments and other eligible users pursuant to Section 287.056-057, F.S. All STCs can be found on the [DMS State Contracts and Agreements website](#). Some STCs require the use of a Request for Quote (RFQ).

MOP CODES:

- **A:** State Term Contract without an RFQ
- **B:** State Term Contract with an RFQ

It is mandatory to use the STC unless written justification is provided to request an exception. Justification for the exceptional request must indicate how the STC commodity or contractual service will not meet the agency's needs for at least one of the following reasons:

- The STC cannot meet the specified delivery requirements needed,
- The STC cannot meet the need for compatibility with existing equipment or systems, or
- The STC cannot meet the agency-required specifications, quality levels or technical specifications.

Price is not an acceptable factor for requesting an exception.

9.5 ALTERNATE CONTRACT SOURCE (ACS) AGREEMENTS

Another type of contract is an alternate contract source (ACS). The process by which ACSs are utilized is sometimes called piggybacking. Alternate contract sources may be used if they are determined to be cost-effective and the best value to the state.

ACS use is optional, as opposed to state term contracts, which are mandatory for agencies to use. These contracts are useful as they save time, and the state is able to get the best value.

There are two main categories of alternate contract sources.

9.6 ENTERPRISE ACS

Enterprise ACSs are agreements that DMS has adopted from other sources, such as consortia or other state governments. These contracts are implemented by DMS for all agencies. Examples include National Association for State Procurement Officers (NASPO) ValuePoint, the General Services Administration (GSA), and other states.

Enterprise alternate contract sources do not need a form to be used; they may be used similarly to state term contracts but are NOT mandatory like STCs. Notice how the language is not prohibitive with regards to state lines. This means that you may use contracts from other states. The state wants the best value possible.

9.6.1.1 General Services Administration (GSA)

The General Services Administration (GSA) is the procurement arm of the federal government. Where items are unavailable using State term contracts procured by the Department of Management Services (DMS), the Agency may purchase from the following two GSA Schedules.

All Schedules are found in a single, Multiple Award Schedule (GSA MAS). The GSA MAS is broken into large categories, subcategories, and Special Item Numbers that have corresponding North American Industrial Classification Codes.

The GSA MAS includes the following:

9.6.1.1.1 IT products, services, and solutions (Schedule 70):

Mobile device and mobile application management (MDM/MAM) tools, automated data processing equipment (firmware), software, cloud computing services, hardware, support equipment, and professional IT services.

9.6.1.1.2 Law enforcement and security products, services, and solutions (Schedule 84)

Security and law enforcement equipment, alarm and signal systems, facility management systems, firefighting and rescue equipment, law enforcement and security equipment, marine craft and related equipment, special purpose clothing, and related services.

9.6.2 Agency Alternate Contract Source Request (Piggyback)

Agency alternate contract sources are not already approved by DMS. The Agency may request permission from DMS to purchase commodities or services from contracts competitively established by other governmental entities. If DMS determines the Commission's ACS is cost-effective and in the best interest of the state, DMS provides approval to the Agency to use the contract.

9.7 DISCRETIONARY PURCHASES

Rule 60A-1.002(2), F.A.C., establishes the requirements related to purchases that are less than \$2,500. It states: "Purchases with value below \$2,500 shall be carried out using good purchasing practices. Such practices include but are not limited to the receipt of written quotations or written records of telephone quotations."

9.8 INFORMALLY QUOTED PURCHASES

Section 60A-1.002(3), F.A.C., establishes the requirements related to purchases that are equal to or greater than \$2,500 and less than \$35,000. It states, "Purchases which meet or exceed \$2,500, but are less than or equal to the threshold for Category Two may be made using written quotations, written records of telephone quotations, or informal bids to be opened upon receipt, whenever practical. If the agency receives verbal quotations, the name and address of each respondent and the amount quoted shall be a part of the written documentation. If the agency receives less than two quotations, it must include a statement as to why additional quotes were not received."

9.9 SINGLE SOURCES

Single Source procurement is a non-competitive method of procurement for the purchase of a contractual service or commodity available from only one vendor. Justification for utilizing a Single Source must be thorough and complete. The Program must state exactly why contracting with the vendor is beneficial to the State.

Subsection 287.057(13), F.S., precludes the inclusion of renewal clauses in Single Source contracts. If the Agency believes the commodity or service continues to be available only from a Single Source, the Agency must re-procure and re-initiate the Single Source procurement process.

If a Single Source Procurement exceeds the Category Two purchasing threshold, and is non-competitive in nature, all individuals taking part in the development or selection process and the award must sign and date the Attestation of No Conflict form (PUR 7662) to comply with Section 287.057(19), F.S.

9.9.1 Preparation of Formal Single Source Postings

If the total cost of the services or commodities are in excess of Category Two, follow the steps below.

1. Complete all sections of Notice of Intended Single Source Purchase (PUR 7776). The information required on PUR 7776 includes a request requiring prospective vendors provide information regarding their ability to supply the services described.
2. Complete Notice of Intended Decision to Move into a Single Source Contract (PUR 7778).

3. Complete a cost analysis in accordance with [CFO Memo No. 1 Contract and Grant Reviews](#), which will be maintained in the procurement file.
4. Submit the above information to the Tallahassee Purchasing Office.

The actions below will be taken by the Tallahassee Purchasing Office:

1. Review the program/project narrative.
2. Post PUR 7776 for at least fifteen (15) business days (excluding holidays) on VIP.
3. Post the PUR 7778 for three (3) business days (excluding holidays) on VIP.
4. Complete the PUR 7779 and report to DMS.

9.10 FORMAL SOLICITATIONS

A method of vendor selection that involves the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by vendors in accordance with the terms of a competitive Solicitation. The State of Florida commonly uses four different forms of competitive procurement: ITB, RFP, ITN, and RFSOQ.

9.11 EMERGENCY PURCHASE

The method of procurement described in subsection 287.057(3)(a), F.S., whereby the existence of an immediate threat to health, safety, or welfare permits state agencies to procure commodities or services without competition to prevent harm or loss to citizens or the state.

9.11.1 Agency Declared Emergency

- **For purchases between \$2,500 and \$34,999:** While it is always recommended to obtain quotes, if quotes cannot be obtained due to an urgent need or emergency, the Program may proceed with the purchase and include a justification in the comments of the MFMP requisition detailing why quotes could not be obtained.
- **For purchases from \$35,000 or Greater:** DMS requires that the DMS PUR 7800 Notice of Emergency Purchase must be completed and approved by FWC and DMS and accompany the payment request when being sent to DFS for payment.

9.11.2 Governor Declared State of Emergency

By Executive Order or proclamation, the Governor may declare a state of emergency in one or more of Florida's counties and suspend some or all procurement provisions. The order may limit the suspension of procurement laws based on geographic region, by category of purchase, and other limitations as deemed necessary to serve the public interest.

In the event an Executive Order has been issued by the Governor, the requestor does not need prior approval from the Tallahassee Purchasing Office to proceed with the purchase. If possible, quotes should be obtained but are not required during a declared emergency.

9.11.2.1 Internal Agency Declared State of Emergency

A declared state of emergency shall be issued at the agency level further defining the potential impacts on the agency level of response.

9.12 MEMBERSHIPS

Payment of dues for membership of the FWC in a profession or other organization are to be prior approved by the D/O Director or designee when the membership is essential to the statutory duties and responsibilities of the FWC.

If a profession or other organization certifies that it will not accept institution memberships, the agency may authorize the payment of an individual membership when it is essential to the statutory duties and responsibilities of the agency. The [Certificate of Availability of Records for Public Inspection form](#) will need to be completed by the vendor.

Payment information must contain a statement that the records of the organization, as they pertain to the public agency from which or on whose behalf the payments are made, shall be public records pursuant to Section 119.01(3), F.S.

9.13 OTHER EXEMPTIONS TO FORMAL SOLICITATIONS

Additional exemptions are included in Chapter 287.057, F.S., including the following:

- Artistic services
- Regulated utilities and government franchised services
- Services or commodities provided by governmental entities as defined by 287.012, F.S.
- An academic program review if the fee for such services does not exceed \$50,000
- Lectures by an individual. A lecture is a reading or presentation on any subject (not training).

Non-competitive/exemptions require a detailed cost analysis per 216.3475.

9.13.1.1 Universities and Colleges

All non-profit public universities and colleges located anywhere in the US are considered exempt from competitive procurement as governmental entities, and do not have to be registered in Southern Association of Colleges and Schools (SACS).

Per 287.057(23), F.S., independent non-profit universities and colleges located in the State of Florida are exempt from competitive procurement if they meet the following criteria:

- Accredited by SACS; or
- Authorized to operate within this state pursuant to chapter 1005, offers a professional degree, and is accredited by the Middle States Commission on Higher Education.

Section 10: SCOPE OF WORK

A scope of work (SOW) is a narrative describing the work to be performed containing descriptions, which include: (i) what contractual services are to be provided; (ii) how the services are to be provided; (iii) measurable objectives; (iv) commodities to be delivered; and (v) schedules of performance.

A clear and detailed SOW sets clear expectations for both the contractor and the Agency, reducing the likelihood of misunderstandings. It also provides a clear understanding of what is to be done when managing and/or monitoring a contractor’s performance under the agreement.

10.1 TERMINOLOGY

When preparing the scope of work or other conditions, carefully consider if a requirement is indeed a requirement that cannot be waived. The terms “should” or “may” are permissive and implies it is desired, but it is not mandatory. Intermingling permissive and declarative terms in a solicitation or contract requirement will create confusion for the contractor.

Utilize “shall,” “must,” and “will” for mandatory requirements.

10.2 DELIVERABLES

Deliverables are quantifiable, measurable and verifiable units of services or tasks directly related to the scope of work. The satisfactory completion of these units of services or tasks are supported by documentation, reviewed and accepted in writing by the Contract Manager before payment is made.

The documentation accompanying deliverables should demonstrate that the contractor met the performance criteria and provide reasonable assurance that the services were performed in accordance with the agreement.

If the deliverable is going to trigger the payment it is important to identify the amount of compensation.

Table 1. Measurable Units of Service

| | |
|----------------------|---|
| Tasks | <ul style="list-style-type: none">•Each•Bundles |
| Reoccurring Services | <ul style="list-style-type: none">•Weekly•Monthly•Quarterly•Yearly |
| Projects | <ul style="list-style-type: none">•Milestones•Phases |
| As Needed | <ul style="list-style-type: none">•Hourly•Client |

When thinking about deliverables:

1. Deliverables are not always tangible in the sense that the contractor provides something that can be touched or felt. The Agency pays for a month's worth of counseling services or one hour of legal services, which are not tangible like a widget. It is important to remember that whether a deliverable is tangible or not, there should still be supporting documentation to validate the completion of the specified deliverable.
2. Reports typically are not deliverables. They are a means of attesting to what was accomplished during the service period. Remember the Agency is paying for the actual work, not for a report. With that said, there may be instances where the report is what the Agency is paying for, (e.g., a research project or feasibility study).
3. The performance expectation should correspond with the payment schedule. The Agency must ensure there is a connection between the services being performed and the payment schedules. If services are required to be performed on a quarterly basis, the expectation is not to make monthly payments.

To summarize, deliverables should:

- Be related to the Scope of Work.
- Identify the tasks the contractor is supposed to perform along with the documentation (identified in the SOW) to support the performance.
- Identify the amount of compensation.
- Provide a timeline for the completion and submission of deliverables.

If you're having trouble developing deliverables, take a look at the Scope of Work and ensure it contains the appropriate details. Deliverables should not provide details that are not included in the Scope of Work.

10.3 PERFORMANCE MEASURES

Performance measures are a quantifiable expression of the amount, cost, or result of activities that indicate how well and at what level, the contractor provides the products and/or services. Any delivery of services below the minimum level acceptable in the Performance Measures must be addressed with financial consequences or other remedies.

There are typically two types of performance measures:

- Output, which measures the volume, amount, and quality of the services provided; and,
- Outcome/Effectiveness, which measures the quantifiable impact on clients of the Agency, the extent that the goals and objectives are achieved, a measure of the amount and frequency of occurrences, or results/outcomes that happen because a service is provided.

When developing meaningful performance measures, consider the following:

1. Relevance
 - a. Based on Agency goals and objectives
 - b. Significant decision making or accountability implications
2. Understandable
 - a. Reasonable and concise, but comprehensive
 - b. Limited to a number and degree of complexity that provides a meaningful performance assessment
3. Timely
 - a. Provides the ability to make decisions and assessments within a reasonable amount of time

4. Reliable
 - a. Verifiable
 - b. Free from bias

10.4 FINANCIAL CONSEQUENCES

Financial consequences (financial penalty) must be specified to include the consequence should the contractor fail to perform as specified in the SOW or fail to meet the deliverables schedule. These consequences would impose a monetary damage assessment on the contractor for failure to perform under the contract. Liquidated damages are not considered financial consequences.

Financial consequences state what the agency **must** do, not **may** do in the event of non-performance or non-compliance by the contractor.

Below are a few examples of financial consequences used in the past:

- Installation of the modular building must be completed within 180 days from start of the Purchase Order. \$250/day fee will be charged after 180 days for any delays within the control of the vendor.
- The Contractor must reply to any maintenance requests within 3 business days and schedule a repair date within two weeks. Maintenance requests deemed an emergency must be scheduled within 72 hours. \$100/day will be deducted from the monthly invoice for any delays.
- Payment of the daily rate will be reduced by \$50/day for delays that are incurred due to contractor malpractice (vessel related malfunction or captain or crew absences or tardiness).

10.5 COMPENSATION AND PAYMENT

The compensation and payment section should clearly identify the minimum performance requirements, the payment frequency and amount for each deliverable. Method(s) of payment (e.g., purchase order, PCard) must be identified in the scope of work.

Payments can be based on a fixed fee/unit rate, fixed rate or cost reimbursable.

10.5.1 Fixed Fee/Unit Rate

Service agreements with deliverables paid on a fixed fee/unit rate basis are for “as needed” services in which the specific quantity of units to be completed each period are variable. Fixed Fee/Unit Rate deliverables are generally used when the agreements’ tasks are finite and are not complex.

10.5.2 Fixed Rate

Service agreements with deliverables paid on a fixed price basis are for services in which the quantity of units or tasks to be completed are known and defined in the agreement. Agreements for services with fixed price deliverables are for tasks that are generally more complex. The units are larger (months or quarters, for example, or a milestones, phases, and tasks) and encapsulate a required level of performance that is quantifiable and measurable. In addition, the invoice (or invoice backup) must demonstrate that the minimum performance level was met for each deliverable.

10.5.3 Cost Reimbursement

Deliverable requirements for Cost Reimbursement payment type agreements are the same as those for Fixed Price payment type deliverables described above. Therefore, the invoice must identify the deliverable(s) that were completed, and the invoice (or invoice backup) must demonstrate that the

minimum performance level was met for each deliverable. Additionally, the total amount requested for cost reimbursement payment type agreements must include an itemization of the costs by budget expenditure category on the invoice. The expenditure categories cited must reconcile to the categories identified in the agreement's budget. Only expenditures incurred for the completion of the invoiced deliverables may be reimbursed.

Section 11: COMPETITIVE SOLICITATION PLANNING

Successful procurements require diligent planning and coordination. The planning process timeline can vary depending on the complexity of the procurement and the procurement method. For new solicitations, program areas should allow 3-6 months at a minimum for the planning phase. For re-solicitations, program areas should plan for resoliciting as soon as a contract is executed and maintain a re-solicitation plan throughout the lifecycle of the contract.

11.1 REQUEST FOR INFORMATION (RFI)

Prior to issuing a formal competitive procurement, FWC may initiate an RFI as a means to gather information, poll vendors, and assist in determining specifications or a SOW. The Tallahassee Purchasing Office facilitates the RFI process.

Programs should keep in mind the following:

1. RFIs are not required for all competitive procurements and are not considered a procurement by law per Section 287.012(22), F.S.
2. Potential vendors who respond to RFIs are not eliminated from consideration for award of the solicitation.
3. A vendor's response to the RFI is NOT an offer and the agency may not use the vendor's submission to justify a contract with that vendor.
4. A single response to an RFI does not indicate a single source situation. Potential vendors may be interested in pursuing an upcoming solicitation but may not deem a response to an RFI in their best interest.
5. Staff can utilize the specifications or SOW provided by vendors as a response to an RFI within a solicitation.

11.1.1 RFI Drafting Tips

1. **Don't be too specific.** Usually, an RFI is seeking to find out information about what solutions are available in the marketplace to achieve desired goals. Be broad by stating all the goals that you are hoping to reach and allow the vendors to provide solutions. Being too specific may include preconceived notions about what a solution may encompass, and thus keep vendors with better solutions from responding.
2. **Do include some specifics.** The detailed specifics that should be included are those that absolutely must be part of the proposed solution. Specifics may include the importance of a startup or delivery deadline, personnel requirements, exact specifications, or the ability to make software compatible with other software. It could also include statutory or administrative rule requirements that will need to be adhered to. Some statutes and administrative rule have exceptions and exemptions, such that, if a solution were approached from a different perspective, those regulations may not apply.
3. **Be mindful of respondent resources.** If "the ask" is too broad or includes too much complexity, responses may not be as plentiful or helpful as you hope, and you may not get a response from vendors that could provide the ideal solution. Vendors weigh time and resources in deciding whether to respond to an RFI, so consider that when writing "the ask".
4. **Ask for pricing models (if appropriate).** While the RFI template specifically states that prices are not to be asked for, should the potential solution be dependent on scalable pricing, such

as software licenses, you may provide a hypothetical scenario to ask potential respondents for a pricing model that the vendor uses. Consider that pricing models may be confidential information and better received at presentations rather than asked for in the RFI.

5. **Present scenarios (if appropriate).** This approach can allow for comparisons of multiple potential solutions using identical criteria. Describe possible scenarios to obtain potential solutions from the respondent.

11.1.2 RFI Template

RFIs should contain at a minimum:

- Introduction containing what type of information is being sought.
- Response Format
- Timeline/Calendar of Events
- Process
- Questions
- Response Instructions

Section 12: FORMAL SOLICITATIONS (CHAPTER 287, F.S.)

After defining a need, identifying the method of procurement, and writing the SOW, which should include defined deliverables and due dates, it is time to prepare the formal solicitation.

Similar processes are used regardless of the solicitation type. For example, all solicitations include a Calendar of Events. While most calendars include dates for advertising, deadline for receiving questions, an anticipated date to post question responses, an opening date and an anticipated date of award, there are some events that only pertain to specific procurements, such as site visits and pre-bid/solicitation conferences.

All formal competitive procurements (ITB, RFP, ITN, RFSOQ) will result in either a formal contract or a Purchase Order.

12.1 COMPETITIVE PROCUREMENT PROCESS

12.1.1 Calendar of Events

Formal solicitations include a calendar of events to make all parties involved in the process aware of key dates, times and milestones. Agency staff involved in opening, tabulating, evaluating, and awarding the solicitation must all be aware of the key dates so they can plan for and allot time to perform specific functions.

All stakeholders involved in the process should agree to the calendar of events prior to the release of the solicitation. Components of the calendar of events should include dates and times for each of the below events, if applicable:

- Advertisement/release of procurement document
- Pre-Bid/Solicitation conference
- Site visit
- Written questions from vendors may be submitted
- Response to vendor questions from the Commission
- Response due/open date
- Posting of intended award

See [Appendix: 17.2 Calendar of Events](#) for an example.

12.1.2 Advertisement of Procurement Documents

In the case of ITBs, RFPs, ITNs and RFSOQs, advertisement of opportunities is required by law. The advertisement must be placed on the [Vendor Information Portal \(VIP\)](#) maintained by DMS. There is no restriction on using additional advertisement methods such as newspapers, publications, trade journals, etc. VIP advertisement is posted electronically and instantaneously. Changes to the solicitation document (addenda) or to the timeline/calendar of events may be made quickly and is available to vendors immediately. Vendors may register for an email notification on VIP that alerts them when an advertisement is placed on the system that matches criteria they select when registering to do business with the State. It is the responsibility of the vendor to monitor the VIP website for updates to a solicitation or the timeline of events as any additional notification of addenda is not provided.

The advertisement must be placed on VIP at least 10 days prior to the opening of the solicitation. Be mindful that failure to allow an adequate amount of time for vendors to properly prepare a response may result in poorly crafted submissions. Vendors may not submit a response if they do not have adequate

time to prepare their response, so it is important to allow sufficient time for vendors to prepare their response.

12.1.3 Pre-Bid/Solicitation Conference

A pre-bid/solicitation conference provides an opportunity for interested vendors to gather in a public meeting and present questions on any aspect of a solicitation. Vendors may request clarification related to the solicitation document, operational aspects of the service requested, and any other aspect of the solicitation.

If a conference is held, its location, date and time must be included in the solicitation document, so all interested parties may participate. The document must also indicate if the conference is mandatory or non-mandatory. If the conference is mandatory, any vendor who fails to attend cannot be considered for the award. A mandatory conference should not be held unless it is essential for an interested vendor to view or inspect a process attribute. Attendance at a solicitation conference must be documented with a sign in sheet to fill in the appropriate information as determined by the Procurement Manager. At a minimum, the following information should be collected from attendees (including Agency staff): name, company/agency and email address. The Procurement Manager or designee will be responsible for facilitating and recording these events as a part of the public record.

Upon commencement of a conference, it must be immediately announced that any discussion or non-written expression presented is not valid unless the terms and conditions of the solicitation are amended in writing through an addendum. This guarantees that all interested parties are provided the same supplemental information, and that no vendor gains a competitive advantage over another.

12.1.4 Site Visit

A site visit is somewhat like a solicitation conference. The site visit is used when a visible inspection by vendors is required for a vendor to prepare a reliable solicitation response. During site visits it is important that no conversations or questions be entertained unless a pre-bid or pre-proposal conference is conducted in conjunction with the site visit. Site visits are typically not recorded.

12.1.5 Vendor Submission of Written Questions

Written questions are from interested parties regarding information contained in the solicitation. The questions arise from a need for clarification on solicitation details.

12.1.6 Response to Written Questions

Responses to the written questions must be posted to VIP.

12.1.7 Solicitation Addenda

A document used to amend the terms of a solicitation, incorporated as part of the original solicitation document.

12.1.8 Determining Responsiveness

After opening a solicitation, the Agency must determine responsiveness of the response received. This includes checking for each element required to be submitted (e.g., cost sheet, references).

12.1.9 Determining Responsibility

After opening a solicitation, the Agency must determine responsibility by checking the vendor's references, reviewing their experience (if required), and past performance (if any). Additional items may be required to check to determine responsibility.

12.1.10 Bonding

There are two types of bid securities relevant to procurements based on bid dollar amount:

1. **Bid Bond:** A bid bond may be collected from all responding bidders. It guarantees that if a bid is accepted, the successful contractor will sign the resulting contract, and if required, furnish a performance bond. A bid bond may be required in situations where a delay in executing a contract would cause a hardship on the Agency.
2. **Bid Check:** A cashier's check may be submitted in lieu of a bid bond as specified in the solicitation documents.

The amount of any required bond must be established in the solicitation documents.

12.2 INVITATION TO BID (ITB) PROCESS

An ITB is used when a well-defined SOW identifies an exact need for the purchase of commodities or services and price alone can determine the awarded vendor. It must contain objective criteria to determine responsiveness. Awards are made to the lowest cost bidder determined to be responsive and responsible.

12.2.1 Minimum Requirements for Submission with the Solicitation Request Form

- a. Detailed Scope of Work/Specifications [Word Document]
- b. Minimum vendor qualifications/experience [Word Document]
- c. Payment type and schedule (hourly, monthly, total, task assignment, etc.)

12.2.2 Additional Submission Documents

These types of documents may also be submitted as appropriate:

- a. Address to project site/GPS Coordinates and/or pre-bid site [Word Document]
- b. Drawings
- c. Maps
- d. OIT approval for software
- e. Special insurance requirements if required by law for project [Word Document]

12.3 REQUEST FOR PROPOSALS (RFP) PROCESS

An RFP is used when there is a general idea of what is required, but the entire set of conditions and specifications cannot be defined. Each proposal is evaluated against a specified set of evaluation criteria. The RFP responses are scored using a point or grading system for quality and cost, with points or grading given to each proposal by an evaluation team. Awards are made to the responsible proposer whose proposal is determined in writing to be the best value to the State, taking into consideration the price, technical and other criteria set forth in the RFP.

12.3.1 RFP Minimum Requirements with the Solicitation Request Form

- a. **Justification Memo.** Use of the RFP method requires a written justification explaining why an ITB is not feasible. This justification must be submitted with the Solicitation Request Form through the Tallahassee Purchasing Office.

- b. **Evaluation Team Memo.** RFPs are required to have at least three (3) members who will evaluate responses. An alternate evaluation team member is highly advisable. Each team member must demonstrate their experience and knowledge in the program areas and service requirements for the commodities or contractual services being sought. Contract Managers may serve as a member of the team. Evaluation teams require agency head or designee appointment prior to advertising the RFP. Tallahassee Purchasing will route the memo for approval.
- c. Mandatory requirements for responsive proposals, which should be separate from the SOW.
- d. SOW
- e. Evaluation criteria for responsive proposals, which should be separate from the SOW. Criteria must include:
 - 1. How each respondent's response will be evaluated or scored based on the Mandatory Criteria. Questions shall not be formed in a yes or no format.
 - 2. How a respondent's cost proposal will be evaluated or scored as compared. A formula for determining points is included in the standard RFP template.
- f. Financial Statements, if required by the Program. Financial statements must be evaluated by a Certified Public Accountant (CPA). The Program is responsible for contracting and paying for the CPA service.

12.4 INVITATION TO NEGOTIATE (ITN) PROCESS

An ITN is used when an ITB or RFP will not provide an appropriate solution to purchase the needed commodities or services. This is also the most complex method of procurement. With an ITN, the Agency is relying on the contractor to provide the solution to the Agency's requirements. The Agency will have the opportunity to negotiate with all respondents that are responsive. This method allows the agency to award the procurement to the vendor who demonstrates the best value for the Agency. Best value can be determined by the contractor's experience level, their equipment and proprietary specialties, location of operations, or other specifics in addition to cost.

12.4.1 ITN Minimum Requirements with the Solicitation Request Form

- a. **Justification Memo.** Use of the ITN method requires a written justification explaining why an ITB or RFP is not feasible. This justification must be submitted with the Solicitation Request Form through the Tallahassee Purchasing Office. The Justification Memo requires approval by the agency head or delegate.
- b. **Evaluation Team Memo.** ITNs are required to have at least three (3) members who will evaluate responses. An alternate evaluation team member is highly advisable. Each team member must demonstrate their experience and knowledge in the program areas and service requirements for the commodities or contractual services being sought. Evaluation teams require agency head or designee appointment prior to advertising the ITN. Tallahassee Purchasing will route the memo for approval.
- c. **Negotiation Team Memo.** ITNs are required to have at least three (3) members who will serve on the negotiation team. An alternate negotiation team member is highly advisable. Each team member must demonstrate experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are being sought.
- d. Mandatory requirements for responsive responses, which should be separate from the SOW.
- e. Scope of Work
- f. Evaluation criteria for responsive responses, which should be separate from the SOW. Criteria must include:

1. How each respondent's response will be evaluated or scored based on the Mandatory Criteria. Questions shall not be formed in a yes or no format.
 2. How a respondent's cost proposal will be evaluated or scored as compared. A formula for determining points is included in the standard ITN template.
- g. Financial Statements, if required by the Program. Financial statements must be evaluated by a CPA. The Program is responsible for contracting and paying for the CPA service.

12.5 REQUEST FOR STATEMENT OF QUALIFICATIONS (RFSOQ) PROCESS

An RFSOQ is used when procuring professional services, which includes architecture, engineering, landscape architecture, and surveying/mapping. This process selects firms based on qualifications and pricing is negotiated with the top ranked firm(s) after award.

12.5.1 Continuing Services

Per 287.055, F.S., firms provide professional services to the agency for projects in which:

- The estimated construction cost of each individual project under the contract does not exceed \$4 million.
- For study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000.
- For work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

Firms providing professional services under continuing contracts shall not be required to bid against one another.

12.5.2 Single Projects

A single project RFSOQ should be used when:

- The estimated construction costs exceed \$4 million.
- For study activity if the fee for professional services for each individual study under the contract exceeds \$500,000.

12.5.3 RFSOQ Minimum Requirements for Submission

- a. **Evaluation Members Memo.** RFSOQs are required to have at least three (3) members who will evaluate responses and oral presentations. An alternate evaluation team member is highly advisable. Each team member must demonstrate their experience and knowledge in the program areas for the professional services being sought. Tallahassee Purchasing will route the memo for approval.
- b. Evaluation criteria for responsive responses. For example:
 1. Relevant Design Experience
 2. Relevant Permitting Experience
 3. Ability to Perform Contract Delivery
- c. List of disciplines being sought for continuing services and single projects.

SOW for single projects.

Section 13: CONSTRUCTION (CHAPTER 255, F.S.)

All labor, services and materials provided in connection with the construction, alteration, repair, demolition, reconstruction or any other improvements to real property falls under construction services. These services are procured under Chapter 255, F.S., and must comply with 60-D, F.A.C.

Once the need for construction services has been identified, project specifications and estimated cost must be determined. Construction projects are procured based on the estimated budget.

13.1 PURCHASING THRESHOLDS

| Level | Threshold |
|--------------|-----------------------------|
| One | \$0 - \$34,999.99 |
| Two | \$35,000.00 - \$64,999.99 |
| Three | \$65,000.00 - \$199,999.99 |
| Four | \$200,000.00 - \$499,999.99 |
| Five | \$500,000.00+ |

To comply with the Department of Management Services' requirements under Section 255.29, F.S., the following procedures shall be followed when advertising bids for construction contracts, per Rule 60D-5.001, F.A.C.:

| Threshold | Purchasing Requirements |
|--------------------------|---|
| \$0 - \$34,999.99 | <p>Contracts within Level One may be executed with the firm whose proposal FWC determines best meets the needs of the Agency, using two or more verbal quotations, whenever practical. Should verbal quotations be received, name and address of the company and amount quoted shall be a part of the written documentation. If at least two quotations are not received, a statement of why they were not received must be shown. Quotes shall be confirmed by written proposals of the firms defining the scope and quality of work to be provided.</p> <p>*To avoid violating procurement rules: if the project estimate approaches the Level Two threshold, proceeding with a formal solicitation is highly recommended due to the nature of construction work and the potential for unforeseen circumstances arising during the project.</p> |
| \$35,000+ | Purchases with a total contract value of \$35,000 or greater shall be made by utilizing a formal competitive solicitation, unless exempt by statute. |

13.2 COMPETITIVE PROCUREMENT PROCESS

13.2.1 Calendar of Events

Formal solicitations include a calendar of events to make all parties involved in the process aware of key dates, times and milestones. Agency staff involved in opening, tabulating, evaluating, and awarding the solicitation must all be aware of the key dates so they can plan for and allot time to perform specific functions.

All stakeholders involved in the process should agree to the calendar of events prior to the release of the solicitation. Components of the calendar of events should include dates and times for each of the below events, if applicable:

- Advertisement/release of procurement document
- Pre-Bid conference
- Site visit
- Written questions from vendors may be submitted
- Response to vendor questions from the Commission
- Response due/open date
- Posting of intended award

See [Appendix: 17.2 Calendar of Events](#) for an example.

13.2.2 Advertisement of Procurement Documents

In the case of Construction solicitations, advertisement of opportunities is required by law. The advertisement must be placed on the Vendor Information Portal (VIP) maintained by DMS. There is no restriction on using additional advertisement methods such as newspapers, publications, trade journals, etc. VIP advertisement is posted electronically and instantaneously. Changes to the solicitation document (addenda) or to the timeline/calendar of events may be made quickly and is available to vendors immediately. Vendors may register for an email notification on VIP that alerts them when an advertisement is placed on the system that matches criteria they select when registering to do business with the State. It is the responsibility of the vendor to monitor the VIP website for updates to a solicitation or the timeline of events as any additional notification of addenda is not provided.

Solicitations must be advertised based on the following:

- **Levels Two and Three:** Minimum ten (10) calendar days advertised on VIP.
- **Level Four:** Minimum twenty one (21) calendar days advertised on VIP and Florida Administrative Register (FAR) prior to the established bid opening.
- **Level Five:**
 - Minimum thirty (30) calendar days advertised on VIP and FAR thirty (30) calendar days prior to the established bid opening, and
 - In at least one newspaper of general circulation in the county where the project is located at least thirty (30) calendar days prior to the established bid opening and at least five (5) calendar days prior to any scheduled pre-bid conference.

Be mindful that failure to allow an adequate amount of time for vendors to properly prepare a response may result in poorly crafted submissions. Vendors may not submit a response if they do not have adequate time to prepare their response, so it is important to allow sufficient time for vendors to prepare their response.

13.2.3 Pre-Bid Conference

A pre-bid conference provides an opportunity for interested vendors to gather in a public meeting and present questions on any aspect of a solicitation. Vendors may request clarification related to the solicitation document, operational aspects of the service requested, and any other aspect of the solicitation.

If a pre-bid conference is held, its location, date and time must be included in the solicitation document, so all interested parties may participate. The document must also indicate if the conference is mandatory or non-mandatory. It is recommended that Construction solicitations have mandatory pre-bid conferences. If it is mandatory, any vendor who fails to attend cannot be considered for the award. Attendance at a solicitation conference must be documented with a sign in sheet to fill in the appropriate information as determined by the Procurement Manager. At a minimum, the following information should be collected from attendees (including Agency staff): name, company/agency and email address. The Procurement Manager or designee will be responsible for facilitating and recording these events as a part of the public record.

Upon commencement of a pre-bid conference, it must be immediately announced that any discussion or non-written expression presented is not valid unless the terms and conditions of the solicitation are amended in writing through an addendum. This guarantees that all interested parties are provided the same supplemental information, and that no vendor gains a competitive advantage over another.

A site visit is included as part of the pre-bid conference when a visible inspection by vendors is required for a vendor to prepare a reliable solicitation response. During site visits it is important that no conversations or questions be entertained unless a pre-bid conference is conducted in conjunction with the site visit.

13.2.4 Vendor Submission of Written Questions

Written questions are from interested parties regarding information contained in the solicitation. The questions arise from a need for clarification on solicitation details.

13.2.5 Response to Written Questions

Responses to the written questions must be posted to VIP.

13.2.6 Solicitation Addenda

A document used to amend the terms of a solicitation, incorporated as part of the original solicitation document.

13.2.7 Determining Responsiveness

After opening a solicitation, the Agency must determine responsiveness of the response received. This includes checking for each element required to be submitted (e.g., cost sheet, references).

13.2.8 Determining Responsibility

After opening a solicitation, the Agency must determine responsibility by checking the vendor's references, reviewing their experience (if required), and past performance (if any). Additional items may be required to check to determine responsibility.

13.2.9 Bid Security

There are two types of bid securities relevant to procurements based on bid dollar amount:

1. **Bid Bond:** A bid bond may be collected from all responding bidders. It guarantees that if a bid is accepted, the successful contractor will sign the resulting contract, and if required, furnish a performance bond. A bid bond may be required in situations where a delay in executing a contract would cause a hardship on the Agency.
2. **Bid Check:** A cashier's check may be submitted in lieu of a bid bond as specified in the solicitation documents.

The amount of any required bond must be established in the solicitation documents.

Section 14: PROTESTS TO FORMAL SOLICITATIONS

Once the agency has posted a Notice of Intent to Award, any affected party may file a protest. By doing so, the protesting party is formally disagreeing with the agency's decision.

There are two distinct steps in the process of protesting a bid award—the Notice of Intent to Protest, and the Formal Written Protest.

14.1.1 Notice of Intent to Protest

This must occur within 72 hours of the commencement of the posting period described above. The Notice of Intent must be emailed to the Procurement Manager, who will coordinate with the Contract Manager and the Legal Office.

Once the Notice of Intent to Protest is received, staff outside Purchasing and the Legal Office are not permitted to engage in conversations or correspondence with the protesting party, and all procurement activity ceases.

However, a Formal Written Protest may be filed during the 72-hour period, which eliminates the Notice of Intent to Protest requirement.

14.1.2 Formal Written Protest

For procurements under Chapter 287, the protesting vendor has ten (10) calendar days from the Notice of Intent to Protest to file its formal written protest and provide a protest bond equal to 1% of the estimated contract value if no resolution is achieved during the "Intent" period. Procurements under Chapter 255 do not require a protest bond.

During this time, the protesting vendor may request copies of documents and/or audio and video files related to the procurement or may request to inspect documents related to the award decision. All requests related to such activities must be coordinated through the Legal Office. It is possible the protest issue may be resolved during this period, but any resolution attempts must be coordinated through the Legal Office and Tallahassee Purchasing Office.

14.1.3 Settlement Conference

Within seven days of filing the formal written protest (unless timeframe waived by both parties), the parties shall attempt to hold a Settlement Conference to resolve the dispute.

If no resolution is reached during the Settlement Conference, then the agency will refer the case to Department of Administrative Hearings (DOAH).

Section 15: CONTRACTS

A contract is an enforceable agreement between two or more parties. Formal written contracts and recipient-subrecipient agreements are all considered contracts.

15.1 TYPES OF CONTRACTS

There are several types of contracts, including but not limited to:

1. Expenditure contracts obligate the Agency to pay for services, commodities or a combination of the two. Most of the Agency's formal contracts fall into this category.
 - a. Contracts with standard vendors, governmental vendors, professional service firms, and construction contractors are all types of expenditures and are routed as formal written contracts through the [Contract Administration](#) section.
 - b. Purchase Orders are a type of expenditure contract issued through MyFloridaMarketPlace.
2. Revenue generating contracts as the result of a competitive solicitation allows the agency to be paid for its services or the use of its resources. This type does not include grants to the Agency.
3. Master agreements establish terms and conditions to govern all work and responsibilities as delineated in associated task assignments.
4. No cost agreements exchanges resources with two or more parties for a mutually beneficial endeavor without exchanging funds. Often referred to as a Memorandum of Agreement (MOA) or Understanding (MOU), these agreements specify the responsibilities and duties between the parties in writing. In some cases, multiple parties are involved in this type of cooperative agreement.
5. Recipient-Subrecipient agreements as defined under 69I-5.004(1), F.A.C., shall be executed as a formal written agreement.
6. Formal leases, which are covered in Chapter 4 of the IMPP.
7. Settlement Agreements.

15.2 CONTRACT CHANGES

As listed below, there are a few ways to make changes to contracts.

15.2.1 Addendum

Contract addendums are used to alter boilerplate contract terms and conditions prior to execution. They are included in the contract as an attachment.

15.2.2 Amendments

Amendments are required for revisions, or changes to executed contracts, where the change is significant enough to require the signatures of the original signatories. Changes requiring amendment include, but are not limited to:

- Renewals
- Extensions
- Adjustments in cost, services, time period, and method of payment

15.2.3 Modifications

Modifications are used to amend Contract Manager names and addresses listed within non-construction contracts.

15.2.4 Change Orders (Construction)

Construction contracts use Change Orders to amend substantial completion days, contract value, address unforeseen work, and emergencies, among other issues.

15.2.5 Task Assignments (TA)

Task assignments amend Master Agreements and includes specific terms and conditions and scope of work for each project.

15.2.5.1 Task Assignment Change Orders (TACO)

TACOs amend the corresponding task assignments, including but not limited to increasing/decreasing funds and changes in the scope of work.

15.3 CONTRACT ADMINISTRATION

Contract Administration is a subsection of the Tallahassee Purchasing office. This section's responsibilities include, but are not limited to:

- Reviewing contract documents for compliance with state and federal statutes, regulations, and Agency policies.
- Archives the Agency's executed contract documents.
- Enters all data into the [Florida Accountability Contract Tracking System \(FACTS\)](#) website. In accordance with Section 215.985, F.S., all relevant data and images are required to be posted on FACTS within 30 days of the contract, contract amendment, contract renewal, or contract extension execution.
- Provides guidance and training to Contract Managers.
- Issues Contract Management Advisories, which all Contract Managers are required to review and follow.

The agency's Contract Administrator supervises this section and performs the functions as described in 287.057(16), F.S.

15.3.1 FACTS

Because Florida's government strives to be transparent, contracts can be viewed through the FACTS website.

15.4 CONTRACT MANAGEMENT

The contract management process begins after the Agency has entered into a contract. Contract management is essential to successful service delivery and the overall effectiveness of the contract.

15.4.1 Contract Manager

In accordance with Ch. 287.057(15), F.S., the Agency is required to designate a Contract Manager to be responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor.

15.4.2 Training for Contract Managers

For Contract Managers responsible for contracts or purchase orders that equal or exceed \$35,000 but are less than one hundred thousand (\$100,000) annually, the following DFS trainings must be completed prior to taking on responsibility for any contract:

- Advancing Accountability

The following trainings are also highly recommended:

- Contract/Grant Monitoring
- Florida Single Audit Act

15.4.2.1 Florida Certified Contract Manager (FCCM)

Each Contract Manager responsible for contracts or purchase orders annually exceeding \$100,000 must complete training in contract management and become an FCCM, in accordance with Section 287.057(15), F.S. Be aware that:

- Certification must be obtained within six (6) months of being assigned responsibility for such contracts.
- Renewals are required every five (5) years.
- Training is administered by the Florida Department of Management Services.
- For contracts in excess of \$10 million annually, Contract Managers must have at least five (5) years of experience managing contracts worth \$5 million or more annually.

15.4.3 Training for Supervisors of Contract Managers

Any person who supervises contract administrators or contract/grant managers that meet criteria for certification in 287.057(15), F.S., shall annually complete public procurement training for supervisors within twelve (12) months after appointment to the supervisory position, per 287.057(18), F.S.

The “Procurement for Supervisors” training is available through the PeopleFirst Learning Management System (LMS).

15.4.4 Monitoring Contracts

Monitoring activities can be categorized into desk monitoring and onsite monitoring. Desk monitoring involves review and verification of data such as reports, surveys, invoices and communication documents to monitor contractor performance. Desk monitoring is an efficient way to monitor and can be performed on a regular basis since it doesn’t involve traveling to offsite locations. At a minimum, every contract or recipient/subrecipient agreement will require desk monitoring. However, desk monitoring can never completely replace onsite monitoring.

Onsite monitoring involves traveling to the contractor’s location to review documentation, interview staff and clients, perform onsite observations, etc. While this type of monitoring requires more time and effort than desk monitoring, it is beneficial to rounding out monitoring activities.

There are two types of monitoring: programmatic and fiscal.

15.4.4.1 Programmatic Monitoring

Determines the contractor's compliance with the contract:

- Terms and conditions.
- Requirements for delivery of services.

15.4.4.2 Fiscal Monitoring

- Determines if State funds have been accounted for and used appropriately by the contractor.
- Is applicable to all cost reimbursement contracts and contracts with a recipient/subrecipient relationship.

15.4.5 Oversight Team

Per 287.057(26), F.S., an Oversight Team must be established for contracts that meet or exceed five million dollars (\$5 million). Oversight team members must be agency employees and have relevant experience and knowledge. The Contract Administrator must be present at each oversight team meeting. The following requirements also apply:

- Initial Meeting: The Oversight Team is required to convene a meeting with the contractor within 30 days of its formation. They must discuss contract requirements, the contract management process and roles at the meeting.
- Based on monetary value, the Oversight Team will meet quarterly or monthly to discuss the status of the contract

15.4.5.1 Oversight Team Requirements Per Threshold**15.4.5.1.1 Service Contracts Five Million Dollars (\$5,000,000) or Greater**

Each agency head shall establish continuing oversight teams consisting of four (4) people, including the Contract Manager. The team must meet at least quarterly.

15.4.5.1.2 Service Contracts Ten Million Dollars (\$10,000,000) or Greater

At least one (1) person serving on the oversight team must have at least five (5) years of experience managing contracts of similar scope or size. The team must meet monthly.

15.4.5.1.3 Service Contracts Twenty Million Dollars (\$20,000,000) or Greater

The team shall consist of at least five people. At least one must be from an agency other than the agency or agencies participating in the contract.

15.5 CONTRACT FILE

The contract file is the state's official record containing all pertinent information related to the contract from award to closeout. The contract file is subject to public record laws including those pertaining to record retention periods.

15.5.1 Contract File Maintenance

The Contract Manager is responsible for keeping the contract file current and complete at all times. The file should be organized so that the activities conducted during the contract management process can be reconstructed and understood by someone who is not familiar with the contract. All contract files are

subject to audit by the Chief Financial Officer (287.136, F.S). Files must contain an updated electronic master copy of the contract, including all incorporated amendments, modifications, addendums and all supporting documentation.

15.5.1.1 Contract Bonds

Contract Managers should include all relevant bond documents required by the contract within the contract file. Bonds may include:

1. **Performance Bond:** The Performance Bond protects the Agency from financial loss if the contractor fails to perform per the plans, specifications and contract. It may be executed should the contractor fail in performing the contract which causes an additional cost to the Agency.
2. **Payment Bond:** The Payment Bond guarantees that the contractor will pay certain workers, subcontractors, and suppliers. A payment bond is generally required when a performance bond is needed, and they are frequently combined as a single bond.
 - a. **Labor and Materials Bond:** This type of Payment Bond is required for some construction contracts.

15.5.1.2 E-Verify Registration

Per [448.095, F.S.](#), prior to entering a Contract with the Commission, contractors and subcontractors shall register with and use the [E-Verify system](#). Failure to do so shall result in the Contract not being issued, or if discovered after issuance, termination of the Contract. See the “Employment Eligibility Verification (E-Verify)” section in the Contract terms and conditions and the [E-Verify Frequently Asked Questions](#) on SharePoint for more information.

15.5.1.3 Office of Policy and Budget (OPB) Approval

Approval from OPB is required for a Contract meeting or exceeding \$1 million dollars.

15.6 CORRECTIVE ACTION PLAN

When monitoring activities reveal there are deficiencies in the contractor’s performance, the Contract Manager must clearly identify and communicate the issues with the contractor. It is the responsibility of the contractor to develop a corrective action plan based on those identified deficiencies.

A well-constructed corrective action plan will address the impact, risk, and best solution.

15.7 SUSPENDED VENDOR LIST

If issues cannot be resolved through the corrective action plan, Contract Managers may begin to collect documentation to take any action as needed, including submitting a request to the Tallahassee Purchasing Office to place a vendor on the Suspended Vendor List. This type of request must be approved through DMS.

15.8 CONVICTED VENDOR LIST

287.133(3), F.S., provides that the DMS shall maintain a list of the names and addresses of those who have been disqualified from participating in the public contracting process under this section.

15.9 COMPLAINT LIST

A list of all formal Vendor Complaints issued to vendors by state agencies and received by DMS. DMS tracks this information as part of its vendor management processes. Agencies are encouraged to review this information before making judgments about a vendor's responsibility pursuant to Rule 60A-1.006(1), F.A.C.

15.10 INVOICE APPROVAL

Upon invoice receipt, the Contract Manager must determine:

1. Did the contractor provide quantifiable and measurable deliverables in accordance with the terms and conditions of the contract?
2. Is the invoice or request for payment in the proper format and mathematically correct, and does it contain all necessary information required?
3. Is sufficient documentation included to support deliverable(s)?
4. Are expenditures allowable according to the contract budget and other contract terms?

In accordance with Section 215.422, F.S., the Contract Manager has five (5) business days to inspect and approve deliverable(s). Longer inspection and approval periods may be written into the scope of work and payment terms of the contract. Contract managers should ensure adequate review and inspection time is included within the terms depending on the complexity of the deliverables. If the Contract Manager disapproves the invoice or request for payment, they should return it to the contractor with an explanation and suggested corrective actions.

15.11 CONTRACT CLOSEOUT

Contract closeout is the final process to be taken upon completion or termination of a contract. This may include, but is not limited to:

- Processing the final payment
- Recovering any overpayment
- Recovering all equipment purchased for provision of services, if applicable
- Completing the final performance evaluation of the contractor
- Closing out the contract in FACTS by notifying Contract Administration

Section 16: MYFLORIDAMARKETPLACE (MFMP)

MFMP is the State of Florida's eProcurement system. MFMP applications are utilized by State of Florida agencies to support the procure-to-pay process including conducting solicitations, sending purchase orders, receiving goods and services, and submitting invoices for payment.

16.1 MFMP APPLICATIONS

MFMP is comprised of three applications including:

- Ariba on Demand (AOD)
- Reporting (Tableau)
- Vendor Information Portal (VIP)

16.1.1 AOD Modules

The AOD application is composed of four modules that support the purchasing needs of State of Florida agencies. The table below describes each AOD module and how it is used.

| Module | Use |
|------------------------------|--|
| Buying and Invoicing | Buying and Invoicing enables agency customers to create purchase requisitions, collaborative requisitions, State Term Contract Request for Quote (STC RFQ), issue purchase orders (POs) to vendors, receive goods, and process invoices. |
| Sourcing | Sourcing enables agency customers (such as Tallahassee Purchasing staff) to create, submit, and manage formal solicitations. |
| Contracts | Contracts enable agency customers to create and manage contracts and obtain signatures in AOD. |
| MFMP Standard Reports | MFMP Standard Reports enables agency customers to create enhanced system searches or access prepackaged reports. |

16.2 MFMP BUYER GUIDE

The [MFMP Buyer Guide](#) provides step-by-step directions for Buying and Invoicing.

16.3 PURCHASE ORDERS

A purchase requisition (PR) is a request to purchase a good or service. MFMP automates the process to facilitate a fully approved requisition into a purchase order (PO). Requisitions have approval flows based on an agency's Purchasing Unit Identifier (PUI), individual profiles, procurement thresholds, and commodities procured.

MFMP assigns a requisition number when the requisition is created and an order number when the requisition is fully approved. If the requisition is set to auto-encumber through MFMP, the encumbrance number and the order number are the same.

16.4 CHANGE ORDERS

A change order allows agency customers to make changes to approved orders and send those changes to the vendor if needed.

Agency customers should initiate change orders in order to do the following:

- Reduce or increase the amount of an order;
- Make changes to an order description or accounting details;
- Notify the vendor of any changes;
- Change the OBO; or
- Reduce or release the encumbrance associated with the order.

Section 17: PUBLIC RECORDS

Solicitations and supporting documents/recordings are exempt from public records disclosure per Ch. 119.071(1)(b)2 until the agency posts a notice of intended decision or 30 days after the opening of the bids, whichever occurs first.

If all bids are rejected and a rebid is intended, the intention will be made part of the notice of rejection. All bids received and opened will be exempt from public records disclosure per Ch. 119.071(1)(b)3, until the notice of award is posted from the rebid or 30 days after the receipt and opening of the bids from the rebid, whichever occurs first. However, no bid is exempt for more than 12 months after the initial notice of rejection is posted.

If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies.

Informal quotes can be made available once the determination is made to issue a purchase order or formal contract.

Contact the Tallahassee Purchasing Office or your supporting Legal representative when unsure about divulging information to a vendor or any other non-FWC personnel. Requests for copies of competitive solicitations should be sent to the Tallahassee Purchasing Office (by phone, email). A fee may be charged for the actual cost of duplication, if copies are requested (Section 119.07, F.S.).

Section 18: APPENDIX

18.1 METHOD OF PROCUREMENT CHART

The following chart outlines MOPs most frequently used at FWC.

| MOP Code | MOP Description |
|----------|--|
| A | State term contract without RFQ [Section 287.042(2) and Section 287.056, F.S.; Rule 60A- 1.044(2), F.A.C.] |
| B | State term contract with RFQ [Section 287.042(2) and Section 287.056, F.S.; Rule 60A-1.043 and 60A-1.044(2), F.A.C.] |
| C | Alternate contract source [Section 287.042(16), F.S.; Rule 60A-1.047, F.A.C.] |
| D | State purchasing agreement [Rule 60A-1.025, F.A.C.] |
| E | Purchase under \$2,500 [Rule 60A-1.002(2), F.A.C.] |
| F | Informal quote purchases not exceeding \$35,000 [Rule 60A-1.002(3), F.A.C.] |

| MOP Code | MOP Description |
|-----------------|--|
| F1 | Informal quote [Chapter 255, F.S., Construction, Fixed Capital Outlay, Leases] |
| G | Single source \$2,500 or greater, not to exceed \$35,000 [Section 287.057(3)(c), F.S.] |
| H | Agency ITB [Section 287.057(1)(a), F.S.] |
| H1 | Agency ITB [Section 255.25(3)(a), F.S.] |
| I | Agency RFP [Section 287.057(1)(b), F.S.] |
| I1 | Agency RFP [Section 255.25(3)(a), F.S.] |
| J | Agency ITN [Section 287.057(1)(c), F.S.] |
| J1 | Agency ITN [Section 255.25(3)(a), F.S.] |
| K | Agency negotiated (following fewer than 2 responsive offers) [Section 287.057(5), F.S.] |
| L | Governmental agency [Section 287.057(3)(e)12., F.S., defined in Section 163.3164(21), F.S.] |
| L1 | Purchase made in accordance with Section 11.147, F.S. |
| M | Blind/handicapped program (RESPECT) per Section 413.036, F.S. |
| N | Correctional work program (PRIDE) per Section 946.515, F.S. |
| O | Emergency per Rule 60A-1.045, F.A.C. and Section 287.057(3)(a), F.S. |
| O1 | Emergency [Section 255.0525(1), F.S.] |
| O2 | Emergency per Executive Order [Section 252.36(2), F.S.] |
| P | Single source over Category Two per Rule 60A-1.045, F.A.C. & Section 287.057(3)(c), F.S. |
| Q | Consultant's Competitive Negotiation Act per Section 287.055, F.S. |
| S | Exempt, commodities purchased for resale per Section 287.012(5), F.S. |
| T | Exempt reg utilities & public comm except long dist; & gov franchise svcs, Rule 60A- 1.002(4), F.A.C. |
| U | Exempt artistic svc [Section 287.057, F.S.; Rule 601.002(4)(c), F.A.C.] |
| V | Exempt, an academic program review [Section 287.057(3)(e)2., F.S.; Rule 60A-1.002(4)(d), F.A.C.] |
| W | Exempt lecture per Rule 60A-1.002(4), F.A.C. & cont ed offered to public & fees pay expenses, Section 287.057(3), F.S. |

| MOP Code | MOP Description |
|-----------------|---|
| Y | Exempt, payments for membership dues pursuant to Section 216.345, F.S.; per Rule 60A- 1.002(4)(h), F.A.C. |
| Z | Exempt, exams approved in accordance with Section 455.217(1)(c), F.S.; per Rule 60A- 1.002(4), F.A.C. |
| 1 | Exempt, prescriptive assistance devices [Section 287.057(3)(d), F.S.] |
| 2 | Exempt legal svcs, incl attorney, paralegal, exp witness, appraisal, mediator [Section 287.057(3)(e)4., F.S.] |
| 3 | Exempt health svc incl exam, diag, treatment, prevention, med consult or admin, [Section 287.057(3)(e)5., F.S.] |
| 8 | Exempt, training & ed svc to injured employees [Section 440.491(6) & 287.057(3)(e)10., F.S.] |
| 9 | Exempt State or Fed law prescribe contractor or rate pay est in appropriation [Section 287.057(11), F.S.] |
| 9A | Exempt, Federal or state law prescribes with whom the agency must contract [s. 287.057 (11), F.S.] |
| 9B | Rate of payment is established during the appropriation process [s. 287.057 (11), F.S.] |
| 21 | Settlement Agreements |
| 25 | Request for Application, method of competitively awarding State/Federal grants to non-profits and other governmental entities |
| 33 | No Cost Procurement (e.g., Memorandum of Agreement/Understanding) |
| 34 | Revenue Generating Procurement |
| 35 | Leases having a term of less than 120 consecutive days |
| 37 | Leases less than 5,000 sq. ft. in a privately owned facility – may be obtained via quotes |
| 38 | Leases more than 5,000 sq ft in a privately owned facility – must be obtained through competitive procurement |
| 39 | Stay in Place/Replacement Lease – Fair Market Price Negotiations |
| 40 | Emergency Lease |
| 41 | State-Owned Office Building Lease through the Department of Management Services |
| 42 | Leases with Federal Agencies and other State/Local Government entities |
| 43 | Request for Application Method of competitively awarding State/Federal Grants to for-profit organizations |

| MOP Code | MOP Description |
|-----------|--|
| 44 | Non-competitively awarded Grants to Governmental Entities, non-profits or for-profit organizations |
| 76 | Statewide PSA programs provided by a Florida nonprofit corp [s 287.057(3)(e)13., F.S.] |
| 88 | Florida Counter Drug Procurement Program (Federal 1122 Program) for Law Enforcement, [Section 287.057 (3)(e)12., F.S.] |
| 89 | Direct Pay to Hotel/Motel [Section 112.061(13), F.S.] |
| 90 | Contract in existence prior to 10/1/1990 [Section 287.057(20), F.S.] |

18.2 CALENDAR OF EVENTS EXAMPLE

Figure 1. Calendar of Events Example for an ITB

| SCHEDULE | DUE DATE | METHOD |
|---|--|---|
| Bid Advertised | ENTER DATE | Posted on the Vendor Information Portal: https://vendor.myfloridamarketplace.com/ |
| Choose Item Pre-Bid Conference | ENTER DATE @ TIME AM/PM ET | See Pre-Bid Conference Clause |
| Deadline for Questions | Must be received PRIOR to: ENTER DATE @ 5:00 PM ET | See Deadline for Questions Clause |
| Anticipated date for Responses to Written Questions | ENTER DATE | Posted on VIP: https://vendor.myfloridamarketplace.com/ |
| SEALED BIDS DUE (REMEMBER: The bid number should be clearly marked on envelope) | Must be received PRIOR to: ENTER DATE @ TIME AM/PM ET | Mailing Address: Florida Fish and Wildlife Conservation Commission Attn: Purchasing 1875 Orange Ave East Tallahassee, Florida 32311-6160 Submissions are due BEFORE the date and time of the public opening. |
| Public Bid Opening | ENTER DATE @ TIME AM/PM ET | Public Opening Options for Attendance: -In Person- 1875 Orange Ave East Tallahassee, FL 32311-6160 -Teleconference- Conference call phone number: 1.888.585.9008 <u>Conference room number:</u> 218-721-199 |
| Anticipated Date of Intended Award | ENTER DATE | Posted on VIP: https://vendor.myfloridamarketplace.com/ |

18.3 REFERENCES

18.3.1 Federal

18.3.1.1 *[Code of Federal Regulations \(CFR\)](#)*

- [2 CFR Part 200](#) – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

18.3.2 State

18.3.2.1 *Florida Statutes (F.S.)*

- [Chapter 112 – Public Officers and Employees: General Provisions](#)
- [Chapter 119 – Public Records](#)
- [Chapter 120 – Administrative Procedure Act](#)
- [Chapter 215 – Financial Matters: General Provisions](#)
- [Chapter 216 – Planning and Budgeting](#)
- [Chapter 255 – Public Property and Publicly Owned Buildings](#)
- [Chapter 286 – Public Business: Miscellaneous Provisions](#)
- [Chapter 287 – Procurement of Personal Property and Services](#)

18.3.2.2 *Florida Administrative Code (F.A.C.)*

- [Chapter 60A – Division of Purchasing \(DMS\)](#)
- [Chapter 60D – Division of Building Construction \(DMS\)](#)
- [Chapter 68 – Departmental \(FWC\)](#)
- [Chapter 69I – Division of Auditing and Accounting \(DFS\)](#)

18.3.3 Agency

18.3.3.1 *Department of Financial Services*

- [Reference Guide for State Expenditures](#)
- [Chief Financial Officer \(CFO\) Memoranda](#) (Contract/Grant Compliance and Payments)

18.3.3.2 *Florida Fish and Wildlife Conservation Commission*

- [Contract Management Advisories](#)
- [Internal Management Policies and Procedures \(IMPP\) Manual](#)
- [Agency Purchasing Card Plan](#)
- [PCard Manual](#)