

## SECTION 5.2: SOLICITATIONS

In accordance with Chapter 287 of the Florida Statutes, all purchases for which the total value is in excess of the threshold amount for Category Two (\$25,000.00) and for which a state term contract is not available, for commodities or services shall be made by first securing formal solicitations, except as provided in Section 287.057(5) of the Florida Statutes, and Rules 60A-1.008 through 60A-1.010 of the Florida Administrative Code. The listing should contain detailed information about the proposed acquisition, including the estimated costs.

- A. Formal solicitations (ITB, RFP, and ITN) will be conducted pursuant to Chapter 287, Florida Statutes, and Chapter 60A-1, Florida Administrative Code.
- B. Prior to preparation of the proposed outsourcing solicitation or privatize agency function, supporting information, including applicable cost-benefit analyses, business case analyses, performance contracting procedures, service comparison, and impacts on performance standards for any request to outsource or privatize agency functions in accordance with Section 216.023 (4)(a) 11, Florida Statutes. *(revised 04/19/06)*
- C. Prior to preparation of any proposed solicitation, the requesting office will contact Departmental Purchasing to obtain instructions for the proper development and format to be used in preparing the solicitation documents. The requesting office will prepare technical specifications, make recommendations for special conditions, and provide current contractor information (if applicable), provide an estimated dollar amount, propose evaluation criteria, and submit to Departmental Purchasing for bid purposes.
- D. Departmental Purchasing will be responsible for reviewing and finalizing the solicitation; making sure the solicitation is compliant with applicable statutes and rules; ensuring it is electronically posted/advertised on the Vendor Bid System and Sourcing Tool; that legal advertising requirements are met; insurance, bid bond and performance bond requirements included if applicable; provide guidance in the evaluation process and posting of award and security of the complete solicitation.
- E. The requesting office and Departmental Purchasing should be prepared to work closely with each other to ensure a successful solicitation.
- F. If the solicitation is a Request for Proposals - section 287.057 (2), Florida Statutes:

1. If an agency determines in writing that the use of an invitation to bid is not practicable, commodities or contractual services shall be procured by competitive sealed proposals. A request for proposals shall be made available simultaneously to all vendors, and must include a statement of the commodities or contractual services sought; the time and date for the receipt of proposals and of the public opening; and all contractual terms and conditions applicable to the procurement, including the criteria, which shall include, but need not be limited to, price, to be used in determining acceptability of the proposal. The relative importance of price and other evaluation criteria shall be indicated. If the agency contemplates renewal of the commodities or contractual services contract, that fact must be stated in the request for proposals. The proposal shall include the price for each year for which the contract may be renewed. Evaluation of proposals shall include consideration of the total cost for each year as submitted by the vendor.
  2. The requesting office may propose members of the Evaluation Committee to Departmental Purchasing. Departmental Purchasing will submit those recommendations to the Office of the Secretary for final approval. The recommendation shall include documentation stating why each member is qualified to be on the Evaluation Committee. Each member of the Evaluation Committee shall complete and return a Conflict of interest form with their evaluation package to the Procurement Officer.
  3. The contract shall be awarded to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to the state, taking into consideration the price and the other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.
- G. If the solicitation is an Invitation to Negotiate -section 287.057(3), Florida Statutes:
1. If the agency determines in writing that the use of an invitation to bid or a request for proposals will not result in the best value to the state, the agency may procure commodities and contractual services by competitive sealed replies. The agency's written determination must specify reasons that explain why negotiation may be necessary in order for the state to achieve the best value and must be approved in writing by the agency head or his or her designee prior to the advertisement of an invitation to negotiate. An invitation to negotiate shall be made available to all vendors simultaneously and must include a statement of the commodities or contractual services

sought; the time and date for the receipt of replies and of the public opening; and all terms and conditions applicable to the procurement, including the criteria to be used in determining the acceptability of the reply. If the agency contemplates renewal of the contract, that fact must be stated in the invitation to negotiate. The reply shall include the price for each year for which the contract may be renewed.

2. The requesting office may propose members of the Evaluation Committee and the Negotiation Committee to Departmental Purchasing. Departmental Purchasing will submit those recommendations to the Office of the Secretary for final approval. The recommendation shall include documentation stating why each member is qualified to be on the Evaluation and/or Negotiation Committee. Each member of the Evaluation Committee shall complete and return a Conflict of Interest form with their evaluation package to the Procurement Officer. Each member of the Negotiation Committee shall complete and return a Conflict of Interest form prior to negotiation to the Procurement Officer.
  3. The agency shall evaluate and rank responsive replies against all evaluation criteria set forth in the invitation to negotiate and shall select, based on the ranking, one or more vendors with which to commence negotiations. After negotiations are conducted, the agency shall award the contract to the responsible and responsive vendor that the agency determines will provide the best value to the state. The contract file must contain a short plain statement 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.
- H. For a contract in excess of the threshold amount provided in s. 287.017, Florida Statutes for CATEGORY FOUR, the agency head shall appoint:
1. 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.
  2. At least three persons to conduct negotiations during a competitive sealed reply procurement 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.

- I. Extension of a contract for contractual services shall be in writing for a period not to exceed 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. Section 287.057 (13), Florida Statutes.
  
- J. Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by the agency and subject to the availability of funds. Exceptional purchase contracts pursuant to s. 287.057(5)(a) and (c) may not be renewed. Section 287.057 (14), Florida Statutes.
  
- K. Governor's Center for Efficient Government: *(deleted 04/19/06)*

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