



# PURCHASING AND CONTRACTING PROCEDURES MANUAL

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

**PREFACE**

This procedures manual is applicable to the procurement of vendor services in compliance with Chapter 287, F.S. and the federal procurement provisions of Circular A-110. Before purchasing a service, an analysis must be performed by the Program Area to determine whether the agency is entering into a vendor or sub-recipient relationship with the contractor. The Vendor vs. Subrecipient Checklist should be utilized to make this determination. This checklist is available for download from Purchasing's Intranet web page at the link provided below:

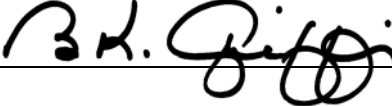
<http://intra.awi.state.fl.us/gs/purchasing.htm>

Additionally, Program Areas must complete a cost analysis and a price analysis (reference 29CFR95.45) for all purchases greater than \$24,999 utilizing the Agency's cost and price analysis template that is available for download from Purchasing's Intranet web page, at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

Further, Section 287.017, F.S., dictates specific purchasing practices that must be followed according to which threshold applies. A procurement matrix is available for download from Purchasing's Intranet web page at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

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**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**TABLE OF CONTENTS**

<b>DEFINITIONS .....</b>	<b>6</b>
<b>SECTION ONE: PURCHASING .....</b>	<b>16</b>
<b>I. GENERAL.....</b>	<b>16</b>
<b>A. STATE AND FEDERAL PROCUREMENT LAWS .....</b>	<b>16</b>
<b>B. PRINCIPLES OF PROCUREMENT .....</b>	<b>16</b>
<b>C. ETHICS IN PROCUREMENT .....</b>	<b>16</b>
<b>D. DISALLOWED PURCHASES.....</b>	<b>18</b>
<b>E. KEY DATES .....</b>	<b>19</b>
<b>II. RESPONSIBILITIES.....</b>	<b>20</b>
<b>A. PURCHASING OFFICE RESPONSIBILITIES.....</b>	<b>20</b>
<b>B. PROGRAM AREA RESPONSIBILITIES .....</b>	<b>23</b>
<b>III. PROCUREMENT INSTRUMENTS.....</b>	<b>24</b>
<b>A. P-CARD .....</b>	<b>24</b>
<b>B. MFMP Requisition.....</b>	<b>26</b>
1. Processing MFMP Purchasing Requisitions.....	27
2. MFMP Confidential Information.....	29
3. Review of MFMP Requisitions .....	29
4. MFMP Electronic Approvals.....	29
5. Procurements Exempt from MFMP .....	29
6. Transaction Fee.....	30
7. MyFloridaMarketPlace Transaction Fee Exemptions .....	30
<b>C. Direct Order .....</b>	<b>32</b>
<b>IV. TYPES OF PROCUREMENT.....</b>	<b>32</b>
<b>A. Small Purchases .....</b>	<b>33</b>
<b>B. Non-Competitive .....</b>	<b>33</b>
1. Exempt Procurements.....	33
2. Single Source/Exceptional Purchases.....	33
3. Emergency Purchases.....	37
4. Request for Quotes. ....	38
5. Prison Rehabilitative Industries and Diversified Enterprises (PRIDE).....	39
6. RESPECT of Florida.....	40
7. Alternate Contract Sources.....	40
8. GSA Schedule.....	40
9. State Purchasing Agreements.....	41
10. Informal Bids.....	42
11. Request for Information.....	42
<b>C. Competitive Purchases/Solicitations.....</b>	<b>43</b>
1. Invitation to Bid (ITB).....	43
2. Request for Proposal (RFP).....	43
3. Invitation to Negotiate (ITN) .....	44
<b>V. PROCUREMENT MATRIX (THRESHOLDS/DESCRIPTIONS/SPECIFICS).....</b>	<b>45</b>
<b>VI. SOLICITATION DOCUMENTS:.....</b>	<b>45</b>
<b>A. Solicitation Document Contents.....</b>	<b>46</b>

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

B.	Solicitation Development.....	48
C.	Evaluation and Negotiation Committee Appointments .....	50
D.	Scope of Work Development.....	51
E.	Issuing the Solicitation.....	54
F.	Solicitation Conference.....	55
G.	Receipt/Opening of Proposal or Bids .....	56
H.	Evaluation and Posting of Proposals or Bids.....	56
I.	Receipt of Less Than Two Responsive Bids, Proposals, or Replies .....	56
J.	Tie Bids .....	57
K.	Receipt of Notice of Intent to Protest .....	57
L.	Award.....	57
<b>VII.</b>	<b>VENDOR RELATIONSHIPS.....</b>	<b>58</b>
A.	Vendor Relations.....	58
B.	Vendor Selection .....	58
C.	Vendor Performance .....	58
1.	Shipments Delivery and Inspection .....	58
2.	Wrong items or unacceptable delivery.....	59
<b>VIII.</b>	<b>EQUITY IN CONTRACTING.....</b>	<b>60</b>
A.	Minority and Women-Owned Business Enterprise (MWBE).....	60
B.	Authority .....	60
C.	Minority and Women-Owned Business Enterprise Participation .....	61
D.	Techniques.....	61
E.	Direct Assistance .....	62
F.	Analysis.....	62
G.	Procedures and Assigned Responsibility .....	62
<b>IX.</b>	<b>SPECIFIC PROCUREMENTS .....</b>	<b>63</b>
A.	<b>CONSTRUCTION PROCUREMENTS .....</b>	<b>63</b>
1.	Bid Bond .....	64
2.	Performance and Payment Bonds .....	64
3.	Advertising, Negotiation and Opening of Construction Bids.....	64
B.	<b>OTHER SPECIFIC REQUIREMENTS .....</b>	<b>65</b>
1.	Routine Purchases - Office Supplies .....	65
2.	Prepayment and Advance Payments.....	66
3.	Legal Services.....	66
4.	Memberships.....	66
5.	Moving Expenses .....	67
6.	Printing.....	67
7.	Copying Equipment.....	67
8.	Copier Supplies .....	68
9.	Copier Usage .....	68
10.	Pricing Plans for Copier Equipment.....	69
11.	Equipment Leases .....	70
12.	Consolidated Equipment Financing Program.....	70
13.	Data Processing Commodities and Services .....	71
14.	Computer Maintenance.....	71
15.	Promotional Items .....	72
16.	Motor Vehicles .....	72
17.	Recycled Products.....	72
18.	Recycled Paper.....	72
19.	Subscriptions.....	72
20.	Meeting Rooms.....	73
21.	Cellular Phones .....	74

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

<b>SECTION TWO: CONTRACTS.....</b>	<b>75</b>
<b>I. CONTRACT DEVELOPMENT.....</b>	<b>75</b>
<b>A. Contract Development Process .....</b>	<b>77</b>
<b>B. Types of Contracts .....</b>	<b>78</b>
<b>C. Contract Review, Approval, Execution, Distribution and File Set Up.....</b>	<b>79</b>
<b>D. Contract Amendments.....</b>	<b>80</b>
<b>E. Contract Extensions.....</b>	<b>80</b>
<b>F. Contract Renewals.....</b>	<b>81</b>
<b>G. Contractor Default.....</b>	<b>81</b>
<b>II. CONTRACT MANAGEMENT.....</b>	<b>82</b>
<b>A. Roles and Responsibilities of a Contract Manager .....</b>	<b>83</b>
<b>B. Purpose of Monitoring Contracts.....</b>	<b>83</b>
<b>C. Types of Contract Monitoring .....</b>	<b>84</b>
<b>D. What Does Contract Monitoring Consist Of? .....</b>	<b>84</b>
<b>E. Monitoring Plan .....</b>	<b>84</b>
<b>F. What If There Is A Problem With The Vendor's Performance? .....</b>	<b>85</b>
<b>G. Contract Problems Warranting Formal Corrective Action.....</b>	<b>85</b>
<b>H. What is a Contract File?.....</b>	<b>85</b>
<b>III. CONTRACT ADMINISTRATION.....</b>	<b>86</b>
<b>A. Contract Administrator Responsibilities .....</b>	<b>86</b>
<b>B. Important Relationships in Contract Management and Administration .....</b>	<b>87</b>
<b>C. Contract Management and Administration Resources .....</b>	<b>87</b>

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**DEFINITIONS**

1. **Alternate Contract Source** - Sources for commodities and/or services that are available for purchase by the Agency from term contracts or requirements contracts competitively established by other governmental entities pursuant to Rule 60A-1.047, F.A.C.
2. **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.
3. **Bid** - The offer extended to the Agency in response to an Invitation to Bid.
4. **Bidder** - The person or entity submitting a bid to an Invitation to Bid.
5. **Blanket/Term Direct Order** – A blanket/term purchase order is a written electronic agreement that prescribes the term and amount of money which may be spent and allows the Agency to order the specified commodity or contractual service on an as-needed basis until the term has elapsed or the maximum dollar amount has been reached. Direct Order is a formal order issued through My Florida Market Place (MFMP) as a result of an approved requisition, prior to the procurement of goods or services. This is a legal document authorizing a purchase and payment for a commodity or service. When the vendor accepts the order, a valid contract exists. A direct order represents (i) a contractual procurement from a vendor, and (ii) a transaction issued pursuant to an agency or state term contract. The term Purchase Order refers to the previously utilized paper based method of procurement.
6. **Certified Minority and Women-Owned Business Enterprise (CMBE)**: - A business which has been certified by the Office of Supplier Diversity or jurisdiction.
7. **Commodity** - Any of the various supplies, materials, goods, merchandise, equipment, information technology, and other personal property, purchased, leased, or otherwise contracted for by AWI.
8. **Competitive Solicitation** – The process of obtaining Invitations to Bid, Request for Proposals and Invitations to Negotiate from prospective contractors.
9. **Contract** - A formal written agreement, legally binding, between an agency and a vendor detailing the goods or services to be provided by the vendor in exchange for the price to be paid for such goods or services by the agency as well as other terms and conditions which the parties must perform, such as the time in which to

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

perform, compliance with statutes and regulations, specific details of the agreement, etc.

10. **Contract Administration/Administrator** - The administration of actions that must be taken to assure compliance with the terms of the contract after the award of the contract. The Contract Administrator is a designated person in the Purchasing Office who is charged with administering the contract through the term of the agreement and is specifically responsible for maintaining a contract file on all Agency contracts. The Contract Administrator serves as a liaison between Contract Managers and the Department of Management Services.
11. **Contract Close Out** – The point in time in which all terms of a contract have been fully performed. The contract administrator in coordination with the contract manager ensures that all steps necessary to close out the file have been taken.
12. **Contract File** - The original and official record for the Agency which must be maintained for a period of five years following contract close-out or resolution of pending action (e.g., legal, audit, etc.) whichever is later. This file is maintained by the Purchasing Office. The Contract Manager’s contract file, at a minimum, should mirror the Agency’s original and official contract file.
13. **Contract Manager** – Persons designated in program areas within the Agency who are charged with monitoring a contract through the term of the agreement and who are specifically responsible for enforcing performance of the contract terms and conditions, and financial information, i.e., payment history, payment method, tracking payments, etc. The Contract Manager serves as a liaison between the Agency and the contractor regarding performance issues contained in the contract.
14. **Contract Number** – A unique number assigned to each contract by the Contract Administrator. The first letter and/or first two letters of the contract number identify the type of contract (i.e., V: Vendor Contract, SR: School Readiness Contract, FL: Florida Inter-agency Contract, WFI: Workforce Florida, Inc. Contract, etc.).
15. **Contract Review Form** – The document that accompanies inter-agency agreements, contracts, renewals and amendments that is routed through Agency channels and provides for approval, disapproval, and/or comments by various Agency personnel.
16. **Contractor** – A person or entity that enters into a contract to sell commodities or contractual services to the Agency.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

17. **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 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 thereunder, 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 and rules adopted thereunder.
18. **Cooperative Purchasing** – The process that allows the Administrator of the Federal General Services Administration (GSA) to provide states and localities access to certain items offered through the GSA’s Federal Supply Schedule 70, Information Technology (IT) contracts.
19. **Cost Analysis** - The process of reviewing and evaluating separate cost elements to determine the allowability, necessity and reasonableness of proposed cost elements.
20. **Design Professional** – As relates to construction procurements means the architect, engineer or other consultant under contract with the Agency for professional services.
21. **Direct Order(a/k/a Purchase Order)** - The new term that replaces the term “Purchase Order”, and refers to the new web-based electronic agreement formalizing a transaction between an agency and a vendor through the utilization of MFMP. See the definition of Purchase Order.
22. **Discretionary Purchase** – Purchases below \$2,500 either written or verbal.
23. **Division** – As relates to construction related procurements means the Division of Building Construction with the Department of Management Services.
24. **Emergency Purchase** – A purchase which has been determined by the Agency Head to be an emergency and that if not purchased may cause an immediate danger to the public health, safety, or welfare or other substantial loss to the state.
25. **Exceptional Purchase** – Any purchase of commodities or contractual services excepted by law or rule from the requirements for competitive solicitation, including, but not limited to, purchases from a single source, purchases upon receipt of less than two responsive bids, proposals, or replies, purchases made by



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

an agency, after receiving approval from the Department of Management Services, from a contract procured, pursuant to Section 287.057(1),(2),or (3) F.S., and purchases made without advertisement in the manner required by Section 287.042(3)(b), F.S.

26. **Extension** – An increase in the time allowed for the 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. Extension of a contract shall be in writing for a period not to exceed six months and shall be subject to the same terms and conditions set forth in the initial contract. There shall only be one extension of a contract unless the failure to meet the criteria stated in the contract for completion is due to events beyond the contractor’s control, and must be executed prior to expiration of the contract.
27. **Evaluation Team** – A group of at least three persons appointed by the Agency Head or delegated authority that collectively have knowledge and experience in the program area and service requirements for which contractual services are sought. If the proposals/offers are a result of an Invitation to Negotiate, the **Evaluation Team** will also recommend a ranking order for negotiations based on the final scoring from the evaluation process. The **Negotiation Team** will conduct negotiations accordingly.
28. **Firm or Contractor**– As relates to construction procurements means any individual, firm, partnership, corporation, company, association, or other legal entity permitted by law to construct projects, or portions of projects, in the State of Florida.
29. **Fixed Price** – The method of payment used when the service provided can be broken down into unit costs (hour, client days, etc.) or for an established fee known as a fixed fee (payment based on delivery of a completed service).
30. **FLAIR** – The Florida Accounting Information Resource System. FLAIR was formerly known as SAMAS and became official in 1997. FLAIR is the system utilized by the state of Florida that serves as the statewide accounting system.
31. **Formal Procurement** – Purchases with a dollar value of \$25,000 or more procured by an Invitation to Bid, Request for Proposal, Invitation to Negotiate, or a Request for Quote.
32. **Gate Management Process** – A process established by the Governor’s Center for Efficient Government that provides for a method of evaluating each stage of any outsourcing initiative, examples include the following: Business Case Development, Procurement, Contract Management, Transition Management and

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Post Implementation, and Performance Management. Standards are outlined for each of these stages. The end of each stage represents a gate for review and validation.

33. **Governor's Center for Efficient Government (Center)** – The entity established to develop statewide outsourcing standards and a business case template applicable to any proposed outsourcing project. The Center reviews any outsourcing plans within the state to ensure compliance with Center standards and business case development, execution of effective contract language with vendors and implementation of successful change management. The Center created a gateway process for all outsourcing projects. See also Gate Management Process.
34. **GSA IT Schedule 70** – The information technology (IT) schedule number 70 that was established by the General Services Administration (GSA) to provide government agencies with solutions for their various information technology requirements and allow agencies to procure the IT products and services that they need. State and local governments are able to purchase off of GSA's IT Schedule 70 by way of cooperative purchasing.
35. **Industry** – As relates to construction procurements, there are four categories (commodities, contractual services, architectural/engineering, and construction).
36. **Informal Procurement** – A written or oral quote not requiring a public opening (as with formal procurements). Informal quotes are further classified as quotes that result in purchases with a dollar value of \$2,500 but less than \$25,000 that are made on the basis of two or more recorded/documented/written competitive quotes, and purchases below \$2,500 (discretionary).
37. **Information Technology (IT)** – Equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.
38. **Intent to Protest** – A written notice informing the Agency of a bidder's, proposer's, or respondent's intention to contest a solicitation or award of a contract. The Intent to Protest is filed prior to a formal written protest.
39. **Invitation to Bid (ITB)** – A type of written solicitation for competitive sealed bids specifically defining the commodity, group of commodities, or contractual services for which bids are sought pursuant to Section 287.012(16), Florida Statutes. The Invitation to Bid 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

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

commodity or group of commodities required. A written solicitation includes a solicitation that is electronically posted.

40. **Invitation to Negotiate (ITN)** – A type of written 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 Invitation to Negotiate is used when the Agency has determined that an Invitation to Bid or Request for Proposal is not practicable, pursuant to Section 287.012(17), Florida Statutes.
41. **Intent to Award** – The Agency’s presentation, after careful consideration and evaluation, of intent to enter into a contract with a particular vendor. The Intent to Award is posted by the Purchasing Office for a period of 72 hours.
42. **Method of Payment** – The section of the contract that specifies the total maximum dollar amount of the contract, the manner in which providers will submit their invoices, the frequency with which invoices will be submitted to the Agency, and any conditions pertaining to the payment of contract invoices.
43. **Minority and Women-Owned Business Enterprise (MWBE)** - Any small business concern that is organized to engage in commercial transactions, is domiciled in Florida, and is at least 51 percent owned by minority persons, and whose management and daily operations are controlled by such persons.
44. **MyFloridaMarketPlace (MFMP)** – The State of Florida’s web-based electronic procurement system. This system is designed to streamline interactions between vendors and state government entities that purchase goods and services, and provides a user-friendly internet portal where vendors can register, receive information on upcoming bids, post information on products and services, and receive direct orders electronically.
45. **Negotiation Committee** – A group of at least three persons appointed by the Agency Head or their designee who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought.
46. **Offeror** – An individual, organization, or entity submitting or intending to submit competitive bids, proposals, or responses to requests by the Agency for the provision of commodities or services.
47. **The Office of Supplier Diversity (OSD)** – The Office of Supplier Diversity’s (OSD) function is to improve business and economic opportunities for Florida’s women-owned and minority-owned businesses. OSD’s efforts toward this goal can be categorized into four primary functions, namely, Certification of Minority Business Enterprises, Advocacy, Outreach, and Matchmaking Activities.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

48. **One Florida Initiative** – The mission of the Governor’s One Florida Initiative is to unite Floridians behind a shared vision of opportunity and diversity. The goal is to increase opportunity and diversity in the state’s universities and in state contracting without using policies that discriminate or that pit one racial group against another.
49. **Outsourcing** – The process through which a function or service that was previously performed by state employees is changed so that the function or service is performed by a non-state entity. The state remains fully responsible for the provision of affected services and maintains control over management and policy decisions, while a third party entity operates the function or performs the service.
50. **Price Analysis:** The process of examining and evaluating price data without evaluating the separate cost elements or proposed profit to assist in arriving at prices to be paid and costs to be reimbursed.
51. **Procurement** – The act, through utilization of various methods, of obtaining commodities and contractual services for the Agency.
52. **Procurement Checklist** – The checklist utilized by the Purchasing Office and Program Areas to ensure that all steps of the procurement process are followed and that all required documentation is maintained in the proper file.
53. **Procurement and Contract Tracking System (PACTS)** – The application/database utilized and maintained by the Purchasing Office to track the development of a contract from initiation of a solicitation to contract execution, through each renewal and/or through expiration and close out of a contract.
54. **Project** – As relates to construction procurements means any facility building, portions of a building, utility, park, parking lot, structure or other improvement to real property required to be constructed, renovated, repaired, modified or demolished by a state agency.
55. **Project Manager** – The individual that is assigned by the Program Area to facilitate the program area’s formal procurement responsibilities. This individual may also be assigned as the Program Area Contract Manager.
56. **Proposer/Respondent:** Individual or organization submitting a proposal to a Request for Proposals.
57. **Protest** – A formal objection by any person or firm who believes they have been adversely affected by a decision or intended decision concerning a solicitation or notice of contract award. An official protest must be submitted in writing within the time frame prescribed by Chapter 120, Florida Statutes.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

58. **Purchasing Agent** – An employee of the Purchasing Office whose main responsibilities include, but are not limited to facilitating all related public procurement responsibilities.
59. **Purchasing Card (P-CARD)** – The charge card utilized by state agencies for informal procurements, emergency purchases, and travel.
60. **Purchasing Card Post Audit** – Performance of a review of completed purchasing card charges to ensure that proper purchasing procedures have been followed.
61. **Purchasing Categories/Thresholds** – The categories related to specific dollar amounts established by Section 287.017, Florida Statutes and that govern required procurement procedures depending on the category.
62. **Purchasing Gate Keeper** – A purchasing employee that has been assigned the responsibility of receiving all agency requisitions as they are submitted to the Purchasing Office’s MFMP queue, and who then assigns the requisition(s) to the appropriate purchasing employee within the Purchasing Office for processing.
63. **Purchasing Officer** – The individual within the Purchasing Office that is tasked with overseeing all related public procurement activities for the Agency. The person is also known as the Purchasing Manager/Director.
64. **Purchase Order** – A written agreement (paper based and no longer used – however referred to occasionally for audit and research purposes) formalizing a transaction between an agency and a vendor. The purchase order represented (i) a contractual procurement from a vendor, and (ii) a transaction issued pursuant to an agency or state term contract. See the definition of Direct Order.
65. **Requestor** – The individual within the Program Area Office that initiates the purchase requisition details through the MyFloridaMarketPlace e-procurement system. This person also works directly with the Purchasing Office as may be needed.
66. **Requisition** – A formal electronic MFMP request to procure commodities or contractual services on behalf of a program area.
67. **Requisitioner** – Any individual that initiates a purchase requisition or any type of request for goods or services utilizing MFMP or the P-Card.
68. **Renewal** – Entering into a written agreement with a contractor for an additional period of time after the initial contract period pursuant to the same contract terms and conditions, specifically providing for such renewal. **Emergency procurements and single source procurements may not be renewed. Additionally, a competitively solicited contract cannot be renewed unless**

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**there is a renewal provision in the Request for Proposal, Invitation to Bid or Invitation to Negotiate, and the resulting contract. Section 287.012 (20), Florida Statutes.**

69. **Request for Information (RFI)** – A written request made by an agency to vendors for information concerning commodities or contractual service. Responses to these requests are not offers and may not be accepted by the Agency to form a binding contract.
70. **Request for Proposals (RFP)** – A type of written solicitation utilized by the Agency for competitive sealed proposals. The request for proposal is used when it is not practicable for the Agency to specifically define the scope of work or 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 services to meet the specifications of the solicitation document. A Request for Proposal includes, but is not limited to, general information, applicable laws and rules, functional or general specifications, scope of work, proposal instructions, and evaluation criteria. Request for Proposals are to state the relative importance of price and technical evaluation criteria.
71. **Request for Quote (RFQ)** – An oral or written request for written pricing or services information from a state term contract vendor for commodities or contractual services available on a state term contract from that vendor.
72. **Schedule of Events** – A listing of dates and times of all relevant events and deadlines for Request for Proposals, Invitations to Bid, and Invitations to Negotiate that appears in the solicitation document.
73. **Single Source** – A purchase of a commodity or contractual service that is available from only one source. Section 287.057(5)I, Florida Statutes.
74. **Solicitation** – A request for bids/proposals/quotes/offers to provide supplies, services, or construction items.
75. **Small Business** - An independently owned and operated business that employs 200 or fewer permanent full-time employees and that, together with affiliates, has a net worth of not more than \$5 million or any firm based in Florida, which has a SBA 8(a) certification. As applicable to sole-proprietorships, the \$5 million net worth requirement shall include both personal and business investments.
76. **State Purchasing Agreement (SPA)** – A document which replaced the State Negotiated Agreement Price Schedules (previously known as SNAPS II). These agreements are optional use and limited to expenditures not to exceed Category 2 (\$25,000).

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

77. **State Term Contract** – A term contract that is competitively procured by the Department of Management Services for certain goods or services and that is used by various agencies and eligible users from which to procure goods or services without a competitive solicitation.
78. **Statement/Scope of Work** – A narrative attached to the solicitation document and contract that details the commodities and/or services to be provided, specific eligibility requirements, concrete objectives that are to be accomplished, and any other requirements that affect how the commodities and/or services will be delivered as well as specifying any reports due and benchmarks for performance.
79. **Sub-recipient** – A non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. A sub-recipient may also be a recipient of other federal awards directly from a federal awarding agency.
80. **Term Contract** – An agreement to furnish commodities or contractual services during a defined period.
81. **Vendor** – A person or entity that sells or offers to sell commodities or contractual services.
82. **Vendor Bid System** (VBS) – The system which allows all state agencies to advertise bids and exceptional purchases on MyFlorida.com. It also provides automatic email notification bid advertisements, addendums to bids, and exceptional purchases to be sent to vendors.
83. **Written Quote** – A price quote submitted either on company letterhead, company fax transmittal sheet with authorized signature, or e-mail by an account representative with company contact information included in the e-mail.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**SECTION ONE: PURCHASING**

**I. GENERAL**

**A. STATE AND FEDERAL PROCUREMENT LAWS**

When there may exist a conflict between state procurement law and federal procurement law, as a general rule, if both bodies of law do apply, and there is truly a conflict between them, then the federal law will take precedence over the state law.

**B. PRINCIPLES OF PROCUREMENT**

The Agency has established a purchasing philosophy that adheres to the following principles:

- **Legality and Ethics:** Strict adherence to the requirements of the law, unaffected by personal gain or personal relationships;
- **Effective Service:** Providing Agency users what they need when they need it;
- **Efficiency:** Achieving maximum value with minimum resources and time;
- **Economy:** Obtaining maximum benefit for the dollars expended;
- **Fairness:** Offering competitive opportunities to the maximum number of contacts and suppliers; and
- **Diversity:** with every purchase, consider supplier diversity.

**C. ETHICS IN PROCUREMENT**

The AWI shall maintain high standards of ethics and conduct in all procurement transactions.

Public employees possessing a Purchasing Card and employees engaged in the procurement process are required to maintain complete independence and impartiality in dealings with vendors, both in fact and in appearance, in order to preserve the integrity of the competitive process and to ensure that there is public confidence that contracts are awarded equitably and economically. All procurement transactions, regardless of dollar value, shall be conducted in a manner so as to provide maximum open and free competition. Personnel must be alert to conflicts of interest or noncompetitive practices among vendors that may restrict or eliminate competition or otherwise restrain trade.



**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Positive efforts will be made to utilize minority businesses as sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete.

No Agency employee may hold any type of employment or contractual relationship with a contractor or subcontractor that does business with the Agency.

The standards below have been paraphrased and are not intended to interpret or revise the statutes. Further guidance is contained in AWI Policy Number 1.05, Code of Ethics, and Chapter 112, Florida Administrative Code. AWI Policy Number 1.05, Code of Ethics, is available at the following URL:

<http://intra.awi.state.fl.us/Policies/default.htm>

Questions regarding the application of these standards should be directed to the AWI Office of General Counsel.

1. **Solicitation or Acceptance of Gifts:** No employee of this Agency shall solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official action or judgment of the employee would be influenced. Section 112.313(2), F.S.
2. **Doing Business with One's Agency:** No employee acting in his or her official capacity shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for this Agency from any business entity that he or she, or his or her spouse, or child is an officer, partner, director, or proprietor of in that such officer, or his or her spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to this Agency. Section 112.313(3), F.S.
3. **Unauthorized Compensation:** No employee of this Agency, or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value that may appear or be perceived to influence an action in that the employee is expected to participate in his or her official capacity. Section 112.313(4), F.S.
4. **Misuse of Public Position:** No employee of this Agency shall corruptly use or attempt to use his or her official position, or perform his or her official duties to secure special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with Section 112.313(6), F.S.
5. **Conflicting Employment or Contractual Relationship:** No employee of this Agency shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of, or is doing

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

business with, this Agency. Nor shall an employee of this Agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties. Section 112.313(7), F.S.

6. **Disclosure or Use of Certain Information:** No employee of this Agency shall disclose or use information not available to members of the general public and gained by reason of his or her official position for his or her personal benefit, personal gain, or benefit of any other person or business entity. Section 112.313(8), F.S.

**D. DISALLOWED PURCHASES**

State agencies may purchase only items necessary to carry out statutory duties and should select such items on an economically prudent and cost effective basis, not to satisfy the personal convenience or personal preference of individuals.

The purchase of disallowed items may result in the Department of Financial Services refusing to pay the invoice and the individual who requested and/or received the item may be held personally accountable for payment and subject to discipline. When in doubt, contact the Purchasing Office for advice.

Examples of disallowed items may include, but are not limited, to the following:

- Alcoholic beverages;
- Aspirin, band-aids, and other such items for personal benefit however first aid kits are permitted;
- Briefcases, lamps and clocks without specific justification;
- Congratulatory or condolence telegrams;
- Convenience appliances, such as heaters, fans, refrigerators, stoves, microwave ovens, dishwashers, coffee makers, mugs, smoke filters, etc.;
- Entertainment costs;
- Greeting cards;
- Meals, beverages, refreshments; except as authorized by the Agency's Travel Policy 3.05.
- More expensive office supplies, furniture, etc., than necessary to meet a legitimate need;
- Plants, flowers, pictures, statues, globes, picture frames, lamps and other decorative items.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

**E. KEY DATES**

The state fiscal year runs from July 1 through June 30 of each year. Prior to the end of the state fiscal year, the Purchasing Office establishes deadlines for electronic MFMP Purchase Requisitions to be initiated and approved. A memorandum is issued annually identifying actual dates.

**Fiscal Deadlines**

1. **Fiscal Year Ending, purchase requisition deadlines:**

**April 15** – Requisitions involving funds to be encumbered by the end of the current state fiscal year should be submitted to the Purchasing Office by April 15th when the purchase requires competitive bidding or proposals, or various prior approvals by regulatory agencies outside the AWI.

**June 1** – Routine requests for purchase order/direct orders not requiring formal competition or outside approvals should be submitted to the Purchasing Office by June 1st.

2. **Fiscal Year Beginning, purchase requisition deadlines:**

**May 1** – All requisitions for annual orders of commodities or services, including blanket purchase orders/direct orders starting July 1, should be submitted to the Purchasing office no later than May 1st. It will take several days for the Purchasing Office to process these requests and approve them to begin their course through the approval flow in MyFloridaMarketPlace (MFMP). Requisitioners must be sure to identify the appropriate fiscal year on the requisitions within MFMP and to mark the requisitions to hold for release until July 1st, after the new-year budget is available. On the date of release, the Direct Order will be generated creating an encumbrance in FLAIR and allowing it to be issued to the vendor. If the order is released prior to the next fiscal year, current year funds will be encumbered, if available.

3. **Late processing:**

Requisitions received after these deadlines may result in the loss of funds or interruptions in services, equipment leases, etc. Requisitions received after the stated deadlines may not be processed by June 30th.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

**II. RESPONSIBILITIES**

**A. PURCHASING OFFICE RESPONSIBILITIES**

The Purchasing Office responsibilities include:

- Developing and implementing rules, operating procedures, and standards for Agency purchasing functions.
- Monitoring purchasing functions in all Agency program areas to ensure compliance with the Agency's Purchasing policy and statutes and rules that govern public procurement.
- Providing technical assistance to all Agency program areas in order to support the purchasing function.
- Developing training programs for Agency-wide use to implement and improve the application of purchasing policies, operating procedures, and standards.
- Coordinating purchasing activities with other state and federal agencies.
- Coordinating audit and management review responses and corrective actions regarding purchasing functions.
- Reviewing proposed purchasing related legislation and its impact on AWI.
- Representing AWI before other agencies on statewide purchasing issues.
- Developing and implementing automated purchasing systems for the Agency whenever feasible and economical.
- Assisting in budget preparation by providing cost information, appropriateness and commodity availability.
- Facilitating the Agency solicitation and cost/price analysis and contract development process.
- Conducting special studies and projects relating to purchasing.
- Ensuring MFMP requisitions are properly completed, to include adequate descriptions of items requested, justification, and special approval documentation as necessary, and processing the requisitions.
- Developing and administering the Agency's supplier diversity program in support of the One Florida Initiative.
- Conducting P-card post audits of P-card purchases for compliance with state law, and Agency purchasing policy.
- Managing vendor information and investigating complaints related to purchasing activities within the Agency by:

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- Facilitating and addressing vendor complaints regarding state contracts to DMS.
- Addressing and enforcing contractual clauses of Agency contracts.
- Directing problems with PRIDE to PRIDE headquarters.
- Directing problems with RESPECT to RESPECT headquarters, and
- Supporting the One Florida Initiative ensuring that purchases reflect the full diversity of Florida's population.
- Coordinating responses.
- Planning and coordinating purchases to ensure that quality products and services are obtained in a timely manner from responsible vendors on a competitive basis.
- Reporting any violations of state, federal or Agency purchasing policies and procedures to the Deputy Director of Agency Support Services and recommending corrective actions necessary to preclude the recurrence of such violations.
- Ensuring that all vendors doing business with the Agency are treated equally and fairly in the awarding of solicitations and contracts.
- Serving as Agency Contract Administrator and maintain original Agency solicitation and contract files.
- Evaluating new or substitute products delivered to or under consideration for use within the Agency.
- Conducting periodic meetings with Agency requisitioners and AWI Management to discuss purchasing topics of mutual concern and to promote professionalism within the Agency.
- Taking recommendations to improve purchasing office operations.
- Reviewing professional and trade publications to determine market trends and product information that could affect Agency purchasing operations.
- Providing administrative guidance to the Early Learning Coalitions and Workforce Boards as may be needed.
- Greeting vendors and serve as the focal point for the dissemination of product information to appropriate staff within the Agency.
- Serving as the Agency MFMP Security Administrator. The MFMP System Administrator acts as the custodian and facilitator of all activities related to updating and maintaining user's roles within the system, including, but not limited to:
  - Maintaining an electronic library on the AWI/Purchasing shared drive of all MFMP System Administrator actions.
  - Processing monthly reviews of the Agency MFMP User Tracking Report. This process consists of the following steps:

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- A copy of the Agency MFMP User Tracking Report is downloaded from the toolkit and formatted and then forwarded to the Process Managers monthly to ensure that the MFMP users profile information is correct.
  - Any changes are returned to the MFMP System Administrator to execute the recommended changes in the user's profiles. These changes are marked as complete in the comment section of the report.
  - Upon completion of the recommended changes, the MFMP System Administrator verifies that the information was updated by downloading a new report the following week.
- 
- Setting up and maintaining the list of new users and changing roles and profiles of existing users as may be requested.
  - Maintaining evidence of the approval of each user's roles and profiles.
  - Sending confirmation e-mails to the Requestors upon completion of all change requests that are submitted in writing or via telephone (verbal requests must be confirmed via e-mail).
  - Obtaining approval of all written change requests from the appropriate Program Area Supervisor.
  - Providing Agency MFMP Training to Agency MFMP users.
  - Acting as the first point of contact for the reporting, tracking and resolution of MFMP related issues.
  - Facilitating monthly meetings with the DMS MFMP Team and the Agency Purchasing and Accounting representatives for issue follow up and resolution.
  - Attending periodic MFMP monthly meetings and reporting results to the Purchasing Manager.
  - Facilitating communication of pertinent MFMP related issues to Agency MFMP users (i.e., e-mail communications from DMS MFMP Team, Agency Training Opportunities, etc.).
  - For further information on how to create, revise, etc., a requisition/direct order, refer to the MyFloridaMarketPlace Training web tool which is located at the following website URL:

<http://training.myfloridamarketplace.com/buyer>

- Ensuring sufficient lead time is provided for commodity evaluation, prior approvals, bidding, and delivery.
- Ensuring that Agency personnel make no obligations against the Agency until the purchasing staff has completed all required activities.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

- Monitoring purchasing activity to ensure competitive solicitations are issued in accordance with Chapter 287, F.S.

**B. PROGRAM AREA RESPONSIBILITIES**

The Program Area responsibilities include:

- Ensuring that all requisitions are completed in their entirety, attaching supplemental quotes, justifications, and approvals prior to submitting the requisition to the Purchasing Gate Keeper.
- Ensuring that adequate time is provided for approval and purchasing activities to be accomplished.
- Confirming that identified vendors are registered to do business with the state in the MyFloridaMarketPlace (MFMP) system. If vendors are not registered in MFMP, then assisting the vendors to become registered in MyFloridaMarketPlace.
- Following state rules and regulations; procuring all commodities and services covered under any AWI implemented term contract through such contract.
- Having access to state term contracts, Agency term contracts, SPA agreements, and other alternate contract sources, such as the GSA IT Schedule 70 contract.
- Meeting or exceeding prior year minority and women-owned business expenditures.
- Staying abreast of and monitor the implementation of purchasing policies and procedures for compliance with state law and Agency purchasing policy by attending training offered by the Purchasing Office.
- Developing competitive solicitations and cost/price analysis in conjunction with the Purchasing Office.
- Initiating purchase requests through the Purchasing Office.
- Making purchasing/business recommendations to the Agency Purchasing Manager.
- Managing vendor information and complaints by:
  - Facilitating solutions to vendor complaints.
  - Documenting vendor complaints and actions taken.
  - Addressing vendor complaints regarding state contracts to the Purchasing Office.
  - Addressing and enforcing contractual clauses of Agency contracts.
- Ensuring that appropriate written justification is included on requisitions on purchases that are not procured via a state term contract, as applicable.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- Assigning a Project Manager, if needed, to serve as the Program Area procurement main point of contact, as well as a Contract Manager manage program area contracts, and to act as Contract Manager accordingly.

### **III. PROCUREMENT INSTRUMENTS**

The procurement of all commodities and services will be accomplished by one of the following methods:

#### **A. P-CARD**

Utilization of the Purchasing Card is limited to the authorized Cardholder whose name appears on the face of the card. Purchasing Cards are issued by the Agency's Purchasing Card Administrator following:

- Completion (and approval) of a cardholder profile information form (see AWI's P-Card Policy 3.06).
- Completion of the AWI Purchasing Card Program training

**The Purchasing Office encourages the use of the P-Card for purchases under \$2,500.** This process enables the cardholder to procure commodities and some services without issuance of a Direct Order. Under the P-Card Program, the cardholder may order commodities or services within procurement guidelines provided by the Purchasing Office and within their authorized monthly or single transaction dollar limit which is established by the Purchasing Card Administrator. Using the P-Card will:

- Expedite the delivery of commodities and services.
- Reduce the number of small dollar value Direct Orders.
- Reduce paperwork from vendors and provide immediate payment to vendors.
- Permit purchasing in emergency situations when Direct Orders may be unavailable.
- Lower overall purchasing transaction costs and increase accountability.
- Provide electronically, certain management information that is currently unavailable.

When a P-Card is issued to an employee, it constitutes a delegation of purchasing responsibilities to that employee. Therefore, cardholders must follow good purchasing practices and comply with all applicable purchasing statutes and procedures.

The Purchasing Card function is managed by the Agency's Finance and Accounting Office. Please refer to the AWI Purchasing Card Policy (Policy



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Number 3.06) for detailed guidelines, policy and procedures relating to the Purchasing Card functions.

The Purchasing staff will conduct semi-annual reviews of purchasing card charges to ensure that cardholders, reconcilers and approvers are in compliance with the law and pertinent administrative rules that pertain to commodity and/or service related purchases. It is critical that cardholders and processors comply with state and Agency purchasing regulations as well as established practices.

Randomly selected transactions made by individual purchasing card groups will be audited. If it is determined that the cardholder is not in compliance with state and Agency purchasing rules and regulations, the cardholder's Process Manager, Supervisor and AWI Purchasing Card Program Administrator (PCPA) will be notified of the required corrective action with a time frame specified for completion. In the event corrective action does not eliminate non-compliance as stated above, the PCPA will, at a minimum, temporarily revoke the cardholder's privileges until the cardholder has availed themselves of additional Purchasing Card and other Purchasing trainings.

The review will consist of selecting a random sample and analyzing documentation to ensure that each cardholder procured commodities and/or services from an appropriate source and completed the required documentation. The Purchasing Auditor will identify errors found and will issue a memo to the cardholder(s) outlining the error(s), and necessary corrective action, if any.

Listed below are the criteria utilized during the purchasing card post audit review:

- Is supporting documentation attached as requested/required?
- Memos (optional, but used to explain transactions/problems).
- Were quotes obtained as required by section 287, F.S. and Rule 60A-1, F.A.C.?
- Were appropriate vendors used (e.g., state contract, etc)?
- Were the goods/services purchased ethically? Were any disallowed purchases made?
- Were transactions split to avoid obtaining bids or quotes?
- Was a certified minority business used or considered where possible?
- Did the cardholder follow state statutes, Department of Financial Services' guidelines and applicable rules of purchasing?
- Are any of the purchases disallowed?
- Awards (specific guidelines apply).
- Was the proper Federal Employment ID (FEID) utilized when processing the charge? If not, an "information only" memo will be sent to the processor advising them of the proper FEID to use for any future charges.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Upon completion of the review, the reviewer will issue a memorandum outlining any errors made by the cardholder. To ensure that errors noted are corrected properly, the reviewer will provide the correct procurement method.

**B. MFMP Requisition**

Unless approval is otherwise granted, from the Purchasing Office, all purchases greater than \$2,500 must be made utilizing an MFMP Requisition. The MFMP Requisition is created utilizing the MyFloridaMarketPlace (MFMP) system. MFMP provides an online, statewide marketplace for government buyers and vendors to conduct business, and provides the State the opportunity to leverage its purchasing power as the State acts as one purchasing entity, with the objective of reducing the cost of goods and services purchased.

MFMP also provides the state with better visibility to what is being purchased, and as a result provides better purchasing decisions and enables the state to negotiate better pricing with suppliers.

The MFMP system shares data with the State's Accounting system, FLAIR. The acronym FLAIR stands for "Florida's Accounting Information Resource system."

Section 287.057(23), F.S. provides that to enable the state to promote open competition and to leverage its buying power, agencies shall participate in the on-line procurement program (MFMP). Only vendors pre-qualified as meeting mandatory requirements and qualifications criteria shall be permitted to participate in on-line procurement. DMS may collect fees (transaction fees) for the use of the on-line procurement system.

Rule 60A-1.030, F.A.C. provides that vendors desiring to sell commodities or contractual services as defined in section 287.012, F.S., to the state through the on-line procurement system be pre-qualified to do so and shall register in the MyFloridaMarketPlace system, unless exempted under subsection 60-A-1.030, F.A.C. Information about the registration process is available, and registration may be completed at the MyFloridaMarketPlace website (link under business on the State portal at [www.myflorida.com](http://www.myflorida.com)). Interested persons lacking Internet access may request assistance from the MyFloridaMarketPlace Customer Service Section at (866) FLA-EPRO ((866) 352-3776) or from State Purchasing, 4050 Esplanade Drive, Suite 300, Tallahassee, FL 32399.

An agency shall not enter into an agreement for the sale of commodities or contractual services as defined in section 287.012, F.S., with any vendor not registered in the MyFloridaMarketPlace system, unless exempted under subsection 60A-1.030(3), F.A.C., provided, however, that an agency may do so if the Agency Purchasing Manager (or designee) determines in writing (or

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

electronically) that it is necessary to do so to prevent significant interference with the agency's mission.

An automated purchase requisition is completed, initiated and submitted within the MyFloridaMarketPlace (MFMP) system following a determination that a specific item is needed and provided for in the program area budget. The Requisitioner in the program area prepares the requisition.

**1. Processing MFMP Purchasing Requisitions**

Each program area is responsible for ensuring that sufficient funds are available to cover commodities and/or services purchases prior to the issuance of a Purchase Requisition.

**All Purchase Requisitions for information technology resources require approval according to AWI Policy 5.01.**

**NOTE: All requests for operating capital outlay (OCO) must be reviewed and approved by the "OCO Review Team".** The OCO Review Team is comprised of the Deputy Directors for Program Support, Unemployment Compensation, Early Learning, the Chief Information Officer, the Controller and the Chief of Staff.

Approval of all OCO allocations are contingent, in part, upon availability of appropriate and sufficient revenue to support the request.

Operating Capital Outlay" (OCO) means the appropriation category used to fund equipment, fixtures, and other tangible personal property of a non-consumable and nonexpendable nature under s. 273.025, F.S. NOTE: the definition of OCO in s. 216.011(1)(bb), F.S. was changed effective June 9, 2006. "Property" previously was defined to mean equipment, fixtures, and other tangible personal property of a non-consumable and nonexpendable nature, the value or cost of which is \$1,000 or more and the normal expected life of which is 1 year or more, and hardback-covered bound books that are circulated to students or the general public, the value or cost of which is \$25 or more, and hardback-covered bound books, the value or cost of which is \$250 or more. Newly created s. 273.025, F.S., provides that "the Chief Financial Officer shall establish by rule the requirements for the capitalization of property that has been recorded in the state's financial systems." Until a rule provides otherwise, the Agency will continue to define OCO in accordance with the prior definition (i.e., the \$1,000 threshold).

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Purchase Requisitions received in the Purchasing Office are generally processed within two (2) business days of receiving a completed and approved purchase requisition with all supporting documentation.

Program Areas must complete a cost analysis and a price analysis (reference 29CFR95.45) for all purchases greater than \$24,999 utilizing the Agency's cost and price analysis template that is available for download from Purchasing's Intranet web page, at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

All Purchase Requisitions shall contain the following:

- a. Beginning date and ending date;
- b. Scope of Work;
- c. Deliverables;
- d. Payment Methodology;
- e. Performance Standards;
- f. Description (Who, What, When, Where, How);
- g. Program Office name before the title in the requisition title line;
- h. Requisitioner's phone number at the end of Requisitioner's name in the "Deliver To" line;
- i. Justification shall be included in the comments when the commodity/service is available from one source and the dollar amount is under \$25,000. Additionally, the Requisitioner must submit an in-house justification request via memorandum to the Purchasing Manager for approval prior to processing the requisition; and
- j. Quotes shall be attached to the requisition for all purchases of \$2,500 but less than \$25,000. A minimum of two quotes will be required.

If the dollar amount is over \$25,000 and only available from a single source, then the Requisitioner must forward a scope of work along with single source justification to the Purchasing Office via e-mail. The Purchasing Office will complete the required Exceptional Purchase Forms and facilitate approvals and posting as applicable.

**NOTE: When preparing a requisition in MFMP, DO NOT select "lot" as the unit of measure for commodity requisitions. The information contained in the line item should match how the invoice will be received. Additionally, an MFMP Requisition Checklist is available as a reference tool for requisitioners, and may be**

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

downloaded from Purchasing's Intranet web page from the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

**2. MFMP Confidential Information**

Personal and Confidential information that is directly related to an individual is prohibited from being included in MFMP. This includes information included in the comments field, line item description as well as attachments. Refer to AWI Policy Number 4.10 entitled MyFloridaMarketPlace Confidential Information Policy.

**3. Review of MFMP Requisitions**

Purchase requisitions are reviewed by the Purchasing Office every working day as the requisitions appear in the Purchasing Office's queue within MFMP.

**4. MFMP Electronic Approvals**

Before a Direct Order is issued, the Purchase Requisition must have all electronic approvals from all appropriate approving personnel. MFMP approvals are electronically generated by the use of the requestor's user name and password.

**5. Procurements Exempt from MFMP**

The following procurements are exempt from being processed through the MyFloridaMarketPlace system, and will be paid by the Office of Financial Management without being processed through the Purchasing Office:

- a. Interagency Agreements;
- b. Grants;
- c. Purchase Card Charges;
- d. Journal Transfers;
- e. Unemployment Compensation charges for employees;
- f. Personnel charges from the Department of Management Services;
- g. Postage or post office box rental;
- h. Telegraph charges;
- i. Utilities;
- j. Contracts procured and executed by WFI where payments are made by AWI;

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- k. Regional Workforce Board (RWB) Allocations;
- l. Coalition Contracts; and
- m. Early Learning Coalition Allocations and grant agreements

**6. Transaction Fee**

Pursuant to Section 287.057(23), F.S., all payments, unless exempt, shall be assessed a Transaction Fee of one percent (1.0%) which the vendor shall pay to the State.

For payments within the State accounting system (FLAIR or its successor), the Transaction Fee shall, when possible, be automatically deducted from payment to the vendor. If automatic deduction is not possible, the vendor shall pay the Transaction Fee pursuant to subsection 60A-1.031(2), F.A.C.

The vendor shall receive a credit for any Transaction Fee paid by the vendor for the purchase of any items if such items are returned to the vendor through no fault, act, or omission of the vendor. Notwithstanding the foregoing, a Transaction Fee is non-refundable when an item is rejected or returned, or declined, due to the vendor's failure to perform or comply with specifications or requirements of the agreement.

Failure to comply with these requirements shall constitute grounds for declaring the vendor in default and recovering re-procurement costs from the vendor in addition to all outstanding fees. Vendors delinquent in payment transaction fees shall be excluded from conducting future business with the state.

**7. MyFloridaMarketPlace Transaction Fee Exemptions**

Rule 60A-1.032 F.A.C., provides that the following transactions are exempt from the Transaction Fee that would otherwise apply under Rule 60A-1.031, F.A.C. Exemption from paying the Transaction Fee does not in itself exempt the vendor or an agency from the registration requirements of Rule 60A-1.030, F.A.C.:

- a. Procurements under Section 337.11, F.S. which provide for acquisition of construction and related maintenance; provided, however, that the agency may elect to conduct such procurements via MyFloridaMarketPlace and impose the Transaction Fee, in which case the agency shall ensure that such terms are conspicuously included in the solicitation documents.
- b. Procurements under Section 287.055, F.S. for the acquisition of architectural, surveying, landscape and mapping services.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- c. Procurements under Chapter 255, F.S.; provided, however, that the Agency may elect to conduct such procurements via MyFloridaMarketPlace and impose the Transaction Fee, in which case the Agency shall ensure that such terms are conspicuously included in the solicitation documents.
- d. Transactions with an entity designated as non-profit under the Internal Revenue Code or by the Florida Secretary of State unless such entity is awarded a contract following a competitive solicitation involving for-profit entities and the contract, if awarded to a for-profit entity, would be subject to the transaction fee.
- e. Transactions with another governmental agency, as defined in Section 163.3164 F.S., with a private university in Florida, with an agency of another state, or with another sovereign nation, unless such entity is awarded a contract following a competitive solicitation involving private entities and the contract, if awarded to a private entity, would be subject to the transaction fee.
- f. Transactions in which law or government regulation requires that the commodity or service be provided by a sole provider (e.g., regulated utilities, legislatively mandated transactions, etc.), and transactions in which the price paid and the payee are established by federal or private grant.
- g. Payments to unregistered vendors under Rule 60A-1.030(3), F.A.C.
- h. Payments to a vendor in exchange for providing health care services at or below Medicaid rates, even if the vendor is otherwise registered in MyFloridaMarketPlace.
- i. Disbursements of State financial assistance to a recipient as defined in the Florida Single Audit Act, Section 215.97, F.S.; disbursements of federal awards to sub-recipients as defined in Circular A-133 of the US Office of Management and Budget; payments of State dollars to satisfy federal Maintenance of Efforts requirements; and payments of State dollars for matching federal awards.
- j. With DMS' prior written approval an agency may exempt a particular transaction from the Transaction Fee. As a necessary condition to obtaining this approval, the agency shall provide to the Department its Agency Head's (or designee's) written (or electronic) determination, with all supporting facts and circumstances, that:

“The transaction is critical to the agency’s mission or necessary for the public health, safety, or welfare; and the imposition of the fee would prevent the consummation of the transaction.”

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

The Purchasing Office will assist the Program Areas with facilitating a waiver of the transaction fee with DMS. DMS has fourteen (14) days to respond to the Agency, either granting approval, denying approval, or requesting additional information.

Requests outstanding for more than fourteen (14) days shall be deemed approved by DMS.

An agency may exempt a particular single transaction from the Transaction Fee if:

- a. The Governor suspends purchasing regulations due to an emergency; or
- b. The Agency Head declares an emergency under Section 287.057(5)(a), F.S. or other statutory basis.

**C. Direct Order**

The Direct Order is the result of a fully approved MFMP requisition and serves as the web-based electronic agreement that formalizes a transaction between the agency and the vendor. The Direct Order (previously referred to as a Purchase Order) is the standard instrument for procuring the majority of commodities and services. Direct Orders are automatically created upon the final electronic approval of a MyFloridaMarketPlace electronic purchase requisition. Purchases equal to or greater than \$2,500 that are made prior to the issuance of a Direct Order are unauthorized and, therefore, not binding on the Agency. Unauthorized purchases may result in the requestor being held responsible for payment or subject to disciplinary action. The Direct Order should contain statements of the name, part number, quantity, description, and price of goods or services ordered; agreed-to-terms as to payment, discounts, date of performance, and transportation; and all other agreements pertinent to the purchase and its execution by the vendor.

A good way to avoid last minute purchases of commonly used supplies and services is to establish either a blanket/term Direct Order, or purchase utilizing the purchasing card if the purchase is under \$2,500.

**IV. TYPES OF PROCUREMENT**

There are three (3) main types of procurements as defined in Florida Statutes:

1. Small Purchases
2. Non-Competitive
3. Competitive



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**A. Small Purchases**

There are two types of small purchases:

1. Purchases with a value below \$2,500. These purchases 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.
2. Purchases with a value of \$2,500 up to \$24,999. These purchases shall be carried out utilizing written quotations, written records of telephone quotations or informal bids.

**B. Non-Competitive**

There are eleven types of non-competitive purchases:

- Exempt Procurements.
- Single Source/Exceptional Purchases.
- Emergency Purchases.
- Request for Quotes.
- Prison Rehabilitative Industries and Diversified Enterprises (PRIDE).
- RESPECT of Florida.
- Alternate Contract Sources.
- GSA Schedule.
- State Purchasing Agreements.
- Informal Bids.
- Request for Information.

Listed below is a description of each of the eleven types of non-competitive purchases:

1. **Exempt Procurements.** Please refer to Section 287.057(5)(a-g), F.S. for a detailed listing of exempt procurements.
2. **Single Source/Exceptional Purchases.** Section 60A-1.045, F.A.C. provides that single source purchases are purchases of commodities or contractual services available **only from a single source**. Pursuant to Section 287.057(5)(c), F.S., such purchases are excepted from the competitive solicitation process.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

a. **Single Source Procurement Procedures**

1. **Program Area Responsibilities**

- a. Identify need for single source procurement, and notify the Purchasing Office of same via e-mail.
- b. Forward the justification for the single source to the Purchasing Office via e-mail. At a minimum the justification must answer the following questions:
  1. How was the determination made that the selected vendor is the only vendor that can provide the commodities or services being sought?
  2. What would the Agency do if this vendor was not in business?
  3. Why is the identified commodity or service the only commodity or service that will meet the Agency's need?
- c. Sign the Conflict of Interest Questionnaire and Certification forms and return the forms to the Purchasing Office for filing.

2. **Purchasing Responsibilities**

Upon receipt of the single source justification from the Program Area, the Purchasing Office will facilitate the actions described below:

- a. **If the total cost is anticipated to be in excess of the threshold for Category Two (\$25,000)**, the Purchasing Office shall electronically post Form PUR 7776, "Description of Intended Single Source Purchase". This notice shall be posted for at least seven (7) business days.
- b. After posting the "Description of Intended Single Source Purchase" form for the seven (7) business day period, the Agency must determine in writing that the commodity or service is only available from a single source. If any information is received from prospective vendors as a result of the posted "Description of Intended Single Source Purchase", the Agency's written determination must address each prospective vendor's submission and explain why such submission does not meet the Agency's requirements.
- c. **If the total cost does not exceed the threshold amount for Category IV (\$150,000)**, after making the written determination required above, the Agency shall provide

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

notice of its decision to enter into a single source purchase by utilizing Form PUR 7778, “Notice of Intended Decision to Enter into a Single Source Contract”. This notice must be electronically posted in accordance with Section 120.57(3), F.S. for three (3) additional business days.

- d. **If the total cost of the single source purchase will exceed Category IV (\$150,000)**, the Purchasing Office must file a certification with the Department of Management Services (DMS) for the single source purchase and receive approval of such certification before posting the notice of intended decision under Section 120.57(3), F.S. **Purchases shall not be divided to circumvent these requirements. The Purchasing Office will submit the certification to DMS utilizing Form PUR 7777 (“Single Source Certification and Request for Approval”) electronically via e-mail to [Singlesource@dms.state.fl.us](mailto:Singlesource@dms.state.fl.us).**

DMS has 21 days to approve or disapprove the Certification request. Failure by DMS to respond to a request within 21 days of receiving a request or receiving additional requested information shall constitute approval of the request.

Upon receipt of DMS’ approval of the Certification request, the Agency shall provide notice of its decision to enter into a single source purchase by utilizing Form PUR 7778. This notice must be electronically posted in accordance with Section 120.57(3), F.S.

**If the single source purchase will be less than Category 2 (\$25,000)**, the Program Area Contract Manager must contact the Purchasing Office to facilitate an in-house single source approval request that does not require posting.

- e. **Modifications to a Single Source Contract:** If the Agency identifies the need to increase the originally advertised award amount in excess of Category II (\$25,000), the Agency must process the modification in accordance with Section 60A-1.045 (1-4), F.A.C.

The Program Area must provide written documentation to the Purchasing Office documenting how the total award amount, including modifications was determined. The circumstances surrounding the purchase and the Agency’s final determination shall be maintained in the Agency’s official contract file.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

If the increase will result in the original procurement meeting or exceeding \$50,000 **in contractual services**, then a two-party contract must be developed. See Contract Development Process.

Contracts procured via the single source procurement method shall not be renewed, as that term is defined in Section 287.012(20), F.S. If the agency believes that the commodity or service continues to be available only from a single source, the Agency must re-initiate the single source exemption process.

- f. **If the total cost of the single source procurement will be \$24,999 or less**, the Purchasing Office will review the justification request/memorandum received from the Program Area for approval. The Program Area must attach the approved justification to the MFMP requisition prior to electronically routing the requisition for Agency review and approval.

The Purchasing Office will prepare and route for signature the conflict of interest questionnaires and certification forms to all parties involved in the single source procurement, and upon obtaining all required signatures, the Purchasing Office will file the signed conflict of interest questionnaires and certification forms in the appropriate procurement file in the Purchasing Office.

The Purchasing Office will notify the Program Area upon completion of the posting processes, and will provide further direction to the Program Area, as applicable.

**Note: Conflict of Interest without Competition.** Section 287.057(20), F.S. and Rule 60A-1.002(6) provide that in any procurement that costs more than the threshold amount provided for in Category Two (\$25,000) **and is accomplished without competition**, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, or the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected. The attestations shall be placed in the Agency file. The Conflict of Interest Certification and the Conflict of Interest Questionnaire are available for download from Purchasing's Intranet web page at the link provided below:

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

<http://intra.awi.state.fl.us/gs/purchasing.htm>

3. **Emergency Purchases.** Emergency purchases may be made pursuant to Section 287.057(5)(a), Florida Statutes. The Procedures for requesting and processing an emergency purchase are provided below:
  - a. Program area identifies emergency need.
  - b. Program area forwards an e-mail to the Purchasing Office requesting approval to proceed with an emergency purchase. The e-mail shall contain the following information at a minimum:
    - 1) Name of Vendor.
    - 2) Amount of Purchase
    - 3) Detailed Explanation as follows:
    - 4) Request for approval to proceed with an emergency purchase.
    - 5) Circumstances that created the emergency.
    - 6) Identification of the danger to the public health, safety or welfare, or other substantial loss to the state.
    - 7) Description of efforts performed to obtain pricing from at least two vendors, or description of the immediate increased danger that would result from such efforts.
    - 8) Request for approval to proceed with an emergency purchase.

Upon receipt of the above information, the Purchasing Office will file Form PUR 7800, "Notice of Emergency Purchase," within thirty (30) days after date of issuance of the emergency direct order or contract. Emergency purchase contracts or direct orders cannot be renewed as defined in Section 287.012(20), F.S. Emergency purchase contracts or direct orders need not be posted electronically or by any other means. DMS approval is not required to make an emergency purchase, as the burden of proof rests with the Agency approved designee who authorized the purchase.

When there is no emergency and the Agency fails to have the written agreement signed as required, the Agency Head, no later than 30 days after the vendor begins rendering the service or delivering the commodity, shall certify the conditions and circumstances as well as action taken to prevent reoccurrence, to State Purchasing using the "Notice of Non-Compliance," Form PUR 1010. The Purchasing Office will facilitate this process as applicable.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

4. **Request for Quotes.** Used when making purchases from a State Term Contract in order to seek additional competition or to determine whether a price, term or condition more favorable to the Agency is available. If at least two vendors are on the State Term Contract and can provide the commodities or contractual services the Agency seeks, the Agency should solicit at least two (2) quotes, unless:
- a. the purchase is less than Category I (\$15,000), or
  - b. the State Term Contract specifically contains other RFQ requirements.

Agencies are required to use State Term Contracts, except when:

- a. the purchase amount does not exceed the greater of \$250 or any threshold amount established in the State Term Contract; or
- b. the Agency determines in writing that the State Term Contract item cannot meet an Agency need because of one of these factors:
  1. critical delivery schedules,
  2. the need for compatibility with existing equipment, non-availability of service, applications of unique technical requirements, product quality, or specifications that differ from those of the contract commodities or services; or
  3. the State Term Contract expressly designates that it is a non-exclusive contract, which designation may be conditional, e.g., require any off-contract vendors to match or beat the contract price. Commodities and services that are available on state term contract may be viewed at the website URL listed below:

[http://dms.myflorida.com/purchasing/state\\_contracts\\_agreements\\_and\\_price\\_lists/state\\_term\\_contracts](http://dms.myflorida.com/purchasing/state_contracts_agreements_and_price_lists/state_term_contracts)

When the commodity/service is purchased from a State Term Contract, and the pricing is anticipated to be under \$25,000, and is a multiple award for the same item from different vendors, then the Requestor must obtain quotes from the vendors on State Term Contract, as delineated by the state term contract being utilized.

If the pricing of the commodity/service being purchased off of a State Term Contract is anticipated to be \$25,000 or

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

greater, then the Requestor must contact Purchasing for assistance with developing an informal Request for Quote to be sent to the State Term Contractors.

**There are different requirements for each State Term Contract. Consult Purchasing for assistance.**

**Documenting Quotes:** All oral quotes should be appropriately documented, stating at a minimum the name of each responding vendor and the pricing and/or services information provided by the vendor in response to the Request for Quote. A copy of all responses to a Request for Quote(s) should be maintained by the Program Area. After receiving quotes from multiple vendors, the Agency shall base its contract decision on which vendor offers the best value, and shall document the purchase order file accordingly.

Quotes obtained in writing should be attached to the MFMP Requisition for Direct Orders. Written quote(s) may be received via e-mail, fax, or hard copy.

Quotes must include the following information:

- a. Name and Address of Each Vendor;
- b. Amount Quoted; and
- c. Signed and dated by an authorized representative of the vendor

If less than two quotes are received, then the Requestor's documentation (requisition/procurement file) must include a statement as to why additional quotes were not received. If the Agency determines that commodities or contractual services are available only from a single source, or that conditions warrant negotiation on the best terms and conditions, the Requestor must contact the Purchasing Office to obtain further guidance and ensure that appropriate procurement laws and rules are followed.

- 5. Prison Rehabilitative Industries and Diversified Enterprises (PRIDE).** PRIDE price agreement commodities and services are available for purchase by state agencies without competitive bid, but purchase of these commodities and services is not mandatory unless they are certified. The method of purchase from these PRIDE price lists by political subdivisions (cities, counties, school boards, etc.) is dependent upon local ordinances and regulations

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

governing procurement. Current PRIDE price agreements are available at the following website URL address:

[http://dms.myflorida.com/dms/purchasing/state\\_contracts\\_agreements\\_and\\_price\\_lists/pride](http://dms.myflorida.com/dms/purchasing/state_contracts_agreements_and_price_lists/pride).

6. **RESPECT of Florida.** RESPECT products and services are available for purchase by state agencies, as required by section 413.036, F.S. Currently the only available services under RESPECT is the program for the purchase of staffing services from the blind or other severely handicapped. This contract can be viewed at the following website URL address:

[http://dms.myflorida.com/purchasing/state\\_contracts\\_agreements\\_and\\_price\\_lists/respect](http://dms.myflorida.com/purchasing/state_contracts_agreements_and_price_lists/respect)

7. **Alternate Contract Sources.** Agencies may request from DMS permission to purchase commodities or services from term contracts competitively established by other governmental entities. Agencies must submit Form PUR 7102, "Agency Request for Review of Alternate Contract Source". The contract must contain specific language or the legal authority authorizing third parties to make purchases from the contract with the vendor's consent. A list of pre-approved alternate contract sources, and the agencies authorized to use such contracts may be found at <http://dms.myflorida.com>.

Agencies may also include the following contract language in a term contract authorizing DMS to approve the contract as an alternate contract source if requested by another agency:

"As provided in Section 287.042(16)(a), F.S. other state agencies may purchase from the resulting contract, provided that DMS has determined that the contracts use is cost-effective and in the best interest of the State. Upon such approval, the Contractor may, at its discretion, sell these commodities or services to additional agencies, upon the terms and conditions contained herein."

Purchases from alternate contract sources by political subdivisions (cities, counties, school boards, etc.) cannot be approved or disapproved by the DMS, but is dependent upon local ordinances and regulations governing procurement for those political subdivisions.

8. **GSA Schedule.** The GSA IT Schedule 70 contract is a DMS pre-approved alternate contract source that provides government



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

agencies with information technology (IT) and telecommunications hardware, software, and professional services. The Schedule 70 is currently open for use by federal, state, and local government agencies. State and local government agencies are able to purchase off of GSA's IT Schedule 70 by way of cooperative purchasing.

Under Cooperative Purchasing, state and local government entities may purchase a variety of information technology (IT) from contracts awarded under the federal supply Schedule 70. The website URL address to the GSA IT Schedule 70 Contract is listed below:

<http://www.gsa.gov/Portal/gsa/ep/channelView.do?pageTypeId=8199&channelPage=%252Fep%252Fchannel%252FgsaOverview.jsp&channelId=-13472>

State Purchasing pre-approves agencies' use of Schedule 70 and has set forth the following important constraints:

- Agencies are not pre-approved to purchase from alternate contract sources any goods or services that are on a State Term Contract procured by State Purchasing, unless justified under Rule 60A-1.044(3), F.A.C. When purchasing from Schedule 70, agencies shall follow the ordering procedures of Federal Acquisition Regulation (FAR) subpart 8.405, modified as follows:
  - a. No quotes are necessary for purchases up to \$2,500;
  - b. Three quotes are necessary for purchases up to \$125,000;
  - c. More than three quotes necessary for purchases over \$125,000; and
  - d. Schedule 70 may not be used for purchases over \$10 million.
- Agencies shall process Schedule 70 purchases in MyFloridaMarketPlace as a non-catalog direct order and further document the transaction as provided in F.A.R. subpart 8.405.

**9. State Purchasing Agreements.** State Purchasing Agreements (SPA) are administered by the Department of Management Services. They are similar to State Term Contracts. These agreements do not

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

establish the vendors as the exclusive source of the items under contract, and other vendors may offer and sell similar products or services without establishing a State Purchasing Agreement. State agencies are not required to use these Agreements, and SPA purchases are limited to expenditures not exceeding Category 2 (\$25,000). Current SPA Agreements may be viewed at the following website URL address:

[http://dms.myflorida.com/dms/purchasing/state\\_contracts\\_agreements\\_and\\_price\\_lists/state\\_purchasing\\_agreements](http://dms.myflorida.com/dms/purchasing/state_contracts_agreements_and_price_lists/state_purchasing_agreements).

10. **Informal Bids.** Requestors within each Program Area are responsible for obtaining informal bids. At least one quote must be obtained from a certified minority business enterprise (CMBE). If no CMBE is registered for the commodity or service that is being quoted, then the requisitioner must include a statement on the purchase requisition or purchasing card transaction records that explains this fact, and/or why a CMBE was not contacted for a quote. The Purchasing Office will provide assistance in locating a vendor upon request. Additionally, when seeking quotes, Requestors should stress to the vendor(s) that an order is not being placed and that no commodities or services are to be shipped or provided until a Direct Order has been issued and received by the Vendor, and or until an order has been made via a Purchasing Card. The Requestor may, if desired, suggest potential vendors to the Purchasing Office. **Regardless of who solicits quotes, identical specifications must be provided to each vendor in order to ensure an equitable comparison of prices (apples to apples).**
  
11. **Request for Information.** Section 60A-1.042, F.A.C. provides that an agency may request information by issuing a written Request for Information. Agencies may use Request for Information in circumstances including, but not limited to, determining whether or not to competitively procure a commodity or contractual service, determining what solicitation process to use for a particular need, or researching general, special and/or technical specifications for a solicitation. **A vendor's answer to a Request for Information is not an offer and the Agency may not use the vendor's submission to justify a contract with that vendor without otherwise complying with Chapter 287, F.S., and Chapter 60A-1, F.A.C. Vendors submitting answers to an agency's Request for Information are not prohibited from responding to any related subsequent solicitation.**

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**C. Competitive Purchases/Solicitations**

There are three types of competitive purchasing methods. Chapter 287.012(7), F.S. defines a competitive solicitation as an:

1. Invitation to Bid,
2. Request for Proposal, and
3. Invitation to Negotiate.

Purchases of commodities or contractual services over \$25,000 must be made through a formal, competitive, sealed Invitation to Bid (ITB), Request for Proposal (RFP), or Invitation to Negotiate (ITN). Formal solicitations shall be conducted pursuant to Ch. 287, F.S., and Ch. 60A, F.A.C.

**1. Invitation to Bid (ITB)**

Vendors are solicited by the issuance of a written ITB. **An ITB award must be made to the responsive/responsible bidder offering the lowest price.**

Bidder qualifications and products/services will be compared to requirements of the ITB, but not to each other.

The bid will be available for vendors to download off the Department of Management Services' Vendor Bid System (VBS) at the following web site address:

[http://fcv.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcv.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**2. Request for Proposal (RFP)**

If it is determined in writing that the use of an Invitation to Bid is not practicable, commodities or contractual services will be procured by a Request for Proposal. An RFP is used when you can define the scope of work but are looking for the solution that best meets the needs of the Agency. Vendor qualifications, experience and quality of service may be more important than price. RFPs specify the criteria which can be weighted, including but not limited to, price, which will be used to determine the award. Examples of criteria which may be considered in addition to price are the vendor's proposed method of achieving the Agency's stated objective, past experience, present available resources, schedule, work samples, staff resumes, etc. Proposed qualifications will be compared to each other, as well as to the requirements of the RFP. Award will be made to the highest ranked vendor.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

The proposal will be available for vendors to download off the Department of Management Services' Vendor Bid System (VBS) at the following web site address:

[http://fc.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fc.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**3. Invitation to Negotiate (ITN)**

If it is determined, in writing, that the use of an Invitation to Bid or a Request for Proposal will not result in the best value to the state, the Agency may procure commodities and contractual services by Invitation to Negotiate. The Agency's written determination must specify reasons that explain why negotiation may be necessary in order for the Agency to achieve the best value and must be approved in writing by the Agency Head or his/her designee prior to the advertising of an Invitation to Negotiate. An ITN is used when:

1. The scope of work cannot be completely and accurately defined.
2. Responses may contain different levels of service than requested, requiring service or price negotiations to match available funds.
3. Responses to an ITN may contain innovative solutions that differ from what may have been originally specified.

An ITN incorporates a two-step process of ranking proposals and then negotiating with one or more vendors based on the criteria. Contractor qualifications and quality of service may be considered more important than price. An ITN must specify the criteria that will be used to determine the award and must indicate the relative weight of these criteria. An ITN also allows for negotiation on price and/or service to meet the needs of the agency.

ITN File Documentation - The contract file must contain a short plain statement that explains the basis for vendor selection and how the deliverables and price provide the best value to the state as a result of the negotiations.

The proposal will be available for vendors to download off the Department of Management Services Vendor Bid System (VBS) at the following web site:

[http://fc.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fc.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**V. PROCUREMENT MATRIX (THRESHOLDS/DESCRIPTIONS/SPECIFICS)**

Section 287.017, F.S., dictates specific purchasing practices that must be followed according to which threshold applies. As stated in the Preface of this manual, a procurement matrix is available for download from Purchasing's Intranet web page at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

The procurement matrix is a reference guide for the Program Areas to utilize to assist in determining the appropriate procurement activity for each category/threshold.

**VI. SOLICITATION DOCUMENTS:**

Rule 60A-1.002(7) provides that "all formal solicitations issued by an agency shall include the standard "General Contract Conditions: Form PUR1000 (11/04) and the standard "General Instructions to Respondents" Form PUR1001 (11/04). These forms are incorporated by reference within the Agency's solicitation templates, and may be viewed at the following website:

[http://dms.myflorida.com/business\\_operations/state\\_purchasing/documents\\_forms\\_references\\_resources\\_1/purchasing\\_forms](http://dms.myflorida.com/business_operations/state_purchasing/documents_forms_references_resources_1/purchasing_forms)

PUR1000 contains standard terms and conditions that apply to the contract which results from the solicitation event. The Agency shall attach the AWI core contract and any special conditions to the solicitation. In the event of any conflict between the PUR 1000 form and any Special Conditions attached by AWI, the Special Conditions shall take precedence over the PUR 1000 form unless the conflicting term in the PUR form is required by a section of the Florida Statutes, in which case the term contained in PUR 1000 shall take precedence.

PUR 1001 contains instructions explaining the solicitation process and the actions necessary to respond. The Agency shall attach additional materials specific to each particular solicitation, including but not limited to contact information, a solicitation timeline, a location for the public opening, evaluation criteria, required information regarding renewal of the contact, and any other necessary information.

A Method of Procurement Decision Tree and Process Overview is available for download from Purchasing's Intranet web page at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Additionally, Solicitation Reference Sheets and Scope of Work Templates for ITB's, RFP's and ITN's are available for download on the Agency's Purchasing Intranet website at the following link:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

Program Areas should utilize these forms when developing ITB's, RFP's, or ITN's. These forms are subject to revision and new versions will be posted as applicable.

**A. Solicitation Document Contents**

The solicitation document should contain the following sections:

1. **Background:** Detailed description of the history of events that has led to the procurement of the identified need.
2. **Overview:** Detailed description of the identified need, including **a short plain statement** of why the selected procurement method was determined to be the procurement method that will result in the best value to the state.
3. **Purpose:** Detailed description of the purpose of the procurement and what benefit the state wishes to obtain.
4. **Major Program Goals:** Describe the major goals of the program which the contract will support. Describe any long range or broad objectives which are pertinent, and as appropriate, describe the Agency's ultimate purpose for contracting for the services to be performed. The Agency's outcome measures for the services provided will help identify the societal change that is a major goal of the program, if applicable.
5. **Definitions:** Provide a list of definitions for important contract terms. Include definitions for all terms that are unfamiliar, unusual, or unique to the solicitation, including those for contract terminology, program or service specific terminology, standards definitions, performance definitions, and acronyms (if necessary).
6. **Scope of Work:** Detailed subject matter of what the state is procuring. It shall not cover such requirements as should appear in the General Conditions and/or Special Conditions of bids, such as warranties, etc.
7. **Term of Agreement:** Describe the duration of the contract (include both start date and end date) that will result from this solicitation.
8. **Task List:** Provide a list of specific tasks, e.g., counseling, transportation, day care, case management, etc. which will be performed under the contract along with a description of the task, and any specific elements which are included or must be considered in task performance. It is critical that this component of the solicitation

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

be well developed. Include all minimum requirements for each task to be performed.

- 9. Task Limits:** Provide a description of the limits within which the tasks must be performed. These limits may be programmatic, medical, financial, legal, or geographic.
- 10. Staffing Levels:** Specify the number and type of staff members the successful vendor is required to have available to perform the work.
- 11. Professional Qualifications:** As required, specify what professional licenses, certifications or experience the vendor's professional staff members are required to possess or obtain.\
- 12. Staffing Changes:** Specify under what conditions the vendor is required, or permitted to make staffing changes, specify what approvals or notification requirements are necessary to make staffing changes, and any lead times required for notifications or approvals.
- 13. Service Delivery Location:** Specify the street address, city, etc. where the services are to be delivered. If the vendor is supplying a facility or building as part of its performance under the contract, describe any specific physical or facility requirements which must be available for service delivery or client use.
- 14. Service Times:** Specify when the services must be available, the minimum or maximum frequency of the delivery of services, and any requirements for responding to emergencies or unexpected needs for service, and any information necessary to identify what constitutes service completion.
- 15. Changes in Location:** Specify who may approve changes in location during the course of the contract, advance notification requirements to change locations, and requirements for temporary arrangements which must be made in the event of location changes.
- 16. Equipment:** This section of the solicitation must describe any equipment which the vendor will use and which must be available for service delivery.
- 17. Service Unit:** Describe, specifically, what comprises a service unit, how many units, by type of service, will be provided under the contract, and if applicable, any limitations or special considerations that affect the delivery of service units. Other characteristics of the service to be provided, such as unit of measure and quantity must also be specified here. If the quantity of service units to be provided is expected to vary through the life of the contract, the variables affecting the service must be described.
- 18. Records and Documentation:** Describe the form, content, and construction of any records or documentation which the vendor is required to maintain, any limitations which are pertinent to the inspection and availability of the documentation, who makes final determinations regarding questions about records, and how to obtain such determinations. Include information regarding identifying which records must be maintained manually, electronically, or both.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- 19. Reports:** Specify the type, frequency, form, content and construction of any reports which the vendor is required to submit as part of the contract.
- 20. Invoicing and Payment of Invoices:** Identify issues related to vendor payment.
- 21. Performance Measures:** Detailed description of how the state will measure the performance of the deliverables of the procurement. The outcomes and outputs must be measurable and expressed in mathematical terms (e.g., percentages, ratios, averages, units).
- 22. Schedule of Events:** List the proposed anticipated Schedule of Events for the resulting solicitation.
- 23. Instructions to Bidders/Proposers/Offerrers:** Detailed description of the contents of the response that are to be submitted with the responses to the procurement in order to be responsive.
- 24. Cost Proposal Instructions:** Instruct the vendor about any requirements that must be followed in the preparation of the cost proposal, budget or rate justification. This component directly relates to the evaluation criteria that address costs proposals.
- 25. Contract Renewals:** Describe desired renewal options, if any.
- 26. Number of Copies Required:** This section states the number of copies of the vendor's response to the solicitation that the Agency requires to be submitted with an original. **Rule of Thumb:** Usually the number of evaluators, if any, plus one.
- 27. Evaluation Criteria, Ranking, Scoring Methodology, and Rating Sheet(s) (if applicable):** Detailed evaluation criteria and scoring methodology for both the technical and cost proposal (if applicable) that will be utilized to determine the award of the contract.
- 28. Cost Proposal Form/Price Sheet(s):** Detailed format of how the cost proposal form/price sheet is to be submitted with the responses to the procurement in order to be responsive.
- 29. Special Conditions:** Detailed special conditions with clause titles, if applicable, for example, warranty clauses, etc.

**B. Solicitation Development**

Developing the solicitation is a major part of competitive procurement. The clarity of the solicitation affects every aspect of procurement and delivery of the service or commodity. Producing a quality solicitation at the beginning of the contracting process will help:

- Increase the level and quality of services;
- Increase the quality of responses submitted;
- Reduce future payment problems;
- Reduce the number of contract amendments;
- Ensure fewer issues to be negotiated at the time of contracting;



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- Reduce incidences of protests;
- Reduce the number of inquiries and questions; and/or
- Help avoid complicated and time consuming problems later.

The solicitation development process is lengthy and program area contract managers should plan accordingly for the completion of the solicitation process.

Prior to the solicitation development process, the program area contract manager must:

1. Consult their supervisors to obtain verbal approval to proceed with contacting the Purchasing Office to initiate the solicitation.
2. Meet with the Purchasing Office for guidance and technical and administrative assistance. During this meeting, the Procurement Checklist will be reviewed and both the Purchasing Office and the Program Area will sign off on the form. The original form is filed in the original procurement file. A copy of the form is provided to the Program Area Contract Manager for reference and use during the solicitation process. The purpose of the Procurement Checklist is to provide a reference guide for both the Program Area and the Purchasing Office as to ensuring compliance with all required procurement steps. This form is also utilized by the Purchasing Office to conduct post procurement file audits. The Procurement Checklist is available for download from Purchasing's Intranet web page at the following link: <http://intra.awi.state.fl.us/gs/purchasing.htm>
3. If the identified need is an outsourcing project, the Program Area will contact the Governor's Center for Efficient Government. The Program Area shall then follow the Gate Management Process that provides the method of evaluating each stage of any outsourcing initiative: Business Case Development, Procurement, Contract Management, Transition Management and Post Implementation. Performance Measurement Standards are outlined for each of these stages. The standards by which the Governor's Center for Efficient Government evaluates outsourcing projects at key milestones in the Gate Management Process were set forth to promote fair and transparent best business practices in government in order to foster accountability, competition, efficiency and innovation in the way state agencies deliver services to Florida's citizens. To assist agencies in contracting for services that do not require Governor's Center for Efficient Government review, broadly applied, these guidelines may be applicable to any contracted services project, regardless of size and scope. Information on the Business Case Guidelines can be found at the following URL address:

[http://dms.myflorida.com/administration/center\\_for\\_efficient\\_government](http://dms.myflorida.com/administration/center_for_efficient_government)

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Upon the Center's approval to proceed with the procurement (business case and feasibility study), the Agency's Purchasing Office will proceed with facilitating the procurement process as described below for non-outsourcing projects.

4. If the identified need is not an outsourcing project, the Purchasing Office will discuss the Program Area's identified need, review the Agency's Procurement Checklist and determine the appropriate procurement method that will provide the best value to the state, discuss the format and timeline, and review each step involved in developing and processing the formal competitive solicitation.
5. Conduct a Cost/Price Analysis utilizing the cost/price analysis template that is available for download from Purchasing's Intranet web page at the following link:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

and ensure that the appropriate funding source has been identified, and that adequate budget authority exists.

6. Organize a team of associates to assist in the writing of the solicitation and evaluation criteria, if needed.
7. Anticipate problems that may occur. Research the project. Document everything. Develop a timeline.
8. All information that the vendor is to provide must be specified in the solicitation.
9. During the solicitation development phase, the program area must provide the following information to the Purchasing Office:
  - a. A minimum of three Evaluation Committee Members;
  - b. A minimum of three Negotiation Committee Members;
  - c. A Scope of Work;
  - d. Special Conditions;
  - e. Evaluation Criteria and Scoring, Cost Format, Award Determination Language;
  - f. Any other items identified that must be submitted in response to the solicitation relative to the scope of work.

**C. Evaluation and Negotiation Committee Appointments**

Section 287.057(17)(a-b), F.S. provides that for a contract in excess of Category Four (\$150,000), the Agency Head shall appoint: (a) at least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought; and (b) at least three persons to conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. The Agency has delegated this authority to the applicable Deputy Directors.

**D. Scope of Work Development**

The Program Area should consider the following guidelines when developing the Statement/Scope of Work:

1. Confirm that funding is available for the project.
2. Allow enough time for research and development, processing and Agency review and approval for all affected program offices.
3. Clearly state instructions to vendors for responsiveness.
4. Describe the commodities/services needed and ensure that the following questions are answered:
  - a. WHAT commodities or services are to be provided?
  - b. WHEN is it needed or WHEN is it planned to be utilized? WHEN will the commodities or services be provided?
  - c. WHERE will the commodities or services be delivered?
  - d. WHO will be responsible for WHAT? WHO is receiving the services? WHO is providing the services?
  - e. HOW is the supplier expected to perform?
    1. Clearly state the Performance Measures or Outcome Measures.
    2. Include a schedule of performance.
    3. State the types of service delivery records, and documents that the provider must maintain.
    4. State the type of service delivery reports, including their frequency and content that must be submitted to the Agency.
    5. State the type of monitoring that will be performed, who will do the monitoring, and how often the monitoring will be completed.
- f. Licensing requirements must be specifically stated or referenced.
- g. The requirements of the users for whom the purchase is being made must be considered in the formulation of the characteristics, properties, features, etc., of the Scope of Work.
- h. In assembling technical data essential to the requirements of a specification, the Program Area should utilize all available and pertinent existing specifications and research findings of other governmental agencies, scientific and technical organizations.
- i. Regarding standardization of "quality", "size", "type", etc., of each commodity (or group of commodities) for which development of a

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Scope of Work is planned, the Program Area should consult with and seek advice and/or recommendations from those responsible for procurement of the particular commodity.

- j. All instructions regarding bid samples should be specific and included in the Scope of Work in detail, if applicable.
  
- 5. The text of the Scope of Work shall be clear, in simple language, free of vague terms or those subject to variation in interpretation. The use of abbreviations shall be restricted to those in common usage and not subject to possible misunderstanding; wherever used, the meaning should be clear from the context and a genuine saving in space effected. Abbreviations may be used after the word has been spelled out the first time.
- 6. The necessity of a definition can be avoided in many cases, if requirements are properly stated. However, in those cases where proper interpretation of a specification may be dependent upon agreement as to definitions of terms which are to be accepted for a specification, such definitions of terms should be included. The location of definitions depends upon their use in the Scope of Work.
- 7. All dimensions, gauges, capacities, size designations, volumes, or temperatures shall be specified in accordance with established precedent and trade practice insofar as possible. Tolerances, minimum or maximum variations, shall be specified, where applicable.
- 8. Figures (illustrations, graphs, etc.) should be used wherever it is necessary to describe the item covered by the specification more clearly and accurately than can be stated in the text.
- 9. Tables should be used wherever such presentations will eliminate repetition or show relationships clearly.
- 10. Sections are to be listed in alpha and numerical sequence and all headings shall be sub-divided, as applicable by using paragraphs and subparagraphs numbered in the Dewey Decimal System, as follows:

- Section A.0
  - First paragraph A.1
    - First sub-paragraph A.1.1
      - First sub-sub-paragraph A.1.1.1
        - First sub-sub-sub-paragraph A.1.1.1.1, etc.

- 11. Essential requirements and descriptions applying to the commodity covered by the Scope of Work (or to one (1) or more types, grades, classes, etc., if the Scope of Work includes several) shall be stated in the Scope of Work. These requirements and descriptions shall refer, as applicable, to the character or quality of the principle and other materials, source materials, formula, design, construction, performance and product characteristics, chemical and physical requirements, dimensions, weight, color, spare parts, product

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

marking, etc., and workmanship. A logical source for information is manufacturers' representatives. Ask several manufacturers who produce the quality level you want to attain to have their representative call you and provide you with technical literature on the products you want to purchase. **However, should specifications obtained from a vendor be utilized in the development of the Scope of Work, then the vendor who provided the data will not be allowed to participate in any procurement that results from the data.**

12. The Purchasing Office will:
  - a. **Develop the Schedule of Events and Deadlines.** This is completed in a planning process backward from the date services are anticipated to begin to allow for the known and possibly unknown time restrictions. The schedule of events and deadlines shall contain dates of all relevant deadlines to alert vendors of the significant milestones in the procurement process prior to the award of a contract and contract execution. Other considerations when developing the Schedule of Events and Deadlines are: developing the solicitation document, conducting the evaluation process and routing the contract for review and execution.
  - b. **Upon receipt of the Scope of Work from the Program Area, the Purchasing Office will assign the solicitation a bid or proposal number.**

The solicitation will be assigned to the appropriate Purchasing staff member who will act as the administrative lead. The Purchasing Office will manage the administrative duties associated with all competitive solicitations as identified below:

1. **Incorporate the scope of work into the solicitation boilerplate.** Upon receipt of the completed Scope of Work from the Program Area, the Purchasing Office will review the Scope of Work for spelling, grammar, punctuation, ease of response, and to ensure compliance with Florida laws, rules and Agency policy and procedure. The Purchasing Office will recommend revisions to the Scope of Work, if needed, and will work with the Program Area as required to facilitate the process.
2. **Review the solicitation and work with the Program Area to finalize the document and prepare it for Agency review and approval, if applicable, and/or post the solicitation.** The Purchasing Office will combine the final Scope of Work

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

with the required DMS PUR Forms, and referenced attachments into the original procurement document.

3. **Obtain Solicitation Approval, if applicable.** The Director has delegated the authority to approve the release of RFP's and ITN's that have an anticipated cost of equal to \$50,000 up to \$250,000 to the applicable Process Manager. For RFP's and ITN's with a value greater than \$250,000 up to \$499,999, this approval has been delegated to the applicable Deputy Director. For any RFP's or ITN's with a value of \$500,000 or greater, the RFP or ITN must be acknowledged by the Agency Assistant Director. The Purchasing Office will facilitate obtaining this acknowledgement along with the Program Area. For ITB solicitations greater than \$50,000, the General Services Manager will determine the need to route the ITB for Agency review and approval. ITB solicitations valued at \$50,000 and under are not required to be routed for Agency review and approval prior to posting on the Vendor Bid System. This approval will be filed in the original procurement file.

- c. **Track the solicitation from identification of need to contract execution and close out.** Tracking will be executed via the Procurement and Contracts Tracking System Database (PACTS) by the Purchasing Office. The data tracked by the PACTS database includes, but is not limited to: procurement method, contract number, purchase order number, contractor name, contract amount, contract term, assigned Contract Manager, the history of the development of the solicitation, and resulting contract. Additionally this database allows the ability to run various ad hoc reports for management assistance and contract planning and reporting purposes, to ensure a sound Contract Administration process.

**E. Issuing the Solicitation**

The Purchasing Office will facilitate all administrative functions such as advertising, issuing and receiving questions and requests for changes, pre-bid conferences, necessary addenda, bid/proposal opening, attending negotiations, posting of intent to award/agency decision and award notifications. Section 60A-1.021, F.A.C. requires that all competitive solicitations be advertised by electronic posting for no less than 10 calendar days prior to the date for receipt of responses, unless the Agency determines in writing that a shorter period of time is necessary to avoid harming the interests of the state.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Occasionally, after a solicitation has been posted on the Vendor Bid System, it becomes necessary to make a change or modification to the solicitation. Changes/Modifications to solicitations where bids, proposals, or offers have not been received are accomplished through the development and posting of an addendum. The Purchasing Office facilitates this process as required. An example of the need to process an addendum is the need to delay the scheduled opening date in order to allow sufficient time for responses.

**F. Solicitation Conference**

The purpose of the solicitation conference is to review the solicitation with interested vendors. A solicitation conference may be held at the discretion of the Program Area in consultation with the Purchasing Manager. If held, the time and place of the conference must be included in the Schedule of Events and Deadlines published in the solicitation.

A solicitation conference is a public meeting and should be conducted in accordance with Section 286.011, F.S. and noticed on the Vendor Bid System. As directed in subsection 287.057(4), F.S., vendors shall be accorded fair and equal treatment. The Purchasing Office shall ensure that all names, titles, and groups or firms attending the conference are recorded.

An agenda of items to be discussed, such as clarification of the scope of work provisions, billing and payment procedures, reporting requirements, and allowable costs determinations should be developed and distributed at the solicitation conference. The Purchasing Office should present the items listed in the agenda.

After the initial presentation, the floor should be opened for questions. The Purchasing Office should ensure that either notes are taken or the conference is recorded so that the events of the conference are documented.

Vendor attendance at a solicitation conference is not mandatory unless required in the solicitation document. A bid may be submitted and accepted from an individual or firm that has not attended the conference, providing attendance at the conference is not mandated in the solicitation.

The Purchasing Office will involve the Office of the General Counsel in the solicitation conference, as necessary, along with appropriate Program Area and technical representation.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**G. Receipt/Opening of Proposal or Bids**

The integrity of the solicitation process must be maintained at all times. In order to provide proper documentation of the timeliness of receiving bids, proposals, or offers, all documents must be date and time stamped immediately upon receipt by the Purchasing Office. The date responses are date-time stamped in the Purchasing Office is the official date and time received by the Agency. If the package is of such size or construction to prohibit the use of the time stamping machine on the package, the person accepting the bid, proposal, or offer must date and time stamp a blank piece of paper and tape or staple it to the bid, proposal, or offer package.

Beginning on the date and time the bids, proposals, or offers are received, the Purchasing Office will perform an initial responsiveness and responsibility determination of each response, and communicate with the Office of General Counsel as may be needed to determine minor or major irregularities, and determine responsiveness.

Should a formal response to a solicitation be opened by mistake, the envelope must be resealed immediately by the person opening the response and the following statement must be placed on outside of the envelope: "Bid/proposal/offer opened by mistake – Contents not revealed." This statement must be legibly signed, dated and include the telephone number of the person who mistakenly opened the response for any required verification.

**H. Evaluation and Posting of Proposals or Bids**

The Purchasing Office will coordinate evaluations and evaluation training sessions. If the solicitation document utilized was an RFP or an ITN, the Purchasing Office will prepare evaluation workbooks or electronic folders for the evaluation team, facilitate the approval of the evaluation and negotiation team members, schedule and facilitate evaluation and negotiation training for the appointed team members.

**I. Receipt of Less Than Two Responsive Bids, Proposals, or Replies**

Section 287.057(6), F.S. provides that if less than two responsive bids or proposals are received in response to a solicitation, the Agency may negotiate the best terms and conditions. The program area must provide the Purchasing Office with justification to document the reason(s) that such action is in the best interest of the state in lieu of re-soliciting the commodity or service.



**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

**J. Tie Bids**

Section 287.057(12), F.S. provides that if two equal responses to a solicitation or a Request for Quote are received and one response is from a certified minority business enterprise, the Agency shall enter into a contract with the certified minority business enterprise.

Section 60A-1.011, F.A.C. provides that whenever identical bids are received, preference shall be given to the bid certifying a drug-free workplace has been implemented in accordance with Section 287.087, F.S.

**K. Receipt of Notice of Intent to Protest**

Chapter 120, F.S. describes the procedures, including time frames, for Agency action when a notice of intent to protest is received from a potentially adversely affected bidder, proposer, or offeror. Protest proceedings are described in Section 120.57(3), F.S.

**Upon receipt of a notice of intent to protest, the entire procurement process is halted until final resolution.**

**Additionally, upon receipt of a notice of intent to protest, the receiving party must stamp the date and time received on the face of the notice and no communication, verbal or written, is to be made with the protesting vendor or his or her attorney by Purchasing staff or any other Agency staff. All inquiries or attempts to discuss the matter are to be referred to the Office of General Counsel.**

**L. Award**

Upon receipt of the fully executed Summary Evaluation Score Sheet, the Purchasing Office will post an intent to award notice or other Agency decision, as applicable on the Vendor Bid System.

Additionally, the Purchasing Office will obtain a short plain statement from the Contract Manager that explains the basis for vendor selection and that sets forth the vendor's deliverables and price, pursuant to the contract, with an explanation of how these deliverables and price provide the best value to the state.

Upon completion of the posting of the Intent to Award (three business days), and assuming no protests are received, the Purchasing Office will notify the Program Area, and the Program Area may begin development of a two party agency contract.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

**VII. VENDOR RELATIONSHIPS**

**A. Vendor Relations**

Unless directed otherwise, any AWI employee responsible for determining commodities and services to fill a need of his/her unit, or preparing an MFMP Purchase Requisition, may discuss commodities and/or services, delivery schedules, price ranges, types of contracts, etc., with vendor representatives, and/or obtain firm price quotes for purchases **under Purchasing Category II (\$25,000)**.

**However, only the Purchasing Office** is empowered to act as agent for the Agency in soliciting, awarding, modifying or canceling bids, proposals, Direct Orders or contracts. Vendors wishing to obtain information on AWI purchasing procedures should be referred to the Purchasing Office.

**B. Vendor Selection**

Vendor selection will be determined based on the quote/bid/proposal/offer that provides the best value to the Agency. Best value will be determined based on the method of procurement being utilized for the particular procurement.

**C. Vendor Performance**

**1. Shipments Delivery and Inspection**

Before signing the carrier's delivery receipt, make sure the delivery address is correct, the number of cartons, etc., on the receipt is correct, and cartons do not show damage. If the shipment is short or appears damaged, note so on the delivery receipt, sign it, and ask the deliverer to sign. Keep a copy of the delivery receipt.

After delivery has been made, open the shipment, compare the items to your file copy of the Direct Order, and check for damages.

When an order is not satisfactory, the Purchasing Office should be informed by memorandum or via e-mail. Staff should be specific and precise when describing their dissatisfaction with the vendor's performance. The Purchasing Office will make every attempt to remedy poor vendor performance utilizing DMS' Complaint to Vendor process.

The procedures listed below should be followed when damaged shipments are received. If damage is severe, the receiving office has the option of refusing shipment, however, the Program Area must

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

notify the Vendor if a refusal is made, and then contact the Purchasing Office if further assistance is needed. It is recommended that each office have at least one person primarily responsible for receiving orders and that the individual(s) become familiar with the following procedures:

- a. Record any evidence of visible or concealed damage on the MFMP receiving report. Concealed damage can be noted as an unusual rattle within a carton or physical damage to the outside of the carton which might indicate concealed damage.
- b. Open the carton(s) and inspect the order immediately after it is delivered even though it may be stored for a period of time before it is used. Damage not noticed until after an item has been stored for some time may have to be repaired or replaced at the expense of the Agency.
- c. Report damages (visible or concealed) to the Purchasing Office in writing, by telephone, fax or e-mail immediately. The Direct Order number, carrier name, copy of the carrier's delivery receipt, and a description of the extent of damage should be included in this notification. **NOTE:** Delays in reporting damages may result in the carrier's refusal to take action.
- d. Retain the item and its shipping container, including inner packing materials, until an inspection has been performed.

**2. Wrong items or unacceptable delivery**

If the wrong item(s) is/are received, one of the following steps should be taken:

- If the item(s) received is/are different from that which was ordered but is both similar and acceptable, the Requestor should make a note of the discrepancy on the electronic MFMP Receiving Report and submit it for payment.
- If the item(s) received is/are different from that which was ordered and is unacceptable, the Requestor should immediately call the vendor. The item should not be used and the Receiving Report should be submitted by rejecting the items.

The Purchasing Specialist will guide the Requestor through the appropriate corrective action.

Payment must be made for receipt of partial orders in the same timely manner as when complete orders are received. Therefore,

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

when a partial order is received, the following steps should be taken:

- Inspect the items as described above and proceed accordingly.
- Print a copy of the original Receiving Report for your file.
- MFMP will perform an automatic three-way match. Any discrepancies are noted and the invoice is routed to an exception handler.

**VIII. EQUITY IN CONTRACTING**

**A. Minority and Women-Owned Business Enterprise (MWBE)**

**The Agency shall annually develop and implement a Small Business Participation Plan outlining its prospective related activities for such businesses for the upcoming year. The plan shall provide the following:**

1. The Agency's proposed establishment of a small business enterprise contracting program and/or other programs aimed at promoting the participation of small businesses, including those owned by women and minorities.
2. The Agency's proposed outreach activities targeted towards small businesses, including women and minority owned firms, to inform such firms of the availability of particular public contracting opportunities and to encourage such firms to seek work on public projects through the normal procurement process as applied to all businesses.
3. The programs the Agency plans to conduct to educate business owners in the various processes used by the Agency and the steps the Agency plans to take in an attempt to ensure that these programs reach small businesses, including those owned by minorities and women.
4. A summary addressing the Agency's current contracting with small businesses, including a breakdown of related contracting with minority and women businesses.
5. A detailed summary of prospective spending allocations, per object code, for the current fiscal year.

**B. Authority**

1. Executive Order #99-281
2. One Florida Initiative
3. Florida Statute, Chapter 287
4. Florida Administrative Code, Chapter 60A

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**C. Minority and Women-Owned Business Enterprise Participation**

1. The Agency is committed to supporting the One Florida Initiative in the procurement of goods and services. Toward this aim, the Agency's MWBE coordinator provides assistance to purchasing and contracting offices in guiding them towards increasing diversity. The Agency has established a corporate culture that embraces the One Florida concept.
2. The long-term focus of the Agency is to encourage business with all minorities and women owned businesses whether they are certified, non-certified or minority non-profit organizations.

**D. Techniques**

**The following techniques can be used to increase the agency's participation with small and minority businesses:**

1. When possible, advertise in appropriate minority publications.
2. Develop additional vendors through contacting local concerns such as:
  - (a) Regional offices of minority purchasing councils (Miami, Tampa, and Orlando).
  - (b) Certified Minority and Women-owned businesses already identified. Request their assistance in obtaining additional minority vendors.
3. Establish contacts with Certified Minority and Women-Owned Business Enterprises by:
  - (a) Soliciting the aid of organizations, such as the Minority Business Development Centers, Florida Small Business Development Centers, Small Business Administration, National Minority Supplier Development Council of Florida, and the Urban League.
  - (b) Attending, sponsoring, or co-sponsoring local or regional small, minority and women-owned business purchasing conferences and trade fairs.
  - (c) Developing programs in conjunction with small business development centers, to recruit small, minority and women-owned businesses.
  - (d) Encourage minority business participation in all its solicitations.
  - (e) Include language in solicitation and contract documents to request a plan of how the contractor intends to address the use of minority and women-owned vendors within their subcontracting opportunities;

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- (f) At pre-solicitation or pre-bid meetings inform vendors of the One Florida Initiative and encourage them to become certified or subcontract with a certified MWBE vendor;
  - (g) When obtaining informal bids/quotes, obtain one quote from a certified minority business enterprise.
4. Providing interested MWBE's or minority persons with adequate information about the plans, specifications, and requirements of contracts for the availability of jobs.
  5. Effectively utilizing the services and resources of available minority community organizations, minority contractors' groups, local, state, or federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of MWBE or minority persons.

**E. Direct Assistance**

Educational efforts to teach MWBE's how to do business with the Agency are encouraged. Methods to make it easier for these vendors to do business with the Agency and to demonstrate good faith effort may include:

1. Providing assistance to potential vendors in how to prepare bids.
2. Conducting seminars to explain general and specific conditions and other requirements of the bid invitation to prospective MWBE bidders.
3. Requesting time at local or state meetings to discuss these issues.
4. Requesting assistance from the Department of Management Services, Office of Supplier Diversity, in organizing, planning, and participating in seminars.
5. Attending Matchmaker and vendor trade fair events.
6. Assisting vendors in the registration and certification process.

**F. Analysis**

Copies of monthly expenditure reports will be provided to the Director, Deputy Directors, and all executive staff members.

**G. Procedures and Assigned Responsibility**

All individuals involved in the purchase of goods and services, i.e., Contract Managers, purchasing card holders, Purchasing Agents, requisitioners, and other delegated purchasing authorities should work through central office or a local MWBE coordinator to identify minority businesses for the requested goods and services.

1. The following procurement procedures will be adhered to:

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

- (a) Each competitive solicitation for any proposed procurement with an estimated budget exceeding \$150,000 (Category IV) should be reviewed by the MWBE coordinator prior to being advertised. The purpose of this review is to determine if the proposed procurement will or will not allow opportunities for diversity. The MWBE coordinator will submit a list of certified MWBE vendors determined by the service/commodity and make recommendations no later than five working days after receipt of request and will forward a completed copy to the Office of Supplier Diversity.
- (b) As much as possible, consideration should be given to certified MWBE vendors for purchases that are less than \$25,000.
- (c) The purchasing staff and requisitioners are encouraged to provide adequate time for all businesses, minority and non-minority alike, to respond with quotes.
- (d) It is the responsibility of all purchasing authorities (Contract Managers, P-card holders, Purchasing Agents, requisitioners, etc.) to aggressively seek, identify, and assist Minority and Women-owned businesses.

**IX. SPECIFIC PROCUREMENTS**

**A. CONSTRUCTION PROCUREMENTS**

The following procedures shall be followed in advertising for bids for construction contracts in determining the eligibility of potential bidders, proposers, or offerors to submit responses for construction bids or proposals or offer requests, in awarding construction contracts, for waiver of non-material bid deviations, for rejection of bids, for disqualification of contractors, in requesting authority to negotiate contracts, and in negotiating contracts.

The established contract levels for construction bidding are listed below:

**Level One:** Contracts not exceeding \$10,000;

**Level Two:** Contracts having a value greater than \$10,000 but not exceeding \$25,000;

**Level Three:** Contracts having a value greater than \$25,000 but not exceeding \$200,000;

**Level Four:** Contracts having a value exceeding \$200,000 but not exceeding \$500,000;

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**Level Five:** Contracts having a value exceeding \$500,000.

**1. Bid Bond**

On projects where the bid exceeds \$100,000 the bidder must provide with the bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in this State, or a certified check accompany the bid, such requirement may be satisfied by the bidder depositing in lieu of such certified check, a cashier's check, treasurer's check or bank draft of any national or state bank.

**2. Performance and Payment Bonds**

On projects where the bid exceeds \$100,000, unless such requirement has been waived in accordance with Rule 60D-5.0041, F.A.C., the bidder must provide with the bid or within two working days of being notified as the low responsive, qualified bidder, evidence of ability to provide the necessary performance and payment bonds for the project by providing a letter of intent to provide a 100% performance bond and a 100% labor and material payment bond from a surety company authorized to do business in the State of Florida by the Department of Insurance, and meeting the financial and performance rating required by the bidding documents. For contract amounts not exceeding \$500,000, the provisions of Section 287.0935, F.S. shall govern.

**3. Advertising, Negotiation and Opening of Construction Bids**

Pursuant to Rule 60D-5.0073, F.A.C., DMS determined that it is in the best interest of the State to waive the requirements of advertising required under Rule 60D-5.003, F.A.C., and bidding required under Rule 60D-5.007, F.A.C. DMS permits negotiation of contracts within Levels One, Two and Three. Contracts within Level One may be negotiated with the firm whose proposal, in the Agency's judgment, best meets the needs of the Agency. The Agency shall request at least three firms to submit sealed written proposals based on a written specification. The written proposals shall all be opened publicly at the same date, time and place named by the Agency. A tabulation of the negotiation results shall be furnished to each firm if requested. Competitive sealed bids are required for contracts within Level Four, which shall be publicly advertised in the Florida Administrative Weekly once, at least 21 calendar days prior to the established bid opening, based on approved plans and specifications. Except as otherwise authorized by law or rule, competitive sealed bids are required for contracts within Level Five, which shall be publicly advertised in the Florida Administrative Weekly at least 30 days prior to the established bid opening and at least once in a newspaper of general circulation in the county where the project is located at least 30 days prior



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

to the established bid opening at least 5 days prior to any scheduled pre-bid conference. The announcement may also be published on the Florida Communities Network.

If amending a construction contract and if the price will increase to equal to or greater than \$100,000, then obtain a bid bond, performance bond, and payment bond from the contractor upon receipt of the fully executed amendment, and add the appropriate bid bond language via the amendment.

**B. OTHER SPECIFIC REQUIREMENTS**

**1. Routine Purchases - Office Supplies**

Each Program Area will coordinate and control the purchase of office supplies for their respective areas.

Office supplies that are available from state term contract, PRIDE, or RESPECT must be purchased from those respective sources.

The Program Area Requisitioner must check the electronic state term contract system to verify if the item is available on state contract. The Purchasing Office is available to assist in finding this information.

Blanket Direct Orders may be issued based on approved purchase requisitions initiated by the Program Area Requisitioner.

The blanket Direct Orders for office supplies will be controlled by the Program Area Requisitioner and appointed backup contact person listed on the Direct Order. This identified person is responsible for tracking the open balance left against the blanket Direct Order to avoid becoming overdrawn.

Miscellaneous office supplies not available from state term contracts, PRIDE, or RESPECT should be purchased by obtaining two quotations unless the total purchase is \$2,500.00 or less. One of the quotes must be from a certified minority business enterprise when available.

The Purchasing Office recommends that all office supplies and other purchases \$2,500 or less be purchased utilizing the Purchasing Card, subject to applicable purchasing card limits.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**2. Prepayment and Advance Payments**

Most purchases entail payment only after the receipt of commodities or the performance of services. However, there may be instances where payment must be furnished to the vendor in advance, such as service agreements, subscriptions, membership dues, and/or registrations.

If prepayment is required or if the warrant needs to accompany the Direct Order, the requestor must note this on the requisition and include the vendor invoice, order form, subscription renewal form, membership application, etc. Renewal terms or start dates for subscriptions or memberships must be indicated on the requisitions.

Advance payments will only be allowed if the Agency will receive a cost savings or if the service is required for the Agency to meet its statutory obligations. If advance payment will be required for an annual service, justification must be provided with the requisition. Prior approval of the Department of Financial Services is not required for advance payments that are equal to or less than the threshold of Category II (\$25,000), and that meets one of the above criteria. Prior approval of the Bureau of Auditing is required for advance payments that exceed the threshold of Category II (\$25,000). See Section 215.422(14), Florida Statutes for further information.

**3. Legal Services**

Legal services should be sought first through the General Counsel's Office. If it is determined by the General Counsel's Office that outside legal service is required due to excessive workload or a need for specialized legal expertise, prior approval must be obtained from the Attorney General's Office. Past and present work experience, legal work reputation, and availability must be considered as a selection criteria in evaluating proposed private counsel. For further information consult Section 287.059, Florida Statutes.

**4. Memberships**

Memberships may be purchased only for organizational entities, not for individuals, unless the organization accepts only individual memberships. Memberships must serve a statutory purpose. All requests for the payment of membership dues must also include 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. Prepayment of membership is often required and, if so, must be so noted on the requisition. Membership dues

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

are exempt from bid/single source approval requirements regardless of dollar amount.

**5. Moving Expenses**

The Agency may pay moving expenses for an employee, provided the move is in the best interest of the state, and must be approved by the Agency Human Resource Officer and the applicable Process Manager prior to the move. The state will not pay for storage, unpacking, insurance beyond the liability of the carrier, or cleaning of any residence.

**6. Printing**

Printing is the method used when quality or material requirements of a job cannot be achieved on a copier. Requisitions for printing that do not require bidding, or those less than \$25,000 should be submitted at least 45 days before the items are required. Requisitions for printing that require bidding or those \$25,000 and over should be submitted at least 90 days before the items are required.

Specifications must be included on all requisitions for printing. Specifications must include such things as type, weight and color of paper, colors and numbers of inks, size and number of pages, folds, type of binding and special features. A sample of any artwork must be attached to the requisition. If ordering reprints of previous printing jobs, please note the prior Direct Order number on the requisition.

Printing will be conducted in accordance with Section 283, Florida Statutes.

**7. Copying Equipment**

All copying equipment will be acquired by the issuance of a Direct Order.

- **Copier Acquisition**

These acquisitions can be categorized as either a new installation or a replacement of an existing copier. All copiers, whether a new installation or an upgrade, will be acquired from state term contract unless specific justification is provided when identified unique capabilities are not included in the equipment on state contract. The following procedures will be used for acquiring copiers:

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

- **New Installation**

It is often difficult to determine exactly what copying capabilities are needed for a new installation or what the actual copying volume will be. Requestors should contact the Purchasing Office to obtain assistance with new copier installation.

- **Changing Existing Copying Equipment**

When copying equipment is needed to replace an existing machine, the Purchasing Office will contact the vendor and request an analysis from the vendor to identify the specific replacement need and to obtain a quote.

Additionally, when a leased copier that is not agency owned is replaced, a letter must be sent to the servicing dealer requesting that the vendor remove the “old” copier. Included in the letter should be the model and serial number of the copier along with the appropriate address where the copier should be picked up.

## **8. Copier Supplies**

Frequently, service personnel will offer to sell supplies during a service call. As with all other commodities, these supplies may be acquired with the issuance of a Purchase Requisition, or if the purchase amount is \$2,500 or less, then the supplies may be purchased with the Purchasing Card.

For leased copiers, supplies are generally included with the lease with the exception of paper. Supplies should be ordered as needed for anything that is not included in a lease or maintenance agreement.

For Agency owned copiers, supplies are generally included in the quarterly maintenance agreements.

## **9. Copier Usage**

Since a change in use of equipment can have a significant impact on its cost effectiveness, the following should be considered:

- A review to compare the present use of the equipment (volume, duplexing, etc.) with the use which was anticipated when the equipment was first obtained; in other words, an attempt to determine if and how the use of the equipment has changed.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

- Promoting duplexing (two-sided copying) on all equipment with that capability.

**10. Pricing Plans for Copier Equipment**

The Program Area should perform a purchase vs. lease cost/price analysis prior to processing a requisition or p-card transaction for copier equipment and/or service. Copiers can be acquired through a number of different types of pricing plans. The following descriptions of the general types of pricing plans include the chief benefit and drawback of each; this listing is not intended to be comprehensive, but can serve as a general guideline for determining which pricing plan is the most appropriate:

**Annual Lease**

- Only available for renewals - not available on new leased copiers.
- Commits the user to keep the equipment for one year.

**BENEFIT:** Affords greater flexibility (may be canceled at end of year).

**DRAWBACK:** More costly than either two or three year lease or outright purchase.

**Extended Lease**

- Similar to the annual lease.
- Only available to new leases.
- Commits the user to keep the equipment for a period of two or three years.

**BENEFIT:** Better pricing than an annual lease plan.

**DRAWBACK** Less flexibility because of the extended commitment; there are substantial penalty charges for early cancellation.

**Outright Purchase**

- This option may be a less expensive method of acquiring copiers depending on individual program area needs.
- Must have anticipated use of three years or more.

**BENEFIT:** Least expensive over time.

**DRAWBACK:** Highest initial outlay, least flexible as requirements and/or technology change.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**11. Equipment Leases**

Where prudent and cost effective, equipment may be leased rather than purchased outright. It is the responsibility of the Requestor to evaluate and maintain documentation to support that a lease is economically prudent and cost effective. Prior approval from the Florida Department of Financial Services will be required for equipment leases (including copiers) that have an annual cost anticipated exceeding \$25,000 (Category II). In order to obtain prior approval, the requestor must complete the State Comptroller's Checklist for Requesting Comptroller Approval to Lease Equipment," and submit it along with the requisition. This form is available through the Purchasing Office. Special needs for leasing equipment on a short-term basis are exempt from the requirements to obtain prior approval from the Chief Financial Officer.

**12. Consolidated Equipment Financing Program**

Under the provisions of Section 287.063, Florida Statutes, the Chief Financial Officer entered into an agreement under which all state agencies may finance the purchase of equipment when deferred payments are necessary. The program established is the Consolidated Equipment Financing Program (CEFP). Interest rates offered through CEFP have been less than commercial installment purchase rates. Therefore, installment purchases shall be made through the CEFP rather than commercial financing unless specifically exempted by the Chief Financial Officer.

Financing arrangements are generally available for a variety of terms and require quarterly payments of principal and interest. Since the actual title or ownership of the item being purchased transfers to the purchaser, all installments and CEFP payments for equipment in excess of \$1,000 require OCO funding. Generally deferred payment purchases will not be approved for purchases under \$30,000 unless there are extenuating circumstances. Information on the CEFP program may be found on the DFS website at:

<http://www.flfds.com/aadir/cefp/>

Examples of equipment this program has financed are computers, copiers, communication systems, laboratory equipment, medical equipment and printers.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**13. Data Processing Commodities and Services**

All purchases of data processing equipment, software services, and data communications equipment or services must be coordinated by the Chief Information Officer (CIO) or his/her designee.

All requests for any computer related hardware, software or services must be submitted with an Information Resource Acquisition Request form (IRA). The Agency CIO or delegated authority must sign the IRA. An approved individual IRA reflecting the commodities and/or services being requested must accompany each Purchase Requisition.

Data processing equipment purchases made via the purchasing card also require the approval of an Information Resource Acquisition (IRA) form prior to the order being placed and/or purchase being made.

**All commodities over \$1,000 must have prior Operating Capital Outlay (OCO) approval, and if processed through MFMP, the Property Administrator must be added to the approval flow. If purchased via p-card, a copy of the receipt must be forwarded to the Property Administrator.**

**14. Computer Maintenance**

Purchase Requisitions for maintenance of computer equipment shall include a list of model numbers, serial numbers and current location of all equipment. An additional amount of money may be included on the initial Purchase Requisition to cover any additional equipment to be added during the fiscal year. Equipment to be covered by per-call maintenance does not need to be listed, only a line item that states the amount of money that is to be encumbered for this service. Should a change order be necessary, and the dollar amount of the Direct Order need to be changed, a Change Order must be processed in MFMP. **NOTE:** The warranty may be extended only at the time of purchase or during the initial year of ownership. After that time, equipment should be placed on either maintenance or per-call service with the appropriate vendor.

Additions/deletions of equipment shall be accomplished through a change order in MFMP.

Repairs to equipment not covered by maintenance shall be accomplished on a per-call basis by following applicable procurement statutes and rules accordingly. Equipment may be added to maintenance coverage following completion of repair, should continuing maintenance be desired.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**15. Promotional Items**

Payment requests for the purchase of promotional and/or advertising expenses must cite the statutory authority and document the purchase.

**16. Motor Vehicles**

Section 287.151, Florida Statutes requires specific legislative budget authority for purchasing motor vehicles with funds provided in the General Appropriations Act. Additionally, when the purchase or lease of a motor vehicle is desired, the applicable state term contract must be utilized and the instructions for ordering off of the applicable state term contract must be followed. All forms which may be required by the applicable state term contract must be completed and approved by DMS, if applicable, prior to the purchase requisition being submitted in MFMP.

**17. Recycled Products**

In order to comply with the intent of Section 287.045, Florida Statutes, and in accordance with recycled content criteria established by the Department of Management Services, State Purchasing Office regarding the procurement of products with recycled content, the Agency may elect, for individual bid solicitations, to allow a price preference of up to ten percent for bidders offering products that meet minimum recycled content requirements, over lower bidders not offering products that minimum recycled content requirements.

**18. Recycled Paper**

When adequate quality of recycled paper can be obtained and it is economical, Section 287.045, F.S. requires that agencies meet a goal of not less than 65% in paper purchased with recycled content.

**19. Subscriptions**

Original and renewal subscriptions such as newspapers, magazines, trade journals, periodical reports, etc., shall be requested in advance on properly authorized Purchase Requisitions. Revisions or additions to series or sets of legal or other volumes, etc., will be requested in advance also. If available, the subscription order form should be submitted with the Purchase Requisition. If the subscription is a renewal, also submit the vendor's mailing label, as it will assist the vendor in identifying your account.



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**a. Term of Subscription**

Renewal or start dates of subscriptions should be noted on the Purchase Requisition, in addition to the term of the subscription. If utilizing a purchasing card, please ensure that the subscription terms are noted on file and that all purchasing requirements have been met.

**b. Prepayment of Subscription**

If prepayment is required, it should be stated in the description section, and either an invoice or a properly completed order form must accompany the Purchase Requisition.

**20. Meeting Rooms**

Free space is to be utilized whenever possible. AWI employees coordinating meetings/training sessions should give priority to using AWI meeting rooms, which are available in Tallahassee and other cities around the state. When considering other sites, employees should pay attention to handicap accessibility, transportation from place of lodging and the overall cost of rental space vs. access to free space. This includes the use of meeting rooms for which there is no additional charge at hotels when booking overnight rooms.

Agency staff may seek an outside marketing/site selection company to negotiate and reserve meeting facilities for the following reason only: If it is determined that no free or normal free space is available and when staff time to arrange these functions would not be cost effective, Agency contacts should obtain and compare estimates from the hotels to ensure the best deal for the Agency. The comparison should include the number of meeting rooms, guaranteed sleeping rooms, the audio/visual equipment required, parking requirements, etc.

When negotiating for a meeting room, never include food, beverages and entertainment in the price. The negotiated price must be for the meeting room facilities and equipment only. If one is selected, it should be the responsibility of the Agency contact to inform the vendor what constitutes acceptable meeting room expense.

**The Purchase Requisition for the meeting room must contain the following statement which will be printed on the face of the Direct Order:**

*“This order is issued in compliance with 3A-40-103 of the Florida Administrative Code which in part prohibits the expenditure of state funds for refreshments. Food or beverage charges are specifically excluded.”*

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Responsible employees must adequately justify to the Purchasing Office any increase to an existing Direct Order for meeting room space.

Acceptable examples are:

- Unexpected need for audio visual equipment
- Increase in the number of attendees

**21. Cellular Phones**

It shall be the policy of the Agency to provide cellular telephones for employees engaged in activities that require access to continuous communications as an integral part of assigned responsibilities as established in AWI Policy 4.04.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

## SECTION TWO: CONTRACTS

### **I. CONTRACT DEVELOPMENT**

Section 287.058, F.S. provides that every procurement of contractual services in excess of the threshold amount for Category Two (\$25,000), except for the providing of health and mental health services or drugs in the examination, diagnosis or treatment of sick or injured state employees or the providing of other benefits as required by the prohibitions of Chapter 440, F.S., shall be evidenced by a written agreement or purchase/direct order.

However, in lieu of a written agreement, a direct order may be utilized for contractual services, if the provisions of Section 287.058(a-f), F.S. are included in the direct order or solicitation. The direct order must include, but need not be limited to, an adequate description of the services, the contract period, and the method of payment. Additionally, in lieu of printing the provisions of paragraphs (a)-(f) in the contract document or direct order, the Agency may incorporate the requirements by reference.

The written two-party agreement shall be signed by the Agency Head or the appropriate delegated authority, and the contractor prior to the rendering of any contractual service the value of which is in excess of Category Two (\$25,000), except in the case of a valid emergency as certified by the Agency Head, or delegated authority. The certification of an emergency shall be prepared within 30 days after the contractor begins rendering the service and shall state the particular facts and circumstances which precluded the execution of the written agreement prior to the rendering of the service. If the Agency fails to have the contract signed by the Agency Head or delegated authority, and the contractor prior to the rendering of the contractual service, and if an emergency does not exist, the Agency Head shall, no later than 30 days after the contractor begins rendering the service, certify the specific conditions and circumstances to DMS as well as describe actions taken to prevent recurrence of such noncompliance. A copy of the certification shall be furnished to the Chief Financial Officer with the voucher authorizing payment. DMS will report repeated instances to the Auditor General.

Section 287.057(19), F.S. provides that the Agency shall establish a review and approval process for all contractual services contracts costing more than Category Three (\$50,000) which shall include, but not be limited to, program, financial and legal review and approval. Such reviews and approvals shall be obtained before the contract is executed.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Step by step instructions for the contract review process are detailed on the Contract Review Form. The Contract Review Form is available for download from Purchasing’s Intranet web page at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

Each reviewing entity, upon receipt of a contract/amendment for review and approval, has a maximum of three (3) business days to process the contract or amendment for review and approval. If the contract/amendment is received after 5:00 p.m. EST, the first business day starts at 8:00 a.m. on the following business day. **It is imperative that two-party contracts be properly documented and follow the sequence of reviewers as listed on the Contract Review Form, and are approved by the appropriate delegated authority.**

The table below shows the order of approval by the reviewing entity and describes the purpose of the review at each step in the process:

<b>Reviewing Entity</b>	<b>Review Purpose</b>
Program Manager	Content, Accuracy, Completeness, and utilization of appropriate core contract.
Purchasing Manager	Content, Format, Accuracy and Completeness. Comparison to original contract and previous amendments, and procurement documents. To ensure that purchasing processes are being followed, consistent with established policy, and that the contract/amendment is in compliance with statutes and rules that govern procurement in Florida.
IT Manager	Scope of Work/Specifications are consistent with current Agency Information standards and will not impede existing systems.
Grant Manager	Verification of appropriate grant funding.
Budget Manager	Allotment availability and appropriate accounting codes have been utilized.
General Counsel	Content, Accuracy, Completeness, Legality, and appropriate Terms and Conditions.
Process Manager	Content, Accuracy, Completeness and Funding. Final approval if contract and/or amendment equals \$250,000 or less.
Deputy Director, if applicable	Content, Accuracy, Completeness and Funding. Final approval if contact and/or amendment is over \$250,000.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Assistant Director, if applicable	Acknowledgment if contract and/or amendment is greater than or equal to \$500,000.
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**A. Contract Development Process**

A Contract Development Process Overview is available for download from Purchasing's Intranet web page at the link provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

The overview should be utilized by the Program Areas as a reference tool to view a diagram of the Contract Development process flow.

An Agency two party contract consists of the following

1. Basic Core Contract Document – Prepared and maintained by the Office of General Counsel. There are currently three different core contracts and they are as follows:
  - a. Vendor Core Contract: utilized for vendor/AWI contracts.
  - b. Sub-Recipient Procured Core Contract: utilized for grants, or sub-recipient agreements.
  - c. Sub-Recipient Exempt Procurement Core Contract: utilized for grants, or sub-recipient agreements that are exempt from federal procurement laws.

The three core contracts may be downloaded from Purchasing intranet web page. The link is provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

2. The Scope of Work (referred to as Attachment 1 to the Contract).
3. Certifications signed by the vendor.
4. Any other attachments relative to the contract identified in the Scope of Work.

The Agency's standard core contracts are documents that contain the basic contract terms and conditions required in all Agency contracts. This includes administrative, financial and non-programmatic terms and conditions mandated by federal and state statutes, rules, regulations and policies of the Agency and other applicable state agencies, such as the Office of Financial Services.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

Whenever the Agency's core contract is used in formulating a contract, it is mandatory that a copy of it be included as an attachment to the solicitation.

The core contract must not be changed without the prior written approval from the Office of General Counsel. If it is determined that the terms and conditions provided in the core contract are not adequate for a specific procurement, the Office of the General Counsel and the Purchasing Office must be consulted and any appropriate change will be made.

Attachment 1 is the section of the core contract that contains the statement/scope of work and all the contract terms and conditions which are not covered by the core contract such as the invoicing process and payment methodology.

The Contract Manager determines what type of contract is most appropriate. (i.e., how and when is the vendor to be paid and how and when is the vendor to provide deliverables.) The contract type should be selected based on which type of contract best ensures the delivery of the commodities or services, promotes efficiencies and effectiveness, and provides the best value to the state.

**B. Types of Contracts**

**1. Fixed Price/Fixed Rate Price**

- Price is a set (fixed) amount/Rate is a set (fixed) amount.
- Provides the greatest incentive for efficient and economical performance.
- Should only be used if competitively procured and/or historical costs are available to provide a basis for the price.

**2. Cost Reimbursement**

- Vendor will be reimbursed for expenditures incurred during the contract time period that are directly related to the project.
- Should be used when no competitive procurement and/or there is no historical cost information available.
- Should include budget detailing how funds are to be spent and state that all expenditures must be directly related to the project.
- Requires more fiscal monitoring.

**3. Performance Based**

- Allows the Agency to acquire commodities or services via contracts that define what is to be achieved, providing best-value products and services.
- Increased likelihood of meeting Agency's needs.

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

- Allows focusing on intended results, not the process.
- Provides better value and enhanced performance.
- Less performance risk.
- Contractor buy-in and shared interests.
- Shared incentives permit innovation and cost effectiveness.
- Less likelihood of a successful protest.
- Less frequent and more meaningful monitoring.

4. **Combination**

- Cost plus firm fixed fee.
- Cost plus percentage of cost should be avoided, as it offers no incentive for the provider to control costs.

C. **Contract Review, Approval, Execution, Distribution and File Set Up**

A Contract Checklist is available for utilization by the Program Area as a reference tool during the contract review, approval, execution, distribution and file set up process. This checklist may be downloaded from Purchasing's Intranet website. The link is provided below:

<http://intra.awi.state.fl.us/gs/purchasing.htm>

The Contract Manager shall input all required information in the fields on the applicable core contract, including completing all necessary certifications and attachments to the contract and Contract Review Sheet.

The Contract Manager shall then provide the entire packet of completed documents which includes the contract, contract review sheet, and Vendor vs. Sub-Recipient Checklist to the Purchasing Office for review and approval.

The Purchasing Office will review the contract packet and consult with the Contract Manager for any necessary changes. Once all changes have been made, the Purchasing Office will route the contract package for Agency Review and Approval in the order outlined on the Contract Review Sheet.

After completion of the initial Agency review and approval process, the Purchasing Office will electronically send two original copies of the contract to the vendor in Adobe format, for execution, or send originals via regular or overnight mail for contractor execution.

The Purchasing Office shall maintain a copy of the Agency's Delegation of Authority for the purpose of auditing signature authority, as needed. Additionally, the Agency's Delegation of Authority may be viewed on

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Purchasing's Intranet web page under the Resources heading at the following website URL: <http://intra.awi.state.fl.us/gs/purchasing.htm>.

Upon receipt of the two signed originals from the contractor, the Purchasing Office will obtain final Agency execution.

Upon receipt of the two fully executed original contracts, the Purchasing Office will complete the original Agency contract file, and distribute one original to the vendor, and e-mail a scanned version of the fully executed contract to Financial Services, and the Program Area, along with any referenced attachments and future fully executed amendments.

The Contract Manager should prepare a Program Area contract file. This file should mirror the Purchasing Office's original contract file.

**D. Contract Amendments**

If a contract needs to be amended, the contract manager should notify the Purchasing Office of the need to process an amendment and determine whether the amendment is within the scope of the contract.

The Contract Manager will then develop the draft amendment and forward the draft amendment and completed Contract Review Sheet for review by the Purchasing Office.

The Purchasing Office will review the amendment and consult with the contract manager on any changes. When the amendment is finalized, the Purchasing Office will route the amendment along with the Contract Review Sheet for agency review and approval.

The execution of the amendment will follow the same process as the original contract.

Upon receipt of the fully signed Amendment Contract Review Sheet and executed amendment, the Purchasing Office shall maintain these documents in the original contract file and provide a copy to the contract manager.

**E. Contract Extensions**

Section 287.057(13), F.S. provides that extension of a contract shall be in writing for a period not to exceed six (6) months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.



**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

**F. Contract Renewals**

Section 287.057(14), F.S. provides that Contracts for commodities or contractual services may be renewed for a period that may not exceed three years or the term of the original contract, whichever period is longer. Additionally, section 60A-1.048(1)(a-b), F.A.C. provides that the renewal may be divided into increments (e.g., three one-year renewals), may be for a complete term (e.g., one renewal for three years of the original term of the contract), or a combination thereof (e.g., one two-year renewal followed by a one one-year renewal). The Agency must provide documentation justifying that the renewal is in the best interest of the State and keep such justification in the contract file.

Renewals are contingent upon satisfactory performance evaluations by the Agency, and must be authorized by mutual agreement in writing. Renewal of a contract shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. Renewal is not permitted for contracts that are procured via the single source or Emergency Purchase procurement methods.

**Special Note:** Section 287.057(1)(a), F.S. provides that bids/proposals shall include the price for each year for which the contract may be renewed. Evaluation of bids shall include consideration of the total cost for each year as submitted by the vendor. Criteria that were not set forth in the solicitation may not be used in determining acceptability of the bid.

**G. Contractor Default**

The Agency core contracts include several Contract Termination clauses and also addresses Contractor Default. Additionally, Rule 60A-1.006(3), F.A.C. provides further direction regarding the Agency's actions when determining a Contractor in Default. The rule states that if a vendor is in default on any contract with the Agency, the Agency shall:

“Notify, in writing, any vendor who fails to adhere to contract terms and conditions. This notice shall state the nature of the failure to perform and provide a time certain for correcting the failure (such reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the vendor will be found in default and removed from the Agency's approved vendor list.

Unless the vendor corrects its failure to perform within the time provided, or unless the Agency determines on its own investigation that the

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

vendor's failure is legally excusable, the Agency shall find the vendor in default and shall issue a second notice stating:

- The reasons the vendor is considered in default;
- That the Agency will re-procure or has re-procured the commodities or services; and
- The amount of the re-procurement if known.

The defaulting vendor will not be eligible for award of a contract by the Agency until such time as the Agency is reimbursed by the defaulting vendor of all re-procurement costs. Re-procurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the next eligible awardee under the original solicitation, when applicable. If the Agency fails to contract with the next eligible awardee, it may continue in this manner sequentially through all eligible awardees until a vendor willing to perform at acceptable pricing under the solicitations terms and conditions is found. Alternatively, an agency may elect to disregard previous solicitations, if any, and re-procure the commodity or contractual service pursuant to all applicable requirements of Chapter 287, F.S.”

Pursuant to Section 120.57, F.S. the defaulting vendor will be advised of the right to petition for an administrative hearing on the intended decision to remove the vendor from the list and shall be given a time certain within which to submit the petition.

Until such time as it reimburses the Agency for all re-procurement costs and the Agency is satisfied that further instances of the default will not occur, the defaulting vendor shall not be eligible for award of a contract by the Agency. To satisfy the Agency that further instance will not occur, the defaulting vendor shall provide a written correction action plan addressing the original grounds for default.

The foregoing provision does not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

## **II. CONTRACT MANAGEMENT**

This section outlines the role of the contract manager and contract monitoring function in all Agency procurements. All AWI Contract Managers must be certified through the Agency's Contract Management Training Program before performing duties as a Contract Manager for the Agency. However, this requirement may be overridden by the appropriate Deputy Director if deemed necessary.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Section 287.057(15), F.S. provides that for each contractual services contract, the Agency shall designate an employee to function as a Contract Manager who shall be responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor.

A Contract Manager is an individual who is primarily responsible for negotiating, monitoring and enforcing the terms and conditions of the contract. This individual is responsible for the success of the contract. A Contract Manager's duties include, but are not limited to carrying out preparation of the contract with the Purchasing Office, monitoring the contractor's performance, reviewing and approving invoices for payment, and maintaining a comprehensive file on the contract.

The Contract Manager is the primary point of contact through which all contracting information flows between the Agency and the vendor in coordination with the Purchasing Office. All actions related to the contract shall be initiated by or coordinated with the Contract Manager.

Every contract issued by the Agency shall be monitored with the exception of those granted an exclusion.

**A. Roles and Responsibilities of a Contract Manager**

A Contract Manager's responsibilities include, but are not limited to the following:

1. Enforces the terms and conditions of the contract;
2. Carries out the preparations for contracting;
3. Provides the scope of work documents to the Purchasing Office for soliciting and analyzing bids;
4. Acting as the liaison with the provider;
5. Monitoring the provider's performance and assessing penalties as appropriate;
6. Reviewing and approving invoices;
7. Maintaining a complete Contract Manager File on the contract;
8. Working with the Purchasing Office during contract development and execution of a contract; and
9. Communicating to the Purchasing Office of upcoming contract actions for new and existing contracts at least three to six months before the action is/are required to take place.

**B. Purpose of Monitoring Contracts**

1. Ensure provider compliance with the contract;
2. Ensure Program Area is getting what is required under the contract;

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

3. Track provider fiscal responsibilities (are funds being used appropriately?);
4. Detection of non-compliance; problem resolution; and
5. Ensure corrective action where necessary.

**C. Types of Contract Monitoring**

Contract Monitoring reduces fiscal and program risks and is an interactive and proactive process. Contract Managers should conduct reasonable and objective evaluations of provider's performance. There are two types of monitoring:

1. **Contract Monitoring:** Review of reports or other documentation submitted by the provider and conducts visits to the site of service delivery.
2. **Programmatic Monitoring:** Evaluation of the program performance of the provider.

**D. What Does Contract Monitoring Consist Of?**

1. Maintaining Contract Manager's file;
2. Identifying reports to be submitted by the contractor;
3. Preparing schedules of anticipated products;
4. Projections of performance and costs;
5. Reviewing and Analyzing reports received from the provider;
6. Determining if invoices received are in proper format;
7. Approving invoices and forwarding to Fiscal Office; and
8. Answers the following questions:
  - a. Has the provider demonstrated satisfactory performance under the agreement?
  - b. Is the information in the provider's reports correct?
  - c. Are fiscal requirements met, i.e., did the Agency get what they paid for?
  - d. Are funds properly accounted for?
  - e. Are expenditures authorized, supported in accordance with contract and law?
  - f. Are total payments within contract amount?

**E. Monitoring Plan**

The Contract Manager may consider a monitoring plan. The type of contract involved may determine the level of monitoring necessary. A monitoring plan may include:

1. Periodic Provider Reporting

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

2. On-site Reviews and Observations
3. Client Surveys
4. Other periodic Contact with the Provider
5. Review of Audit Reports
6. Invoice Reviews

**F. What If There Is A Problem With The Vendor's Performance?**

Problems should be addressed immediately. Contract Managers should assess whether the deficiencies can be fixed informally or if they require formal corrective action. If formal corrective action is necessary, contact the Purchasing Office for assistance. When problems do occur:

1. Seek advice from the Purchasing Office or Legal if necessary.
2. Communicate efficiencies and remedies.
3. Document provider conversations and time for corrective action.
4. Document provider progress.
5. Check for applicable laws or regulations regarding how corrective action must occur.
6. Clearly identify the problem verbally and in writing. Use dates, number of occurrences, and other supporting data.

**G. Contract Problems Warranting Formal Corrective Action**

Contract problems that may require formal corrective action include, but are not limited to the following:

1. Failure to ensure client health, safety or welfare;
2. Significant negative audit or monitoring findings;
3. Inferior quality of deliverables;
4. Failure to perform all or part of the agreement;
5. Late performance;
6. Late submission of reports on a recurring basis; and
7. Inadequate, unclear or excessive billing.

**H. What is a Contract File?**

A contract file is a device used by the Contract Manager and the Purchasing Office to maintain pertinent information related to the contract in a logical and coherent manner.

The files are maintained for a period of five (5) years following contract closeout or resolution of pending action (e.g., legal, audit, etc.) whichever is later.

**STATE OF FLORIDA  
AGENCY FOR WORKFORCE INNOVATION  
PURCHASING PROCEDURES MANUAL**

Contract Managers are encouraged to compare their contract files with the Purchasing Office's original contract files to ensure that necessary documentation is being properly maintained.

A Contract Manager's file should be neat, complete, organized, and contain at least the following data:

1. Copy of fully executed contract, amendments, renewals, extensions;
2. Vendor Contact Information;
3. Copies of all correspondence;
4. Schedule of dates regarding deliverables, reporting, payment contract period;
5. Documentation of all invoices, payments, and associated financial documents;
6. Verification documents regarding provider performance;
7. Documentation of any corrective action; and
8. Close-out documentation.

**III. CONTRACT ADMINISTRATION**

Section 287.057(16), F.S. provides that the Agency shall designate at least one employee who shall serve as a contract administrator responsible for maintaining a contract file and financial information on all contractual services contracts and who shall serve as a liaison with the contract managers and DMS. It is the Agency's policy that this requirement is applicable to agency contracts, Workforce Florida, Inc. contracts, interagency agreements and memoranda of understandings.

Only agency contracts are required to be routed through the Purchasing Office for the agency review and approval process. For all other contracts (i.e., Workforce Florida, Inc., interagency agreements and memoranda of understandings, the Purchasing Office shall not be included in the agency review and approval process. However, a fully executed copy of these contracts must be provided to the Purchasing Office for tracking and filing purposes.

For the Agency for Workforce Information, the General Services' Officer serves as the Contract Administrator, and the responsibilities of this designation are carried out by the Agency's Purchasing Office.

**A. Contract Administrator Responsibilities**

1. Works with the Contract Manager to develop contracts and performs preliminary contract review prior to contracts being sent to the contractor for signature;

**STATE OF FLORIDA**  
**AGENCY FOR WORKFORCE INNOVATION**  
**PURCHASING PROCEDURES MANUAL**

2. Coordinates the duties and responsibilities of the contract with the Contract Manager;
3. Facilitates the contract tracking function while the contract is being routed through the agency for review and approval;
4. Maintains original contract and bid files;
5. Provides technical assistance to the Contract Managers;
6. Provides Procurement and Contract Management Training to Contract Managers;
7. Provides reports to Program Areas through the Contract Manager upon request of upcoming contract expirations; and
8. Assign contract numbers and assist in the Contract Review process.

**B. Important Relationships in Contract Management and Administration**

Listed below are all areas that have involvement in contract management and contract administration:

1. Program Area
2. General Counsel
3. Purchasing Office
4. Budget Office
5. Financial Management
6. Information Technology
7. Provider

**C. Contract Management and Administration Resources**

Listed below are available contract management and contract administrative resources:

1. Statutes and Rules
2. Purchasing Policies and Procedures
3. Procurement and Contract Tracking System
4. Co-Workers
5. MFMP
6. Internet
7. AWI Intranet
8. Contract Monitoring Tool