FLORIDA CLERKS OF COURT
OPERATIONS CORPORATION

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# **Title:** Procurement of Services and Commodities Policy

**Policy Number:** 3.d.5
**Effective Date:** June 16, 2025
**Supersedes:** N/A
**Review Date:** Annually

## Authority

- s. 28.35, Florida Statutes
- s. 287.057, Florida Statutes
- Florida Administrative Code
- CCOC Plan of Operations, Article IV – Administration, Section 4-1: Financial Administration

## Purpose

A procurement policy aims to ensure that the best value, the most advantageous balance of price, quality, and performance, is obtained when purchasing business-related products and services and to minimize fraud, waste, and abuse in purchasing.

## Scope

This policy applies to all CCOC employees, contractors, and any individuals or entities authorized to make or approve purchases on behalf of the Corporation. It encompasses all procurements of goods, commodities, and contractual services regardless of funding source.

## Policy Statement

The CCOC shall procure goods and services in a transparent, competitive, and equitable manner consistent with applicable state and federal laws, administrative rules, and internal procedures. Procurements shall:

1. **Promote Accountability:** Document and retain all procurement activities to ensure auditability.
2. **Ensure Legal Compliance:** Adhere to Florida Statutes, the Florida Administrative Code, applicable Comptroller and DMS memoranda, and the Americans with Disabilities Act (ADA).
3. **Encourage Competition:** Use open and competitive methods, unless otherwise permitted by law or procedure
4. **Prevent Abuse:** Enforce internal controls to mitigate conflicts of interest, fraud, waste, and abuse.
5. **Support Inclusion and Diversity:** Encourage participation by small, minority-owned, women-owned, and veteran-owned businesses, in alignment with state policy.
6. **Incorporate Sustainability:** – Consider environmental sustainability and life-cycle costs where feasible and appropriate.

## Responsibility

The Executive Director, or designee, is responsible for:

- Oversight and enforcement of this policy;
- Development and implementation of detailed procurement procedures;
- Ensuring staff are trained in procurement responsibilities and ethics;
- Periodic review and revision of procurement practices to reflect statutory changes and operational needs.

## Compliance

Failure to adhere to this policy and related procedures may result in disciplinary action, including termination of employment or contract. It may be referred to the appropriate legal or administrative authorities.

## Related Documents

- Procurement and Purchasing Procedures
- Contract Negotiation Policy

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# Title: Procurement and Purchasing Procedures

Related Policy: Procurement of Services and Commodities

1. DEFINITIONS

**Administrative Services Director** - The individual within CCOC who acts as the Executive Director's designee overseeing public procurement activities for commodities and services necessary to operate the Corporation and its facilities.

**Approver**- CCOC employee authorized to review and approve or deny purchases and expenditures of funds.

**Bidder** – Person or entity submitting a response to a competitive solicitation.

**Corporation** – For the purpose of this policy, Corporation or CCOC shall mean the Florida Clerks of Court Operations Corporation, a political subdivision of the State of Florida.

**Certification of Best Value** – The process of affirmatively confirming that a product or service meets price, quality, and performance requirements in the purchaser's professional judgment. It adds credibility to the purchase by demonstrating that it was thoughtful, deliberate, and provided the best value.

**Commodity** – Any supplies, materials, goods, merchandise, food, printing, equipment, information technology, or other tangible property.

**Competitive Solicitations** – Advertised solicitations for services and/or commodities with an expected spend amount of $35,000 or more, such as an Invitation to Bid (ITB) or Request for Proposal (RFP).

**Discretionary Purchase** - A procurement method for routine small purchases under $10,000, requiring at least one written quote.

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**Emergency Purchase** - A purchase necessitated by a sudden turn of events (for example, acts of God, riots, fires, floods, accidents, or any circumstances or cause beyond the control of the Corporation in the normal conduct of its business), where the delay for competitive bidding or use of a state contract would be detrimental to the interests of the CCOC. Emergency purchases require approval from the Executive Director or designee.

**Evaluation Team** - A group of at least three people that collectively have experience and knowledge in the program areas and service requirements and have been selected to evaluate the responses received from an ITB or RFP for which commodities or contractual services are sought. Evaluation team members are appointed by the Executive Director or designee when an ITB or RFP is used as a solicitation. All evaluation team members must complete a conflict-of-interest form.

**Invitation to Bid (ITB)** - A competitive solicitation for sealed bids, which includes the title, date, and hours of the public bid opening and defines explicitly the commodities or services required. ITBs are price-driven and awarded to the lowest bidder.

**Invitation to Negotiate (ITN)** - A written solicitation for competitive sealed replies from vendors, used to select one or more vendors with whom the Corporation will commence negotiations for the procurement of commodities or contractual services.

**Invoice** - Vendor's itemized document stating prices and quantities of services and/or commodities delivered for verification and payment.

**Notice of Award** - A written notice identifying the vendor(s) chosen by the Corporation from a competitive or informal solicitation.

**Price Comparison** - The process of determining the best price for a known product or service by comparing the cost and quality of products offered by competitors. It is used when businesses know what they want, and there are nominal differences in product or service performance. It is often used for recurring purchases and low-value products and services.

**Procurement** - The act, through the utilization of various methods, of obtaining contractual services and commodities for the Corporation.

**Purchasing Threshold Categories** - The categories related to specific dollar amounts are shown below (additional detail is provided starting on page 4):

- Category 1 - $10,000
- Category 2 - $10,001 - $34,999
- Category 3 - $35,000+

**Response** - An offer extended to the Corporation in response to a competitive solicitation.

**Request for Proposal (RFP)**—RFPs are a form of competitive solicitation used when the purpose and use for which the commodity, group of commodities, or contractual service(s) being sought can be specifically defined, and the Corporation can identify necessary deliverables. A responsive vendor may propose various combinations or versions of commodities or contractual services to meet the specifications of the solicitation document. RFPs are awarded based on both price and quality.

**Request for Proposal Evaluation Sheet** - A form prepared by the Corporation and included in the competitive RFP solicitation for evaluating responses submitted for consideration. The evaluation sheet must identify the most critical aspects of proposals and contain a methodology for evaluating and comparing the responses.

**Request for Quotes (RFQ)** – RFQs are used when the purpose and use for which the commodity, group of commodities, or contractual service(s) is sought to determine whether a price, term, or condition is favorable to the Corporation. RFQ means an oral, electronic, or written request for a vendor's written pricing or service information. Using an RFQ does not constitute a decision or intended decision subject to protest as generally defined in s. 120.57(3), F.S. RFQs are required when the proposed purchase meets Category 2 purchasing thresholds.

**Single Source Purchase** - Purchasing services and/or commodities available from only one vendor or source.

**Solicitation** - A competitive request for bids, proposals, quotes, replies, or offers to provide services and/or commodities.

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**Unauthorized Purchase** - Purchases that are disallowed or have not been approved by a person who authorizes such purchase. Unauthorized purchases may result in the purchaser being held responsible for payment and return of the goods and/or subject to disciplinary action.

**Vendor** - A person or entity that contracts to sell services and/or commodities to the Corporation. Vendors must have a valid W-9 on file.

## 2. STANDARDS / PROCEDURES

All procurement transactions will be conducted to provide – to the maximum extent possible – free and open competition among suppliers. The Corporation must begin with an analysis of the need for the procurement to avoid purchasing unnecessary items (this may include an examination of lease versus purchase alternatives). The purchaser must then identify and clearly specify standards for the goods or services desired and seek competitive offers where it is possible to obtain the best possible quality at the best price.

### Category 1 Purchases ($0 - $10,000) - Certification of Best Value or Price Comparison

a) Purchases not exceeding the Category 1 threshold will be approved at the sole discretion of the Executive Director or their designee as designated in writing.
b) All purchases in this category shall be aligned with and within the Corporation's approved budget.
c) Proper documentation of the request and approval by the Executive Director or their designee will be provided to the Administrative Services Director. At a minimum, documentation must include the request, approval, and proof of purchase. The Administrative Services Director will determine if a purchased commodity should be added to the Corporation inventory list in line with the Corporation's Fixed Asset Policy and is responsible for doing so.

### Category 2 Purchases ($10,001- $34,999) - Request for Quotes, Evaluation Sheet

a) Purchases in this category may be initiated by the Executive Director or designee and require an RFQ to be evaluated for the best value.
b) At the direction of the Executive Director, the Administrative Services Director or designee shall post an RFQ on the Corporation website.
c) The RFQ shall be posted for no less than five (5) business days and will contain:
    i. The service or commodity being requested.

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ii. Associated timeframes.
iii. Corporation contact for RFQ submission.

d) If no responses to the RFQ are received, the Administrative Services Director or designee will contact at least three (3) potential vendors. The individual seeking the quote should stress to the vendor(s) that an order is not being placed and that no goods should be shipped or services provided unless a purchase order is issued or a contract is fully executed. Regardless of who solicits quotes, identical information must be provided to each vendor, and quotes received must be for the same items, services, terms, and conditions to ensure an equitable comparison of prices. Quotes where the vendor has not specified a specific expiration date may be assumed to be good for 90 days. If a quote has expired, the requester will be required to obtain a new quote. Quotes shall be within 90 days.

e) All applicable documentation related to the purchase will be provided to the Administrative Services Director for accounting, auditing, and backup purposes.

Category 3 Purchases ($35,000.00 or more) – Formal Solicitation, Evaluation Plan, Team, and Sheet

a) All purchases for services above the Category 3 threshold must be completed through formal solicitation.

b) The Executive Director will direct the Administrative Services Director to prepare the solicitation using one of the following methods:

i. Invitations to Bid (ITB): Vendors are solicited by issuing a written Invitation to Bid posted on the Corporation Website. The ITB is awarded to the responsive bidder offering the lowest price. Bidder qualifications and products or services are compared to the requirements of the ITB but not each other. Some examples of when an ITB might be used:

1. When the solicitation is for standard, off-the-shelf products.
2. When filling an immediate one-time need or fulfilling a long-term requirement with repetitive deliveries of the same or similar products/services.
3. When the Corporation desires to fulfill the requirements at the lowest possible price consistent with the minimum standards being met.

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ii. Requests for Proposal (RFP): When the Corporation can specify the commodities or services to be purchased or the qualifications or efforts required of potential vendors, RFPs will be issued. Some examples of when RFPs might be used:

1. When the solicitation is for nonstandard products or services, and there is some flexibility in what is ultimately purchased.
2. When there are believed to be more than two or three vendors who can submit a satisfactory offer.
3. When the Corporation seeks to balance price and quality to achieve the best value,

RFPs must specify the criteria, including but not limited to price, which will be used to determine the award. The relative weight that will be given to each criterion should be indicated. In addition to price, criteria that may be considered include the vendor's proposed method of achieving the Corporation's stated goals, past experience, present available resources, schedule, work samples, staff resumes, and so on. Also, if the Corporation contemplates renewal of the commodities or contractual services contract, that fact must be stated in the request for proposals. The proposal shall also include the price for each year the contract may be renewed so it can be considered in the evaluation process.

The contract shall be awarded to a responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the Corporation, considering the price and other criteria outlined in the RFP. The contract file shall contain documentation supporting the basis for the award.

iii. Advertising - All competitive solicitations must be advertised on the Corporation website for no less than ten (10) calendar days unless it is determined in writing by the Executive Director that a shorter period is critical for the Corporation's best interests.

iv. Evaluations of Responses - Bids are evaluated by the Administrative Services Director and others, depending on the service or commodity to be procured. A committee of at least three employees with experience

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and knowledge in the program areas and service requirements will evaluate proposals. All evaluation team members, regardless of the type of solicitation that was issued, must complete a Conflict of Interest form and participate in Corporation-approved training related to procurement. The Executive Director shall certify, on the Conflict of Interest Form, whether or not a conflict exists. If the Executive Director certifies a conflict exists, he or she shall replace the evaluator with another.

1. Sealed bids, proposals, or replies received by the Corporation are exempt from public inspection until the Corporation provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever is earlier.
2. Negotiation is usually carried out by teams representing each organizational entity that will have some responsibility for working with the outcome. Teams generally include members with differing focuses or areas of expertise, authority, and responsibility, such as business perspective, outcome and performance perspective, technical perspective, and legal perspective. Negotiation teams should have a chairperson, such as the Administrative Services Director, who ensures organized progress.
3. Team members should understand their roles and meet and communicate to evaluate and plan. Others with specific expertise can be available "on call" or between sessions but do not necessarily need to participate. Team members must include individuals who can speak authoritatively for the Corporation.

v. Posting of Awards - Notice of intended awards for all solicitations will be posted on the Corporation website for seventy-two (72) hours, excluding weekends and State-observed holidays, to provide adversely affected parties an opportunity to protest the intended award. No award will be issued until this requirement has been met.

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vi. Under no circumstances may a purchase be broken up to avoid formal procurement.

vii. All contracts requiring formal solicitation must be signed and approved by the Treasurer or Chair of the Executuve council. No contract will be considered executed until reviewed and signed by the Treasurer or Chair of the executive Council.

Exceptions to Bid Requirements

**a)** The following types of purchases do not require competitive solicitations:

i. Purchases of less than $10,000.00.
ii. Purchases made from a state or local government Corporation or the Federal Government.
iii. Regulated utilities and communications lines.
iv. Purchases of services and/or commodities from a single source vendor.
v. Legal services (quotes may be obtained for comparison).
vi. Health services (quotes may be obtained for comparison).
vii. Artistic services.
viii. Auditing services.
ix. Contractual services provided to disabled persons by non-profit organizations.
x. Memberships allowed by Florida Statute or approved by the Executive Director or designee.

**b)** Non-Competitive “Sole Source” Purchases

i. Occasionally, special requirements can be met only with a service or commodity available from only one vendor, with no known competitors capable of satisfying the requirements. The requester must document this situation, and documentation (such as a memorandum) must be submitted to the Executive Director. To demonstrate that a commodity or service should be purchased on a “sole source” non-competitive basis, it is not sufficient merely to indicate how the vendor differs from others in the marketplace. The differences must be shown to be **necessary** to the requester’s purpose and **unique**.
ii. If the price of a “sole source’ commodity or service is over $35,000.00, the requester must complete a justification for the purchase and submit

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the completed form to the Executive Director or designee, who will post it as an advertisement on the Corporation website for fifteen (15) business days, with a further seventy-two (72) hours posting of an Intent to Award if no other vendors are revealed from the advertisement.

**c)** Emergency Purchases

i. If the requested purchase qualifies as an emergency, it should be indicated on the email request to the Executive Director, along with justification.

ii. A purchase must be approved by the Executive Director or designee to classify it as an emergency.

iii. If the purchase is approved as an emergency, only one quote is required, and the purchase may be made as soon as the approval is given.

iv. Emergency Purchases may also be made during times of a declared state of emergency by the Governor of the State of Florida as outlined within the declaration.

**d)** Operational Expenditures

i. Operational expenditure refer to the ongoing costs a business incurs to maintain its day-to-day operations. Common examples include:

1. Rent and utilities
2. Salaries and wages
3. Insurance
4. Office supplies and equipment

Upon approval of operational expenditures such as salaries and benefits or contracts by the Executive Council and/or Committee, any operational or contractual expenditures do not apply to the aforementioned thresholds as the Council and/or Committee have already approved the expenditures.

3. ATTACHMENTS

a. Conflict of Interest Form
b. Evaluator Appointment Memo