

Amendment to Polk County Purchasing Procedures Manual

WHEREAS, Polk County Ordinance 06-24, as amended, provides in Section 3.C. that the County Manager shall prepare and promulgate procedures for purchasing, procurement and the sale and conveyance of real or personal property as necessary for the implementation of said ordinance; and

WHEREAS, in accordance with the above-referenced authority, the County Manager approved and adopted a revised Purchasing Procedures Manual on August 6, 2010 (the "Manual"), which serves as the basis for purchasing procedures for the County; and

WHEREAS, Section 3.C. of Ordinance No. 06-24, as amended, further provides that the County Manager may authorize changes to the Manual upon recommendation by the Procurement Director; and

WHEREAS, on March 4, 2014, the Board of County Commissioners amended Ordinance 06-24, the Polk County Procurement Ordinance, as amended; and

WHEREAS, this amendment amended a portion of Section 2D, Local Preference, Providing for Severability; and Providing for an Effective Date; and

WHEREAS, the Procurement Director has recommended, and the County Manager has approved, a revision to the Purchasing Procedures Manual which would provide for the local preference policy, as further set forth below.

NOW THEREFORE, the Purchasing Procedures Manual is hereby amended as follows:

Section 1: The following replaces in its entirety, the local preference policy:

The local preference policy shall be implemented in the following manner:

When written quotations (less than \$50,000.00) are received, and the lowest price is offered by an entity located outside of Polk County, and the next lowest price is offered by an entity located in Polk County, and is within 5% of the lowest price offered, then the Polk County entity shall be given the opportunity to match the lowest price offered, and if agreement to match the lowest price is reached, the Polk County entity will be awarded the quote if the Polk County entity is otherwise fully qualified and meets all county requirement.

When sealed bids are received that do not exceed \$3,000,000.00 and the lowest price is offered by an entity located outside of Polk County, and the next lowest price is offered by an entity located in Polk County, and is within 2% of the lowest price offered, then the Polk County entity shall be given the opportunity to match the lowest price offered, and if agreement to match the lowest price is reached, the Polk County entity will be awarded the bid if the Polk County entity is otherwise fully qualified and meets all county requirements.

When sealed bids are received that are greater than \$3,000,000.00 but do not exceed \$5,000,000.00, and the lowest price offered by an entity located outside of Polk County, and the next lowest price is offered by an entity located in Polk County and is within 1% of the lowest price offered, then the Polk County entity shall be given the opportunity to match the lowest price offered, and if agreement to match lowest price is reached, the Polk County entity will be awarded the bid if the Polk County entity is otherwise fully qualified and meets all county requirements.

When sealed bids are received that are greater than \$5,000,000.00 and the lowest price is offered by an entity located outside of Polk County, and the next lowest price is offered by an entity located in Polk County and is within .5% of the lowest price offered, then the Polk County entity shall be given the opportunity to match the lowest price offered, and if agreement is reached, the Polk County entity will be awarded the bid if the Polk County entity is otherwise fully qualified and meets all county requirements.

The term "Polk County Entity" means any business having a physical location within the boundaries of Polk County, Florida, at which employees are located and business activity is managed and controlled on a day to day basis. Additionally, the business must have been located within the boundaries of Polk County for a minimum of 12 months prior to the date the applicable solicitation is issued. This requirement may be evidenced through a recorded deed, an executed lease agreement, or other form of written documentation acceptable to the County. The County shall have the right, but not the obligation, to verify the foregoing requirements

If a contract is being funded in whole or in part by assistance of any deferral, state or local agency which disallows local preference, the County will adhere to those requirements by not applying this section.

Section 2: The Purchasing Procedures Manual, as amended by this Amendment, remains in full force and effect.

Authorized by:



Jim Freeman,
County Manager



Fran McAskill
Budget and Procurement Director

Date: 3/14/14

Date: 3/13/14

ORDINANCE NO. 2014-013

AN ORDINANCE AMENDING POLK COUNTY ORDINANCE 06-24, THE POLK COUNTY PROCUREMENT ORDINANCE, AS AMENDED; AMENDING A PORTION OF SECTION 2D, LOCAL PREFERENCE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT:

I. INTENT

The sixth (6th) paragraph of Section 2D of Polk County Ordinance Number 06-24, as amended, is hereby amended and restated in its entirety as follows:

For purposes of this provision, the term "Polk County Entity" means any business having a physical location within the boundaries of Polk County, Florida, at which employees are located and business activity is managed and controlled on a day to day basis. Additionally, the business must have been located within the boundaries of Polk County for a minimum of 12 months prior to the date the applicable solicitation is issued. This requirement may be evidenced through a recorded deed, an executed lease agreement, or other form of written documentation acceptable to the County. The County shall have the right, but not the obligation, to verify the foregoing requirements.

II. SEVERABILITY

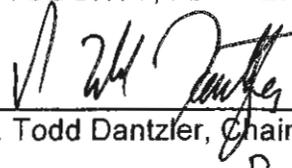
If any clause, section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Ordinance shall remain in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

III. EFFECTIVE DATE.

A certified copy of this Ordinance shall be filed in the Department of State by the Clerk of the Board within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

DULY ADOPTED in regular session, this 4th day of March, 2014.

BOARD OF COUNTY COMMISSIONERS
OF POLK COUNTY, FLORIDA

BY: 
R. Todd Dantzler, Chairman
P. 26



ATTEST: Stacy M. Butterfield, Clerk

Kim Hancock
Clerk

(SEAL)

STATE OF FLORIDA)
)
COUNTY OF POLK)

I Stacy M. Butterfield, County Clerk and Comptroller for Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Ordinance No.14-013 adopted by the Board on March 4th, 2014.

WITNESS my hand and official seal on this 5th day of March, 2014.

STACY M. BUTTERFIELD, CLERK

By: Alison Prevatt
Alison Prevatt
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 5, 2014

Ms. Alison Prevatt
Deputy Clerk
Finance and Accounting
Post Office Box 988
Bartow, Florida 33831-0988

Dear Ms. Prevatt:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Polk County Ordinance No. 2014-013, which was filed in this office on March 5, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

