

# EMERALD COAST REGIONAL COUNCIL

## PROCUREMENT POLICY

### SECTION 1: Scope and Definitions

1.1 This Procurement Policy applies to every purchase/procurement and sale by the West Florida Regional Planning Council D.B.A. Emerald Coast Regional Council (ECRC) except as otherwise provided by law. When using federal funds and there is a conflict between federal, state and/or local requirements, federal requirements take precedence unless state or local requirements are more stringent. Notwithstanding the provisions in this Procurement Policy, ECRC purchasing shall be conducted in accordance with applicable local, state, and federal law, and in a manner that preserves local, state, and federal funding received by ECRC in connection with its planning responsibilities.

1.2 As used in this document, the term:

A. "ECRC" means the West Florida Regional Planning Council D.B.A. Emerald Coast Regional Council created pursuant to Section 186.512, F.S., duly recognized by the Governor of the State of Florida.

B. "Designee" means a duly authorized representative of ECRC.

C. "Electronic" means electrical, digital, magnetic, optical, electromagnetic, or any other similar technology.

D. "Electronic Posting" or "Electronically Post" means the noticing of solicitations, ECRC decisions or intended decisions, or other matters relating to procurement on the ECRC Internet website.

E. "Executive Director" means the chief executive officer of ECRC, including his/her designee, responsible for carrying out the policies of the ECRC Board.

F. "Library of Service Providers" means the library of qualified consultants to perform planning or other services for the ECRC on an as-needed basis in accordance with the procurement procedures set forth in Chapter 287, Florida Statutes.

G. "Procurement Officer" means the employee designated by the Executive Director to oversee the procurement process for each occurrence.

H. "Public Notice" means the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods may include the publication in newspapers of general circulation, electronic or paper mailing lists, and web site(s) designated by the ECRC and maintained for that purpose.

## **SECTION 2: Competitive Bidding or Competitive proposals Required – Purchases, Contracts, and Sales in Excess of \$35,000**

2.1 *Purchases Exceeding \$35,000.* A purchase of, or contract for, commodities or services, that is estimated by the Executive Director, to cost more than thirty-five thousand dollars (\$35,000.00), shall be based on competitive bids, competitive proposals, or the Request for Qualifications Procedures in Section 6 for professional services, as determined by the Executive Director or the Procurement Officer.

2.2 *Procedure.* Except for a purchase of, or contract for, professional services utilizing the Request for Qualifications Procedures set forth in Section 6, purchases or contracts for commodities or services estimated to cost more than thirty-five thousand dollars (\$35,000) shall be made from the lowest, most responsive, and responsible bidder obtained in accordance with the following formal bid procedures:

A. The Procurement Officer shall obtain an independent cost or price analysis in connection with every procurement action, including contract modifications, under this section. The independent cost proposal or price analysis should be developed before the issuance of the solicitation.

B. The Procurement Officer shall solicit through appropriate legal advertisements, which may include electronic posting and public notices, a minimum of three (3), if available, competitive sealed bids or proposals from the general public for the purchase of the required goods and services. The bidding window shall not be less than fourteen (14) days, nor more than thirty (30) days long unless approved by the Executive Director. The advertisement shall state the title, date, and hour of the public bid opening and shall specifically define the resources for which bids are sought. Any invitation to bid shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders.

C. The Procurement Officer with the Finance Department's assistance may also utilize the library of service providers for contracts which have been procured utilizing the process identified in Subsection 2.2 and all agreements with library of service providers that were approved by the ECRC Board and remain in force. If the library of services is utilized by the Procurement Officer, the procurement process is then exempt from the competitive bid proposal requirements as described in Subsection 3.1, ECRC shall procure goods and services in compliance with the funding source (federal, state, or local funds).

D. The Procurement Officer in conjunction with the Executive Director or the project manager and the established Selection Committee shall review the bids or proposals for responsiveness and then review and rank the bids or proposals received according to pre-

determined methodology and present them, along with recommendation, to the Executive Director.

E. The Executive Director shall negotiate and award the purchase /service contract or sale after the required ECRC Board I has been obtained.

F. The Procurement Officer shall maintain records for the period of time as required by the State of Florida Records Retention Schedule, as may be amended from time to time. Records include procurement justification information, such as responsive and responsibility determinations and technical evaluation, independent cost estimate and bid tabulation form.

2.3 *Approval.* All purchases and contracts made in accordance with this Section shall have the approval of the Executive Director.

2.4 *Surety.*

A. *Bid Deposits.* When deemed necessary by the Procurement Officer, bid deposits shall be prescribed in the public notice inviting bids. When bid deposits are required, unsuccessful bidders shall be entitled to return of surety. A successful bidder shall forfeit any surety required by the Procurement Officer upon failure on its part to enter a contract within fifteen (15) days after the award.

B. *Sureties on Performance.* For all competitive bids seeking commodities or services, the Procurement Officer, in his or her discretion may include as a requirement of such advertised bids, a performance bond, in the total contract amount. Any bonding company used must be listed on the United States Department of the Treasury's Circular 570. Additionally, the bonding company must be rated at least "B," Class V, by "Best's Key Rating Guide," published by A.M. Best Company, and authorized to do business in Florida.

2.5 *Specifications Cannot be Determined.* When specifications of the resources that are required for a purchase cannot be determined, the ECRC shall solicit sealed competitive bids utilizing a Request for Proposal in accordance with the procedures in this Section.

### **Section 3: Exemptions from Competitive Bidding or Competitive Proposals**

3.1 *Exemptions.* The following circumstances are exempt from the competitive bid and competitive proposal requirements of these Rules:

A. *Sole Source.* The acquisition of a sole source item shall be exempt from the competitive bidding requirements set forth in these Rules upon approval by the ECRC Executive Director of a sole source purchase that costs more than \$35,000. The Executive Director or Procurement Officer shall provide documentation evidencing that this particular vendor is

uniquely qualified to provide goods or services or the only practicable source to secure such goods or services.

B. *Emergency Purchases.* In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the Executive Director may waive competitive bidding or competitive proposals and authorize the Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services. Emergency purchases shall not require advance ECRC Executive Committee or Board approval in urgent situations presenting a clear and present substantial threat to life or property where immediate action is required and a quorum of the ECRC Executive Committee or ECRC Board for an emergency special meeting cannot be obtained before the deadline for action. In such emergency situations, the Executive Director may approve the purchase or contract, subject to later ratification by the ECRC Executive Committee or ECRC Board. To the extent practicable, the Executive Director shall notify one or more of the ECRC Executive Committee Members of such emergency purchases.

C. *Utilization of Other Competitively Procured Governmental Agencies' Contracts Also Known as "Piggyback Contracts."* Awarded bids by any local, state, or national governmental agency, cooperative purchasing organizations, or purchasing associations. Commodities or services that are the subject of contracts with the state, its political subdivisions or other governmental entities, or with the United States government, are exempt from this section; provided, however, that this subsection shall apply only if (i) the commodities or services are the subject of a price schedule negotiated by the state, or (ii) the commodities or services are the subject of a contract with another governmental entity that is based strictly on competitive bids or competitive proposals and not on any preference. Such utilization of other government agencies' contracts shall only be valid during the term of that contract or bid award.

D. *Contracts with Public Entities.* Contracts for goods or services with nonprofit organizations or another public body or political subdivision defined in Section 1.01 (8), Florida Statutes, i.e. The words "public body," "body politic," or "political subdivision" include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state."

E. *Professional Services.* (i) Contracts for professional services involving unique skill, ability, experience, or expertise, which are in their nature distinctive and not subject to competitive bidding or competitive proposals, are exempt from this section of the Rules; and (ii) Contracts for professional services between the ECRC and its members as authorized in Section 10, of these Rules, may be exempt from this section of the Rules. Notwithstanding

the foregoing, Federal and State laws (such as the Consultants' Competitive Negotiations Act (CCNA), to the extent applicable) shall be followed.

F. *Borrowing Funds.* Any transaction for, or related to, the borrowing of money from a licensed, registered or otherwise permitted lending entity, whether private or governmental in nature.

G. *Existing Agreements.* Lease agreements and service contracts for the maintenance, repair, or servicing of existing equipment owned or leased by ECRC, at the date of adoption of this policy.

H. *Agreements with Library Service Providers.* Library Service providers that have current agreements with the ECRC may be used by the Executive Director to provide required services as requested by the ECRC consistent with these Rules from time to time; however, state laws, such as the Consultants' Competitive Negotiation Act, to the extent applicable shall be followed. No single agreement with a library service provider may exceed \$2,500,000 without separate competitive bidding for those services.

I. *Other Exceptions.* With the approval of the Executive Director, the following supplies and services may be procured without competition, subject to the requirements of this policy.

1. Servicing or warranty work of equipment by an authorized dealer or representative when work by another party would void a warrantee or guarantee;
2. Renewal of software licenses;
3. Used equipment and machinery;
4. Advertising in newspapers, periodicals and related publications, television, radio and similar media;
5. Licenses;
6. Membership in professional, trade and other similar associations;
7. Postage;
8. Published books, manuals, maps, periodicals, films technical pamphlets, and copyrighted educational aids; and
9. Services of visiting speakers and lecturers.

#### **SECTION 4: Request for Quotes – Purchases, Contracts, and Sales Between \$5,000 and \$35,000**

4.1 *Purchases between \$5,000 and \$35,000.* All purchases of supplies, equipment, and contractual services, the price of which is at least five thousand dollars (\$5,000), but less than

or equal to thirty-five thousand dollars (\$35,000) should be made from the lowest and most responsive and responsible bidder obtained in accordance with the informal Request for Quotes procedures set forth in this Section unless otherwise justified.

4.2 *Procedure.* Under the Request for Quotes procedures, the ECRC shall:

A. Solicit at least three (3) competitive written quotes, if available.

B. Maintain a record of all quotes received for the period of time as required by the State of Florida Records Retention Schedule, as may be amended from time to time.

C. The Procurement Officer shall award the contract or sale after approval by the Executive Director has been obtained.

4.3 *Approvals and Purchase Orders.* All purchases made under this section shall have the prior approval of the Executive Director.

4.4 *Non-exclusivity.* Purchases eligible under this section may also be purchased under Section 2 of this policy.

## **SECTION 5: Purchases, Contracts, and Sales for Less than \$5,000**

*Approvals and Purchase Orders.* Purchases made under this section require Executive Director and/or Procurement Officer approval.

## **SECTION 6: Request for Qualifications Procedures – Consultant’s Competitive Negotiations Act Procedures**

6.1 *Applicability.* The Request for Qualifications procedures in this Section shall apply where the ECRC procures services that are regulated by Section 287.055, Florida Statutes, referred to as Consultant's Competitive Negotiations Act (“CCNA”), when funded by the State, or by 2 CFR Part 200, when federally funded. Procurement of services governed by the CCNA shall comply with all statutory requirements. Additionally, notwithstanding any language in this Procurement Policy to the contrary, the Request for Qualifications procedures in this Section may be utilized by the ECRC to procure other professional services (as defined in Section 3.1E) pursuant to continuing agreements, except where expressly prohibited by law.

6.2 *Procedures for Qualifications-based Selection Process*

A. *Public Notice.* If the ECRC desires to use the qualifications-based selection process for procurement of professional services on a continuing agreement, or if the ECRC is required to utilize the process pursuant to CCNA (State) or 2 CFR Part 200 (Federal) the ECRC shall publicly advertise a Request for Qualifications to obtain qualifications from potential consultants from which a selection will be made to perform the professional services that the ECRC requires.

B. *Receipt of Responses.* The Request for Qualifications shall provide for an ECRC staff member to receive all responses. When the deadline for responses has been reached, that staff person shall distribute the responses to appropriate committee/ECRC staff member for review.

C. *Selection Committee.* The Selection Committee comprised of ECRC staff or others, as appointed by the Executive Director or the ECRC Board, shall be established. The Committee shall have a minimum of three (3) members. All meetings of the Committee shall be conducted in a manner consistent with Florida's Sunshine Law and all applicants shall receive notice by mail, fax, or e-mail. A quorum shall be a majority of members except that if there are only three (3) members, all three (3) must be present. To participate the members of the Committee be physically present. All Committee members shall be free of any conflicts of interest as set forth in Chapter 112, Florida Statutes.

D. *Short List.* The Committee shall conduct a preliminary evaluation of all submittals based on the information provided and other evaluation criteria as set forth in the Request for Qualifications (RFQ) or as reasonably determined by the Committee pursuant to CCNA. The Committee will first review each submittal for compliance with the minimum qualifications and mandatory requirements of the RFQ. Failure to comply with any mandatory requirements, as determined by the Committee, will disqualify a submittal. The Committee must find that the firm or individual is fully qualified to render the required services. In determining whether a firm is qualified, the Committee shall consider factors that include, but are not limited to, (i) the firm's capabilities, (ii) adequacy of personnel, (iii) past record, and (iv) experience of the firm or individual. The Committee shall then reduce (i.e., short-list) the number of qualified firms (as may be appropriate) for further discussion. In short-listing the firms, the Committee shall select the most qualified firms to perform the solicited service without considering price (or as required by funding agency). Firms that are short-listed shall be required to enter into an agreement with the ECRC to provide the contracted services, which shall be subject to approval by the ECRC Board.

E. *Public Presentations.* The Committee may require public presentations by the short-listed firms regarding their qualifications, approach to the project or work, and ability to furnish the required services.

F. *Ranking of short-listed firms.* Following discussions and/or presentations by each short-listed firm, the Committee shall (1) score the short-listed firms as they deem appropriate, (2) select and rank, in order of preference, the short-listed firms deemed to be the most highly qualified to perform the required services, and (3) vote on the final ranking of short-listed firms. Total scores for each evaluation criteria shall be based upon an average of the scores of all Committee members unless otherwise provided for in the RFQ

documents. The Committee shall provide its recommendation on the final ranking of the short-listed firms to the Executive Director.

*G. Negotiations.* Upon approval by the Executive Director of the Committee's recommendation of the final rankings of the short-listed firms, an intent to award shall be posted and the Executive Director shall request a fee proposal from the highest ranked firm and attempt to negotiate a contract with the highest ranked firm to perform specified services at a compensation that is determined by the Executive Director, in his or her sole discretion, to be fair, competitive and reasonable. If multiple project contracts are to be awarded, the Executive Director may request proposals from some or all of the ranked firms and negotiate with them without regard to rank or order. Should the Executive Director be unable to negotiate a satisfactory agreement with the top-ranked firm at a price determined to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. The Executive Director shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the ECRC must terminate negotiations. The Executive Director shall then undertake negotiations with the third most qualified firm. Should the Executive Director be unable to negotiate a satisfactory contract with any of the selected firms, the Executive Director can select additional short-listed firms in the order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached. If the short-list is exhausted, at the discretion of the Executive Director, he or she may exercise the option to either continue down the list of ranked firms or to initiate a new solicitation for Qualifications in the event the ECRC still desires to procure the services.

*H. Compensation for Services.* The ECRC may consider proposals for the compensation to be paid for the requested services only during the negotiations stage under paragraph G above (or as required by the funding agency).

*I. Award of Contract.* After the successful conclusion of negotiations, the contract(s) will be presented to the ECRC Board for award, or, if the contract amount is within the Executive Director's approval authority set forth in Section 6, the contract(s) will be presented to the Executive Director for award. The Board or Executive Director shall review the selection process and may reject all proposals if it is determined that such rejection is consistent with this policy.

*J. Library of Service Providers.* The ECRC may establish a pool of qualified consultants, in accordance with applicable law, to be used as needed to provide prompt and efficient professional services required by the ECRC on a project-by-project basis, as may be authorized by the ECRC from time to time. Notwithstanding any provisions in this Procurement Policy to the contrary, the Executive Director may procure a contract utilizing the library of service providers by selecting a firm from the library that can provide the



required services requested by the ECRC. The ECRC reserves the right to select one or more firms to perform a specific project or projects. All contracts shall be subject to the expenditure limits set forth in Section 6.1 of these Procurement Rules or a contract that would result in a firm from the library receiving contracts from the ECRC for the same services in a cumulative amount exceeding the expenditure limits set forth in Section 6.1 of this Procurement Policy, during a single fiscal year, shall be approved by the ECRC Board.

## **SECTION 7: Protested Solicitations and Awards**

7.1 *Filing a Protest.* After a notice of intent to award a contract is posted, any actual or prospective bidder who is aggrieved in connection with the pending award of the contract or any element of the process leading to the award of the contract may protest to the Procurement Officer. A notice of intent to protest must be filed within three (3) business days after posting, and the formal protest must be filed within 10 days of the notice of intent to award or any right to protest is forfeited. The formal protest must be in writing, must identify the name and address of the protester, and must include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest is received by the Procurement Officer.

7.2 *Protest Committee.* The Protest Committee shall be made up of the persons that make up the Selection Committee and shall have the authority to review, settle and resolve the protest. The Committee's review shall be informal. The Procurement Officer shall provide for the disclosure of information regarding the protest to the appropriate awarding agency. The ECRC General Counsel, or designee, shall be counsel to the Committee.

7.3 *Protest Committee Determination.* If the Protest Committee determines that the pending award of a contract or any element of the process leading to the award involved a significant violation of law or applicable rule or regulation, all steps necessary and proper to correct the violation shall be taken. If the Protest Committee determines that the protest is without merit, the Procurement Officer shall promptly issue a decision in writing stating the reason for the decision and furnish a copy to the protester and any other interested party, and the process leading to the award shall proceed forthwith.

7.4 *Stay of Contract Award.* In the event of a timely protest, the Procurement Officer shall stay the award of the contract, unless, after consulting with the ECRC attorney, the Procurement Officer determines that the award of the contract without delay is necessary to protect substantial interests of the ECRC.

7.5 *Deposit Required.* The chairperson of the Protest Committee shall require a deposit from a protester to compensate ECRC for the expenses of administering the protest. If the protest is decided in the protester's favor, the entire deposit shall be returned to the

protester. If the protest is not decided in the protester's favor, the deposit shall be forfeited to the ECRC. The deposit in the amount of \$1,000 shall be in the form of cash or a cashier's check.

7.6 *Exhaustion of Remedies Required.* A protestor must exhaust all administrative remedies with the ECRC and the pending successful bidder before pursuing a protest with the applicable federal or state agencies.

## **SECTION 8: RECORD REQUIREMENTS**

8.1 The Procurement Officer shall maintain records that detail the history of a procurement. Such records shall include, but not be limited to, the following information: rationale for the method of procurement, selection of contract type, contractor selection/rejection, the basis for the contract price, notice to bidders, RFP/RFQ, independent cost/price analysis, and record of negotiations.

8.2 All ECRC expenditures shall be properly recorded in the accounting records and noted and explained as part of the financial report.

8.3 Budget amendments to fund expenditures shall be performed, as necessary.

8.4 The Procurement Officer shall tag and inventory all Tangible Personal Property items equal to or greater than five thousand dollars (\$5,000) per item.

## **SECTION 9: AUTHORIZATION AND PROCEDURE TO PROVIDE SERVICES TO ECRC MEMBERS**

9.1 *Agreement Required.* The ECRC may perform planning services for those ECRC members through separate agreements as approved by the ECRC Board. The provision of such planning services shall be pursuant to a written contract between the ECRC and the respective member. Services provided by the ECRC may include, but not be limited to, administrative, technical, graphical, public engagement and product review activities. Such services may be provided by ECRC staff or by qualified consultants with whom the ECRC has retained services pursuant to this policy. An agreement to provide services to an ECRC member shall be approved in accordance with Sections 6.1A and 6.2 of this policy.

9.2 *Services to be Provided: Members Responsible for Consultant Fees, Costs and Expenses*

The ECRC may assist an ECRC member by providing additional resources to accomplish assignments as authorized by the ECRC member. A written contract with a ECRC member shall provide for those services specific to the respective ECRC member's requirements, a particular project, or to provide support for planning activities and services as may be requested from time to time by the ECRC member and accepted by the ECRC. Each

agreement shall contain a general scope of services that outlines services (or separate tasks) that may be assigned to the ECRC under one or more general planning contracts and/or work authorizations. Pursuant to the agreement, the ECRC member shall be financially responsible for the total costs associated for those services as provided pursuant to each Services Agreement. The ECRC shall establish and maintain separate cost recovery accounts for the benefit of each participating ECRC member, which member shall, prior to the commencement of any such services, deposit and maintain a sufficient balance to ensure the payment of the fees and costs reasonably anticipated for these services whether provided through ECRC consultants or by ECRC staff. The ECRC shall have no obligation to independently fund the fees, costs, or expenses of these services.

9.3 *Use of Library Providers.* In providing these services to a ECRC member, the ECRC may utilize consultants in the ECRC's library of service providers that have continuing agreements with the ECRC. The use of any continuing agreement shall conform to the requirements of Section 287.055, Florida Statutes, as may be amended and any successor statute.

## **SECTION 10: SALES TAX**

The ECRC is exempt from Florida Sales and Use Tax on its purchases, except as otherwise provided by law. A sales tax exemption form is available from the Procurement Officer. The purchaser is responsible for making an attempt to use the exemption form to avoid paying sales tax. If the retailer refuses to honor the form, the purchaser must so state on the receipt in order to be reimbursed for the sales tax.

## **SECTION 11: PROMPT PAYMENT ACT**

11.1 It is the policy of ECRC to pay all invoices in accordance with the Florida Prompt Payment Act after receipt of a proper invoice, provided that the goods/services have been delivered, received, and accepted by ECRC and that the provider is not in default of any contract/agreement terms or conditions.

### *11.2 Dispute Resolution Regarding Invoicing*

A. In the event of a dispute regarding invoicing, the Finance Director shall consider the complaint. This procedure may be initiated by either the vendor or ECRC by notifying the other party in writing and stating specifically the nature of the dispute. This procedure shall commence within 45 days (and be resolved within 60 days) of receipt of a proper invoice.

B. The invoicing party shall provide ECRC such material and information as ECRC may reasonably require resolving the dispute.

C. Any decision by the Finance Director shall constitute the final decision of ECRC regarding the dispute. Such decision shall be communicated to the vendor in writing within five (5) business days after such decision. If no decision is rendered within the time period

as set out above, then a decision against the invoicing party shall be deemed to have been issued.

## **SECTION 12: TRAVEL EXPENSES**

Procurement of all travel-related expenditures shall be accomplished in accordance with Section 112.061, Florida Statutes and the ECRC Travel Policy Manual.

## **SECTION 13: SURPLUS PROPERTY**

13.1 *Applicable Law.* All Surplus Property shall be disposed of in accordance with federal requirements; Chapter 274, Florida Statutes; and the provisions of this Section. Depending on the cost and age of the Surplus Property, and whether the Surplus Property was acquired with federal funds, approval from the federal funding agency may be needed before being disposed.

13.2 *Market Value Exceeds \$35,000.* All sales of personal property (except trade-in personal property) that has become obsolete and unusable, or the sale of which is otherwise determined to be in the best interest of ECRC, the market value of which is expected to be greater than thirty thousand dollars (\$35,000), shall be made to the highest, most responsive, and responsible bidder obtained in accordance with Section 2 of this policy. Property eligible to be sold under this subsection may also be sold through an appropriately advertised public auction (Publication of notice not less than one week or more than two weeks prior to sale in a newspaper having a general circulation in ECRC regional area). Surplus property may be disposed of for value to any person, may be disposed of for the value without bids to any governmental unity or political subdivision, or offered by sale or donation to private nonprofit agencies as defined in Section 273.01(3), Florida Statutes. All such sales or donations shall have the prior approval of the ECRC Executive Director consistent with the federal funding agency's requirements.

13.3 *Market Value Between \$5,000 and \$35,000.* All sales of personal property (except trade-in personal property) that has become obsolete and unusable, or the sale of which is otherwise determined to be in the best interest of ECRC, the market value of which is expected to be greater than five thousand dollars (\$5,000) but less than thirty-five thousand dollars (\$35,000), shall be made to the highest, most responsive and responsible bidder obtained in accordance with the procedures in Section 4 of this policy. Property eligible to be sold under this subsection may also be sold through and appropriately advertised public auction (publication of notice not less than one week or more than two weeks prior to sale in a newspaper having a general circulation in the northwest Florida area). Surplus property

may be disposed of for value to any person or may be disposed of for the value without bids to any governmental unity or political subdivision or offered by sale or donation to private nonprofit agencies as defined in Section 273.01(3), Florida Statutes. All such sales or donations shall have the prior approval of the ECRC Executive Director consistent with the federal funding agency's requirements.

13.4 *Market Value Less than \$5,000.* Disposals made under this paragraph require Executive Director and/or Procurement Officer approval.

13.5 *Awarding Agency Share.* For the sale of original or replacement items of equipment, the fair market value of which exceeds \$5,000, the Finance Director shall make available to the awarding agency an amount calculated by multiplying the current market value or proceeds from the sale by the awarding agency's share of the equipment.

#### **SECTION 14: CONFLICTS OF INTEREST**

In connection with the ECRC's procurement of commodities or services, ECRC employees shall adhere to the conflict of interest and unauthorized compensation provisions applicable to state and local public officials, as set forth in Section 112.313, Florida Statutes.

#### **SECTION 15: EFFECTIVE DATE OF PROCUREMENT RULES**

This Procurement Policy handbook is effective as of the date of approval of this policy by the ECRC Board, unless otherwise specified in the approving legislation. This Procurement Policy handbook shall not apply to purchases made, and contracts solicited or entered into, prior to the effective date of this policy, unless the parties agree to this policy's application to a purchase made, or contract solicited or entered into, prior to the effective date.