Early Learning Coalition of Manatee County

Procurement Policy

Policy Sections

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Purpose

This policy seeks to establish a consistent procurement process that is in accordance with federal and state laws and rules and good business practices. Use of purchasing methods as set forth in this policy maximizes the agency's buying power and enables the agency to obtain competitive pricing and comply with all the applicable policies, regulatory requirements, laws, regulations, special restrictions on the use of agency funds, and DMS CFO Memos as applicable.

Scope

This policy defines the process for procuring all goods and services at the Early Learning Coalition of Manatee County (the Coalition), including issuance and authorization of purchasing transactions, secondary authorizations, separation of duties, and ethical practices.

Policy Statement

Employees authorized to purchase goods and services on behalf of the agency should select the best combination of price, quality, and service to meet the specific needs of the programs. The lowest priced goods and services, with adequate quality and service for the specific need, should be selected.

The Coalition strives to procure all goods and services using appropriate contracts, and terms and conditions to protect both buyer and seller. Acquisitions will be conducted on an open and competitive basis and without favoritism to obtain the maximum value for each expenditure. Interested suppliers will receive fair and impartial consideration. All business relationships will be conducted at arms-length.

I. Alignment with federal regulations, state statute and rule requirements

Approved By Board of Directors: March 23, 2022,
December 13, 2023, December 11, 2024
Review Date: March 2028

Policies used by the Coalition will comply with disclosure requirements for all agreements funded by federal and/or state monies passed-through the State Treasury.

A. Compliance – State Instructions

The Coalition will comply with the following state requirements:

1. Individuals authorized to purchase goods and services must follow state and federal procurement requirements and sound business practices. Procurement of commodities or contract services must follow section 287.057, F.S.
2. Compliance with section 215.971, F.S.- Agreements: Policies used by the Coalition will comply with disclosure requirements for all agreements funded by federal and/or state monies passed-through the State Treasury.
3. Compliance with section 287.058, F.S. - Contract Document: Policies used by the Coalition will comply with minimum disclosure requirements for contracts and purchase order agreements more than the threshold amount provided in s. 287.017 for Category Two ($35,000.)
4. Compliance with Rule 60A-1.002, FAC – Purchase of Commodities or Contract Services: State rule(s) for purchasing describe how an entity may exercise its authority in procuring services. It describes the procurement process required for all types of contracts and presents the correct purchasing methods for all contractual services and commodities. Policies used by the Coalition will comply with applicable instructions from state purchasing rule(s).

B. Compliance - Federal Grant Program Regulations

The Coalition will comply with the following federal grant program regulations:

1. **General procurement standards** –
   a. Policies used by the Coalition will apply to all Coalition activities/purchases made. [2 CFR Part 200.403 (c)]
   b. The Coalition will disclose in writing any potential conflicts of interest. [2 CFR Par 200.112]
   c. The Coalition will maintain written standards for handling instances of conflict of employees or other individuals impacted by procurement activities. [2 CFR Par 200.318].
   d. The Coalition will avoid purchasing items that are duplicative or not necessary for the performance of activities required by federal award. [2 CFR Part 200.318(d)]
   e. The Coalition will perform lease vs. purchase analyses when appropriate to determine the most economical and practical choice. [2 CFR Par 200.318(d)]
   f. The Coalition, when possible, will use state and local inter-entity agreements to

procure common or shared goods and services. [2 CFR Par 200.318(e)]

g. The Coalition will use federal excess and surplus property instead of purchasing new equipment and property when possible and if such activity helps reduce program/project costs. [2CFR Par 200.318(f)]
h. The Coalition will conduct all procurement transactions in a manner that allows for full, open, and fair competition. [2 CFR Part 200.319] by not
    1. Placing unreasonable requirements on firms for them to qualify to do business.
    2. Requiring unnecessary experience and excessive bonding.
    3. Maintaining non-competitive pricing practices between firms or between affiliated companies.
    4. Maintaining non-competitive contracts to consultants that are on retainer contracts.
    5. Maintaining organization conflicts of interest.
    6. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
    7. Allowing any arbitrary action in the procurement process.
i. The Coalition will not use state or geographical preferences in the evaluation of bids or proposals except where federal statutes mandates or encourages it. [2 CFR Part 200.319(7)(b)]
j. The Coalition will make purchases using one of the allowed methods of procurement. [2 CFR Part 200.320]
k. The Coalition will contract, when possible, with small and minority businesses. [2 CFR Part 200.321]
l. The Coalition will comply with instructions for procurement of recovered materials. [2 CRF Part 200.322]
m. The Coalition will comply with applicable cost and price analysis requirements for procurement transactions. [45 CFR Part75.332]
    1. Applies at federal level for purchases more than simplified acquisition threshold ($150,000) including contract modifications. *Note: more restrictive state rules continue to apply; Category II and all purchases (including small dollar purchases) made by non-competitive procurement methods.*
    2. Independent in-house estimates are required before receiving bids or proposals.
    3. When applicable or required, the Coalition will negotiate profit as a separate element of price. To establish fair and reasonable profit, consideration must be given to the complexity of work being performed, the risk borne by the contractor , the contractor's investment, the amount of subcontracting, the quality of its past performance, and industry profit rates in the surrounding geographical area for similar work.

4. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the non-Federal entity under subpart E of this part. The non-Federal entity may reference its own cost principles that comply with the Federal cost principles.
5. The Coalition will not use the cost-plus-a-percentage-of-costs method of contracting.

n. All related records must be available for inspection and review upon request by federal awarding agency or pass-through entity. [2 CFR Part 200.324]
o. The Coalition will comply with bonding requirements for construction-related contracts (if allowable). [2 CFR Part 200.325]
p. The Coalition will include all required/applicable contract provisions/disclosures in writing. [2 CFR Part 200.326]

II. Contracts Administration/Management

Once a contract has been executed day to day activities are managed by the assigned contract manager. Overall performance results are documented, and monitoring tasks are also performed. Adequate documentation of goods/services procured, goods/services received, payments made and compliance with federal and state grant program rules is required. The following forms/processes represent minimum contracts administration/management documentation requirements for the Coalition's contract agreements:

A. Formal contract documents [45 CFR 75.327(a); 45 CFR 75.329; and 45 CFR 92.36 and s. 287.057(15), F.S., 2 CFR, Part 200.326]

1. Original executed (signed) contract/grant
2. Minimum Disclosures in Attachment A
3. Contractor name
4. Contract amount
5. Subcontracts, memorandums of agreement, if applicable
6. Amendments
7. Renewals
8. Bonds
9. Insurance
10. Funding source(s)
11. Contract relationship [Ch. 691-5.006, FAC and 45 CFR Part 75.351]
12. Provider's justification of need for advance, if applicable
13. Scoped reporting requirements (evaluation reports, performance measures, etc.)

14. Background check according to the Coalition Employee Background Screening Policy
15. Contract provisions for non-federal entity contracts under federal awards [45 CFR Part 75 Appendix II]

B. Day-to-day management of documents [s. 287.057(15), F.S.; DFS FCCM Manual; OA-1 FAC; 45 CFR Part 75.327(a); 45 CFR Part 75.329]

1. Performance documentation
2. Correspondence
3. Payment documentation
4. Deliverables
5. Subcontractor approvals
6. Status of reporting requirements
7. Contract monitoring
   - SR/VPK provider contracts – see separate sections of SR Plan for more information, not addressed here
   - Vendors/Contractors
   - Sub-recipients

C. Formal monitoring process [CFOM No. 06 (2011-12), Contract Monitoring and Documenting Contract Performance

1. Risk assessment
2. Monitoring Plan
3. Monitoring Procedures and Criteria
4. Evidence to support conclusion reached during its monitoring process
5. Corrective Action Plan (if required)
6. Follow-up on corrective Action (if required)

D. Other related contacts administration activities

1. Sub-recipient contracts and sub-awards
   - Risk assessments – planning and monitoring phases
   - Additional disclosures and special conditions
2. Contracts close-out
3. Problems with vendor/contractor performance
4. Contract termination
5. Prior approval documentation requirements
6. Conflict of interest disclosures (if applicable)
   - Coalition governing board members
   - Coalition employees
   - Relative(s) of either group as defined in statute
   - Organizational conflicts

III. Establishment of contract and grant manager responsibilities

A. Contract and Grant Manager Responsibilities – State Instructions

The Coalition includes adequate procedures for separating contract management and fiscal management duties per state instructions s.215.971, F.S.

1. **Administrator responsibilities**
   a. Create and maintain a contract file
   b. Maintain financial information on all contracts
   c. Manage changes to contract(s)
   d. Serve as liaison between the contract/grant manager and the Coalition and Division of Early Learning
   e. Provide clear, explicit, and documented communication
2. **Manager responsibilities**
   a. Manage the receipt of goods/services
   b. Monitor and evaluate provider performance and end-user satisfaction
   c. Serve as liaison with the provider/contractor
   d. Maintain a contract management file pursuant to CFO Memo No. 06 (2011-12)
   e. Provide written certification that goods were received/ services were obtained per terms and conditions before making payment
   f. Prepare cost reconciliation files
   g. Prepare a final reconciliation report

B. Contract and Grant Manager Responsibilities – Federal Instructions

The Coalition includes minimum federal documentation requirements for contracts/administration management per federal instructions [2 CFR Part 200.318(b)].

1. Contract administration files are maintained and contain the following items:
   a. Required documentation based on the Coalition's related authorization policies and purchasing limits.
   b. Required documentation based on additional applicable grant program laws, rules regulations and guidance.
2. Contract files include documentation for Authorization of Work
   a. No work will be authorized until the contract is fully approved and executed.
   b. No change in work will be authorized until a fully approved and executed contract amendment is in place.
   c. No contract amendment for work will be executed without required review/approval based on the Coalition's related policies/limits and any related grant terms from the

funding source.

3. Conformance of Work – the Coalition will establish and maintain a system based on applicable laws, rules, regulations, and grant provisions to reasonably ensure goods and services are received as intended and when intended.
4. The contract/grant manager will authorize payment of invoices to contracts after final approval of work products.

C. Establishment of adequate procedures for separating contract management and fiscal management duties

Clear separation has been established between contract management and fiscal management duties at the Coalition. This separation is to ensure accountability, reduce conflicts of interest, and maintain financial integrity.

1. Contract Management Responsibilities:

a. Managing the entire life cycle of contracts, from creation through execution and closeout.
b. Drafting and negotiating contracts.
c. Ensuring vendor compliance.
d. Monitoring performance and conformance.
e. Overseeing amendments or renewals.
f. Communication with vendors.
g. Access to procurement-related records only.

2. Fiscal Management Responsibilities:

a. Oversee the financial aspects of procurement.
b. Budgeting.
c. Accounting.
d. Audit compliance.
e. Payment authorizations.
f. Access to financial records only.

IV. Purchasing Authorization

Purchasing and contracting decisions are made most effectively by the end-user of the materials, supplies, equipment, or services. Authority and responsibility for various aspects of purchasing and contracting processes have been delegated to employees throughout the organization, promoting effective operations. Documentation is required if additional delegation is necessary.

This approach requires that employees involved at every stage of the purchasing process take

responsibility for understanding the Coalition's policies and procedures regarding purchasing and vendor relations.

Employees must be authorized by the Chief Executive Officer to commit the Coalition's resources to a purchase and are subject to disciplinary action up to and including the termination of employment if proper authorization is not obtained.

The purchase of any good or service with an aggregate value equal to or greater than $50,000 must be approved by the Executive/Finance Committee and the full Board of Directors.

V. Staff spending limits before board review/approval is required

Coalition staff are permitted to make purchases less than $1,000 with verbal approval from a supervisor. For purchases $1,000 and greater a properly completed purchase order request shall be required for each purchase decision. One staff member at the Coalition has been designated as the purchasing agent and oversees all purchases for small items and general office supplies.

Good business practice separates the duties of purchasing, receiving and authorizing payment for goods and services by distributing the duties among two or more people.

If staff limitations require one person to be responsible for these functions, a supervisor must accept responsibility for monitoring and verifying the transactions.

Employee travel advances and expense reimbursements require the preparation of a separate travel reimbursement form.

VI. Conflicts of interest and related party contracts

A. Conflicts of interest and related party contracts – State Instructions

1. Voting conflicts – Section 112.3143(1)(b) Coalition board members are required to disclose in writing in advance any real and/or perceived voting conflicts and to abstain from any vote and from related purchasing/procurement decisions. (*See Conflict of Interest Policy)*
2. Coalition staff and board members are informed that contracts with the relative of a Coalition employee or governing board member, as defined in s. 112.3143(1)(c), F.S., may not be executed without the approval of the Division of Early Learning. (*See Conflict of Interest Policy)*
3. Training processes for Coalition staff and governing board members on reporting requirements for conflicts of interest are required and documented.
    a. For more details, please refer to the Coalition's Conflict of Interest Policy
    b. For more details on requirements for related party activities and voting conflicts, please

refer to the Coalition's Conflict of Interest policies.

c. For more details on state statutory instructions, please refer to *Division of Early Learning Grant Agreement*
d. See the Florida Commission on Ethics *Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees.*
e. See the Florida Commission on Ethics *Overview of Laws relating to Gifts.*
f. See the Florida Commission on Ethics *Overview of Laws relating to Honoraria.*
g. See the Uniform Guidance 2 CFR Part 200, Policy Updates for Conflicts of Interest.

B. Conflicts of interest and related party contracts – Federal Instructions

The Coalition's Conflict of Interest Policy will -

1. Disclose in writing any potential conflicts of interest. [2 CFR Par 200.112]
2. Disclose in writing all violations of federal criminal law involving fraud, bribery or gratuity violations potentially affecting the federal award. [2 CFR Part 200.113]
3. Maintain written standards for handling instances of conflict of interests for employees and others impacted by procurement activities. (2 CFR Part 200.318]
4. Include written standards that will provide staff the following minimum disclosures:
   a. What constitutes a conflict of interest?
      1. Basic concepts including real conflicts, perceived conflicts, and organizational conflicts.
      2. Instructions regarding financial interests, gifts, gratuities, favors and nepotism.
      3. Identify the conditions under which outside activities, relationships, or financial interests are proper or improper.
   b. Conflict of Interest disclosure requirements
      1. Provide for advance notification of outside activities, relationships, or financial interests to a responsible Coalition official.
   c. Address violations of policy
      1. Include a process for notification and review by responsible official(s) of potential or actual violations of the standards.
      2. Specify the nature of penalties or disciplinary actions(s) that may be imposed (up to and including termination of employment).

The Coalition values its suppliers and assumes that vendors, in turn, value the Coalition's business. No token or display of this appreciation is necessary or encouraged. All vendors are asked to comply with Coalition standards by not offering incentives, gifts, or services to individual personnel.

The Coalition's reputation for impartiality and objectivity, as well as sound business practice, require that employees not make decisions for the Coalition if their personal economic

interests are directly affected by the outcome. A business entity in which an employee has an economic interest represents a conflict of interest if the employee has any involvement in the selection of that entity as a Coalition vendor. An economic interest includes the employee's or a relative's ownership or partnership in the business, including serving as stockholder, director, or officer in a
non-publicly held company.

VII. Establishment and maintenance of procurement files (content and duration)

The Coalition's policies will disclose -

A. Requirements for procurements with related party considerations [s. 1002.84(2), F.S.]

1. Coalitions are prohibited from entering contracts in excess of $25,000 without prior approval from the Division of Early Learning when the contract is with coalition employees, coalition governing board members, or relatives of either group.
2. Such contracts (more than $25,000) are required to be presented to the coalition governing board for a vote.
    a. A valid vote of approval requires a two-thirds vote by the governing board.
    b. The impacted individual must complete the necessary conflict of interest disclosure forms.
    c. Any governing board member(s) benefitting from the contract(s) must disclose in advance the conflict of interest and must abstain from the vote process.
3. Coalitions are allowed to enter contracts below $25,000 without prior approval from the Division of Early Learning when the contract is with coalition employees, coalition governing board members, or relatives of either group.
4. Such contracts (below $25,000) are required to be presented to the coalition governing board for a vote.
    a. A valid vote of approval requires a two-thirds vote by the governing board.
    b. Impacted individual must complete the necessary conflict of interest disclosure forms.
    c. Any governing board member(s) benefitting from the contract(s) must disclose in advance the conflict of interest and must abstain from the vote process.

Such contracts (below $25,000) are required to be reported to the Division of Early Learning within 30 days after approval by the coalition governing board is obtained.

B. Purchasing Thresholds:

Category One: $20,000
Category Two: $35,000

Category Three: $65,000
Category Four: $195,000
Category Five: $325,000

Contractual services contracts costing $65,000 or more shall receive legal review. Such reviews and approvals shall be obtained before the contract is executed.In any procurement that costs more than the threshold amount provided for in section 287.017, F.S., for Category Two ($35,000) and is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the award process shall attest, in writing, that they are independent of and have no conflict of interest in the entities evaluated and selected.

C. Methods of Procurement

There are three basic procurement methods:

1.Small Purchase
a. Up to $2,500 (Micro-purchase): May include, but are not limited to, a minimum of one written quote or written record of verbal quotation.
b. $2,501 to $15,000: Require a minimum of two written quotes or written records of two telephone quotations.
c. $15,001 to $35,000: Require a minimum of three written quotations or informal bids.
It is recommended for all purchase categories that at least one quote be requested from a certified minority vendor, if available. If no certified minority vendor quote is included, documentation should be provided explaining why. A list of certified minority vendors can be found in My Florida Market Place: Office of Supplier Diversity (OSD) / Agency Administration / Florida Department of Management Services - DMS (myflorida.com)
Prior approval is required for equipment purchases more than the lesser of (1) $5,000 or (2) the entity's approved capitalization threshold. Additionally, documentation will indicate that price and rate quotations have been received from an adequate number of qualified sources. Review documentation of written or telephone quotes and determine if documentation is adequate and the number of quotes is obtained is sufficient in accordance with ELC policies.

2. Competitive Procurement (S. 287.057 (1), F.S.)
The three main types of competitive procurements are Invitation to Bid, Request for Proposal, and Invitation to Negotiate. These avenues of procurement must be used for procurements in excess of Category 2, unless it qualifies for an exemption pursuant to 287.057 (3)(e)(1-13) F.S.

a. **Invitation to Bid (ITB):** Used when you know exactly what you want, and price is the determining factor.
ITB is used when:

- Standard off-the-shelf products are known to meet the need.

- Standard services and price structure will meet the need.
- Filling an immediate need once or a few times.
- Fulfilling a long-term requirement with repetitive deliveries of the same orsimilar products/services.
- Wide competition is available.

ITBs are awarded the responsive bid with the lowest price and are always awarded on a fixed price basis. Renewals must be stated in the ITB and must be formally advertised for 10 days.

b. Request for Proposal (RFP): Used when you have a general idea of what you want. Services and price are evaluated. An RFP must be formally advertised for a minimum of 10 days and requires an evaluation team to be established with a minimum of three members who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought.
RFP is used when:

- It is not practical to specifically define the scope of work.
- Professional and technical expertise and quality of the vendor and proposed offering are critical to success.
- Requirements include non-standard products/services, with some flexibility in what is ultimately purchased.
- The ELC seeks to balance price and quality to achieve the best value.
- There are believed to be more than two vendors who can submit a satisfactory offer.
- The ELC does not anticipate a need to revise the solicitation and proposals after initial receipt.

RFP file includes all the following items:

- Public notice
- Copy of Request for Proposal
  i. Technical Requirements
  ii. Statement of Work
  iii. Cost Requirements
  iiii. Evaluation Criteria
- Proposals Submitted
- Evaluation of Proposals
- Board Approval of Contracts (as applicable)
- Contract Negotiations (if different than proposed price)
- Award of contract to lowest bidder who met the technical requirements and specifications

Awards may be on either a fixed price or cost reimbursement basis. Renewals must be stated in the RFP and must be formally advertised for 10 days.

c. Invitation to Negotiate (ITN): Used when the work to be performed cannot be defined in sufficient detail to support the other forms of solicitation; price is not the primary consideration in selection. ITNs are typically used for IT procurement or for new services where you have not awarded a previous contract. ITNs require an evaluation team to be established with a minimum of three members 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. When the contract value is in excess of $1 million in any fiscal year, at least one of the persons conducting negotiations must be certified as a Department of Management Services (DMS) Certified Contract Negotiator. If the value of the contract is in excess of $10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional (PMP), as certified by the Project Management Institute.

ITN is used when:

- Negotiations are necessary to receive the best value.
- Purchasing non-standard, complex, or customized products/services or systems.
- There if high complexity to the requirements and project.
- Has an emphasis on technology. IT contracts are typically procured through ITNs.
- Limited availability of competition you know there may be only one responder to your advertisement.
- There may be multiple options for achieving the desired results.
- The service or commodity is mission critical for the ELC.
- Price is important but not the most important factor.

Award is based on solution or approach, qualifications and/or price.

If an ITN is used, a written justification must be kept on file for five years stating why this ITN was a better option than an RFP or ITB.

3. Noncompetitive Procurement

a. Single Source (287.057 (3)(c), F.S): Single source purchases are exempt from competitive bidding because the product or contractual service is available from only one source. DEL prior approval is required for this type of procurement (DEL Guidance 240.05). The single source justification should explain why the product or service is available from only one source and should include:

- Description and use (in layman's terms).
- List unique features this product or service has that other comparable products or services lack and why these unique features are needed. Show as clearly and concisely as possible why only this product or service will accomplish the function required.

- Explanation if the product or service is being purchased directly from the manufacturer. If not, explain why the product or service cannot be bid to the various dealers.
- Documentation of efforts made to identify other sources of supply.
- As a best practice the term of the resulting contract is no longer than one-year in anticipation of additional goods/services becoming available.
- Explanation of the necessity for compatibility with existing equipment or instrumentation, if applicable.
- Proof of copyright or patent.
- Documented price analysis proving the agreed price is fair, reasonable, and not more than the competitive market rate. This may be accomplished by researching the current market price for the product or service.

Single source purchase cannot be renewed (Reference Guide for State Expenditure) Price cannot be used as a justification for a single source purchase.

b. Emergency Procurement (287.057 (3)(a), F.S.): is determined by the Chief Executive Officer in writing to be an immediate danger to public health, welfare, safety or other substantial loss to the Coalition and require emergency action. DEL prior approval is required. After prior approval is approved by DEL the Coalition may proceed with the procurement of commodities or services necessitated by the immediate danger without receiving competitive bids, competitive sealed proposals, or competitive sealed replies. Emergency procurement requires pricing from at least two vendors and must be retained in the contract file unless the Coalition determines in writing that the time required to obtain pricing information will increase the immediate danger to public health, safety, or welfare to other substantial loss to the state.

c. State Term Contracts (287.057 (3)(b), F.S.): Are competitively procured by the DMS pursuant to section 287.057, F.S., and used by the Coalition pursuant to sections 287.056, F.S. Informal bids are needed for state contracts. Each state contract has specific directions on how it must be used. Negations are still required by the Coalition. The use of a state contract will not replace or substitute other federal and state requirements applicable to procurement and contracts. Cost/price analysis is required for purchases over category two. A directory of state contracts can be found here State Purchasing /Business Operations / Florida Department of Management Services – DMS myflorida.com). The Coalition may use a request for quote to obtain written pricing or services information from a state term contact vendor for commodities or contractual services available on a state term contract from that vendor.

d. Exempt Purchases (287.057 (3)(e), F.S.) are not subject to competitive sealed bid requirements od section 287.057(1), F.S. but are subject to all other provisions of Chapter 287, F.S., and the laws relating to the stat chief financial officer's authority to audit expenditures for contractual services. The following contractual services and commodities are not subject to the competitive-solicitation

requirements; however, whenever possible competition should be incorporated into the procurement.

- Artistic services.
- Academic program reviews if < $50,000.
- Lectures by individual.
- Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- Health services.
- Services provided to people with mental or physical disabilities by not-for-profit corporations that have obtained exemption under section 501(c)(3) or when such services are governed by OMB Circular A-122. When acquiring these services the Coalition should consider the ability of the vendor in, past performance, willingness to meet time requirements and price.
- Medicaid services delivered to an eligible Medicaid recipient unless the Coalition is directed otherwise by law.
- Family placement services.
- Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways operated my not-for profit corporations. However, in acquiring such services the Coalition should consider the ability of the vendor, past performance, willingness to meet time requirements, and price.
- Training and education services provided to injured employees pursuant to section 440,491(6), F.S.
- Services oof commodities provided by governmental entities.
- Statewide public service announcement programs provided by a Florida statewide nonprofit corporation undersection 501(c)(6), which have a guaranteed document match of at least $3 to $1.
- Prescriptive assistive devices for the purpose of medical, developmental, or vocational rehabilitation of clients are exempt from solicitation requirements an must be procured pursuant to established fee schedule or by any other method that ensures the best price for the state.

Specific appropriations may exempt a contract from competitive procurement. A contract for commodities or contractual services may be awarded without competition if state or federal law prescribes with whom the Coalition must contract or if the rate of payment is established during the appropriation process.

D. Request For Information (287.012, F.S., defines)

Request for Information (RFI) is a formal written request made by the Coalition to vendors for information concerning commodities or contractual services. This process may be used to develop

the scope of work when not known. Responses to such requests are not offers and may not be accepted by the Coalition to form a binding contract. Vendors submitting answers to an RFI are not prohibited from responding to any related subsequent solicitation.

E. Requirements for professional services [2 CFR part 200.459]

To help determine allowability of these costs, Coalition files will document -

1. The nature and scope of the service rendered in relation to the service required.
2. The need to contract for the service, considering the Entity's capability in the area.
3. The past pattern of such costs, particularly in the years prior to Federal awards.
4. The impact of Federal awards on the non-Federal entity's business (*i.e.,* what new problems have arisen), if applicable.
5. Whether the decision is business-based and not made just because grant monies are available to fund the cost (instead of other Entity revenues).
6. If the service can be performed more economically by direct employment rather than contracting.
7. The qualifications of the individual or concern rendering the service and the customary fees charged, especially on non-federally funded activities; and
8. Adequacy of the contractual agreement for the service (*e.g.,* description of the service, estimate of time required, rate of compensation, and termination provisions).
9. In addition, retainer fees must be supported by evidence of bona fide services available or rendered.

F. Required contents for Procurement files [DMS State Purchasing Memo No. 01 (2012-13); State Purchasing, Ch. 60A-1, FAC, s. 216.3474, F.S.; FDOE Contract Training Manual]

1. Planning/procurement files must obtain/document the following elements.

    a. Purchase order must have at least one written quote or written records of telephone quote.

    b. At least one quote should be from a CMBE or else document why this quote was not obtained.

    a. Cost analysis is required, since a competitive process won't be used for most small dollar purchases.
    b. Rationale for method of procurement.
    c. Selection of contract type.
    d. Contractor selection or rejection; and
    e. The basis for the contract price

2. Purchase orders, contracts or other agreement files must obtain/document the following elements:

a. Quantity, description, price, applicable payment terms, applicable discount(s), date of performance, transportation/shipping arrangements, and other pertinent information.
b. Additional purchase order terms/disclosures, required regardless of the scoped goods/services.
    1) Liquidated damages/financial consequences
    2) Payment audit (records of costs will be available upon request)
    3) Payment made after written "agency" acceptance
    4) Payment timeframe – timely payments
    5) Funding availability/annual appropriation
    6) No lobbying
    7) Public access/public records
    8) Conduct of business – federal/state laws govern
    9) Conflict of interest/related party activities
    10) Confidentiality and safeguarding information
c. Other/additional terms may also apply based on scoped goods/services.
d. If credit card transactions occur all the standards noted here will still apply.

G. Additional federal considerations [2 CFR Part 200.326; 2 CFR Part 200 Appendix II]

For transactions funded by federal programs, additional disclosures are required regardless of scoped/services.

a. Debarment and suspension provision(s).
b. Equal Employment Opportunity provision.
c. Other/additional terms may also apply based on scoped goods/services.

H. Procurement files – required retention instructions [2 CFR Parts 200.333 - .336]

1. All records must be maintained for five (5) years after the impacted program year, if "closed."
2. Records retention schedules apply regardless of the physical format of coalition records.
3. Wherever practicable records should be collected, transmitted and/or stored in open and machine-readable formats.
4. Federal and state awarding agencies have the right to access any documents pertinent to federal/state awards.
5. The Coalition shall comply with the records retention requirements in Florida. The General Records Schedule GS1-SL for State and Local Government Agencies is located at http://dos.myflorida.com/library-archives/records-management/general-records-schedules/.

VIII. Vendor and Contractor Disclosures:

All vendors/contractors who are the recipients of Coalition funds, or who propose to perform any work or furnish any goods under agreements with the Coalition shall agree to the minimum disclosures outlined in Attachment A. Refer to the Division of Early Learning's current Early Learning Grant Agreement for additional required disclosures.

Related Information and Policies:

- Conflict of Interest Policy
- Fiscal Policy
- Employee Background Screening Policy
- FLDOE DEL Program Guidance 240.23
- DEL Early Learning Grant Agreement

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