



**FORWARD  
PINELLAS**  
Integrating Land Use & Transportation

# Internal Control Structure Policy Manual

Forward Pinellas

Pinellas County, Florida

May 13, 2020

# Internal Control Structure Policy Manual

Forward Pinellas

## INTRODUCTION

It is the purpose of this policy manual to document the internal control structure and procedures of Forward Pinellas, in its role as the Pinellas Planning Council (PPC) and the Pinellas County Metropolitan Planning Organization (MPO)<sup>1</sup>. Forward Pinellas is a registered fictitious name with the State of Florida. This unified entity will be referred to hereafter as the “Board,” as it is directed to carry out an efficient and integrated transportation and land use planning program. The procedures and policies herein will apply to both the PPC and the MPO unless noted otherwise. If the MPO has more stringent requirements, these will be noted and followed as needed, consistent with state and federal requirements.

Additionally, the procedures and policies outlined herein are the function of previously established relationships with the Pinellas County Unified Personnel System (UPS), the Pinellas County Business Technology Services, the Pinellas County Risk Management Department, and as otherwise approved by the Board or its Executive Director.

This manual and its appendix are intended to set forth general policies of importance to the administration of the Board’s affairs. It shall be supplemented with such detailed job and task descriptions as are determined appropriate and necessary by the Executive Director, consistent with the policies set forth herein.

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<sup>1</sup> In accordance with the MPO and PPC Interlocal Agreement for Support Services, these policies will apply to the MPO unless noted otherwise. More specifically, the agreement states that the PPC will furnish the MPO with the professional, technical, administrative, clerical staff services, and equipment necessary to manage the business and affairs of the MPO. The PPC shall provide the basic equipment and technical support, office, and meeting space incidental in managing the MPO, unless upon the discretion of the MPO, the MPO contracts separately for such equipment and support.

## PERSONNEL

### Board Staff - Unified Personal System (UPS)

The employees of the Board, all of whom are employed by the PPC participate in and shall be governed by the rules and procedures of the UPS. Specifically, all personnel matters shall be conducted pursuant to and be governed by the UPS, including the Personnel Rules, and Pay and Classification Plan, as same may be modified from time to time in accordance with the procedures specified.

The Executive Director shall administer all personnel matters, including but not limited to recruitment and hiring, training, holiday and leave policies, and all similar issues, on behalf of the Board and coordinate same as is required with the UPS. The Executive Director may develop a separate set of more specific office policies, which shall be generally consistent and not in conflict with the UPS. Said office policies shall be approved, and amended as needed, by the Executive Director and shall not need approval by the Board.

### Insurance

It has been determined the employees of the Board are categorized as employees of Pinellas County for the purpose of insurance under the Pinellas County Risk Financing Fund. The employees of the Board shall be insured as therein provided.

The Board also has tenant's liability insurance coverage for its office premises under the Risk Management Department coverage for County-owned facilities.

## EXECUTIVE DIRECTOR AUTHORITY

The Executive Director or designee shall have the authority to approve and execute the following contracts, documents, and instruments, subject to the procurement and other relevant procedures set forth herein:

- a) Any and all contracts, regardless of procurement method, including but not limited to grant applications, revenue contracts, interlocal agreements, memorandums of understanding, and any amendments, extensions, renewals or assignments thereof, that involve the receipt to or payment by Forward Pinellas not to exceed \$25,000.00 in a fiscal, contract, or calendar year, unless otherwise specified herein.
- b) Amendments, extensions, renewals, or modifications to contracts previously approved by the Board that involve (i) time only extensions; (ii) a name change or a party or substitution or assignment of a party; (iii) decreases in fees, costs, or compensation paid by Forward Pinellas; (iv) increase in fees, costs, or compensation paid by Forward Pinellas of not more than the sums authorized in subsection (a) or ten percent of the total fees, costs, or compensation payable pursuant to the contract, whichever is less; and (v) revisions to plans, specifications, or the scope of work or services.
- c) PPC Budget line item transfers not to exceed \$10,000.00 per line item per fiscal year.
- d) Work authorization forms and invoices submitted pursuant to a contract approved under subsection (a) or (b).
- e) Contracts or instruments necessary for the correction of clerical and other minor errors.
- f) Any necessary reports, forms, certifications, applications, and other such documentation related to the administration and operation of all Forward Pinellas grant programs, and the contracts referenced in subsections (a) and (b) above.
- g) Invoice approvals and submittals and grant reimbursement requests.

All documents and instruments approved under this section shall be subject to Forward Pinellas' contract review procedures and shall be placed on the Board agenda as informational items at least quarterly and aligned with quarterly financial reporting. The Executive Director may assign a designee to approve any of the documents referenced above when appropriate, including delegating an assigned project manager the authority to execute work authorization and notice to proceed forms. However, such designees shall not have approval authority exceeding \$20,000.00.

All other contracts, documents and instruments, and amendments thereto, not specifically set forth above shall be reviewed and executed by the Board. This includes all legislative decisions and the setting of Board policies.

## FINANCIAL PROCEDURES

### Financial Report

Financial reports for the PPC in the form established by the Board shall be prepared for review and approval by the Board on a quarterly basis. PPC financial reports include certain MPO expenses that are reimbursed by the MPO, such as personnel.

### Payroll

Employees will be paid bi-weekly consistent with the UPS pay periods. The Board staff, and/or other approved entity, shall prepare the payroll register based upon employee time sheets submitted through Oracle Project Unified Solutions (OPUS), or other program approved by the Executive Director, and will prepare payroll reports to be filed in the Board office. Nothing herein will prevent the Board or Executive Director from contracting with another entity for some or all of the payroll function(s).

### Investment Reserve

The Board shall from time to time, at intervals of not more than five years, solicit bids from accredited lending institutions for the placement of investment reserves. The investment reserve account(s) shall be managed by the Executive Director, who shall receive Board approval for the withdrawal, reinvestment, or transfer of such reserves.

### Budget Amendments

The Executive Director is authorized to make PPC budget line item transfers not to exceed \$10,000 dollars per line item per fiscal year; such transfer shall be reported to the Board in concert with its approval of the subsequent financial report. Budget amendments in excess of \$10,000 per line item per fiscal year shall be approved by the Board in advance of expenditure or commitment of the funds.

The MPO is required to develop and follow a Unified Planning Work Program (UPWP) every two years. This document acts as a budget for MPO activities. Upon approval of the UPWP, the Board may include a resolution allowing the Executive Director to make modifications or amendments as desired by the Board.

### Subgrantee Oversight

As the direct recipient of federal funds, the MPO may apply for federal funds on behalf of other entities. Oversight of those grants shall follow the appropriate federal and state guidelines and may include the development of grant oversight materials. Forward Pinellas may also apply for and oversee other grant programs.

### Procurement and Consultant Selection

Appendix A is the procurement manual for Forward Pinellas. Updates to the procurement manual require Board approval.

### Cash Receipts/Disbursements and Petty Cash

Cash receipts for any map, data or other document sold will be collected by a staff person or persons designated by the Executive Director and a receipt will be issued therefor and a record of same maintained. These receipts should be logged in and reconciled by a staff person who is not involved in the entering of the cash receipts or the deposit process and should be evidenced by a signature on the cash receipts log indicating the reconciliation has been performed. Prices for such materials to be sold will be reviewed and authorized from time to time by the Executive Director. A sales tax number will be obtained and accurate sales tax records maintained by the Board's accounting staff as may be required.

The PPC may maintain petty cash, maintained by the Board's accounting staff in an amount not to exceed \$100. An accurate record and receipts for all petty cash disbursements will be maintained and reconciled monthly consistent with approved accounting practices. Petty cash may be used to reimburse staff for items purchased for meetings or in other similar situations.

### Accounts Receivable/Payable

An accurate record of all accounts receivable and payable shall be maintained by the Board's accounting staff. All receipts will be deposited in a timely manner to the Board's Operating Accounts. All invoices for accounts payable will be approved for payment by the Executive Director, after which checks or Electronic Funds Transfer (EFT) will be prepared for payment in a timely manner by the Board's accounting staff for execution by the Board and Executive Director.

For bank reconciliation or the preparation and recording of journal entries the Executive Director, or designee, shall initial these during the review or approval process.

Credits card may be maintained and used for payments. All purchases must be approved by the Executive Director or designee and follow the procurement categories described in this manual. Supervisory or accounting employees may make use of an agency credit card for the sole purpose of conducting agency business. The employee is responsible for obtaining approval, documenting expenditures and including receipts for proper accounting.

### Fixed Assets Capitalization Policy

All tangible property which costs exceeds \$1,000 and with an estimated life in excess of one year will be included in the General Fixed Asset Account Group. The above assets will be inventoried using the asset's serial number(s). At the Executive Director's discretion, assets not meeting the above policy (i.e., less than \$1,000) may also be assigned an asset number and tagged for control purposes. Should there be an asset that is split between the PPC and MPO, the split information shall be documented.

For the purposes of this fixed asset capitalization policy, all costs associated with a particular, individually identifiable asset, including all appropriate charges incurred in placing the asset in its intended location and condition for use shall be recorded as a single purchase.

### Disposition of Tangible Property

Tangible property owned by the Board will be disposed of consistent with Chapter 274, Florida Statutes, and any rules or regulations promulgated there under.

### Annual Audit

Annual audits by an independent, qualified accounting firm or firms will be performed at the conclusion of each fiscal year in accordance with federal and state requirements, including reports required by the Auditor General and the Florida Department of Banking and Finance shall be timely filed. The annual audits and financial reports will be transmitted to and accepted by the Board.

### Fund Balance

Consistent with the Governmental Accounting Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions, a fund balance must be maintained to provide stability and flexibility to respond to unexpected adversity and/or opportunities and is necessary to determine the proper amounts to be assigned for purposes that the Board determines necessary.

The MPO fund balance policy is tailored to meet the Board's day-to-day operating needs, including payment to contractors for services pending reimbursement by grant agencies. The general operating fund, with the MPO's approval, may be used to supplement the MPO's planning grants. This policy will ensure the MPO maintains adequate fund balance to provide sufficient cash flow for daily financial needs and provide funds for unforeseen expenditures.

The PPC's fund balance policy goal is included in the policies section of this document.

## Definitions

*Fund Balance* – An accounting distinction is made between the portions of fund equity that is spendable and nonspendable, also referred to as the difference between assets and liabilities. These are broken up into five categories:

1. *Nonspendable Fund Balance* – Amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact. Examples are inventory and prepaid amounts.
2. *Restricted Fund Balance* – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors (by debt covenants), grantors, contributors, or laws or regulations of other agencies; or (b) imposed by law through constitutional provisions or enabling legislation.
3. *Committed Fund Balance* – Amounts that can be used only for the specific purposes determined by a formal action of the Board.
4. *Assigned fund balance* – Amounts intended to be used by the Board for specific purposes. Assigned fund balance represents the amount that is not restricted or committed. The intent shall be expressed by the Board.
5. *Unassigned Fund Balance* – This classification represents fund balance that has not been assigned to other funds and that has not been restricted, committed, or assigned to specific purposes.

## Policy

The fund balance of the Board has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities. The Board will allow the Executive Director to determine the proper amounts to be assigned for purposes as they determine necessary.

The following individual items shall constitute the Board's Fund Balance Policy.

*Nonspendable Fund Balance* – Nonspendable fund balances will be maintained if they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact (i.e., inventory).

*Restricted Fund Balance* – The Board shall not maintain a restricted fund balance. For the MPO these are amounts that can be spent only for specific purposes as stipulated by external resource providers (i.e.; granting agencies such as Florida Department of Transportation, Commission for the Transportation Disadvantaged, Federal Highway Administration, Federal Transit Administration, or similar external entities); or imposed by law through constitutional provisions or enabling legislation.

*Committed Fund Balance* - These funds may only be spent for the purpose intended by the Board after their designation, and can only be uncommitted by the same action taken to commit the funds.

*Assigned Fund Balance* – Assignment of fund balance may be (a) made for a specific purpose that is narrower than the general purposes of the government itself; and/or (b) used to reflect the appropriation of a portion of existing unassigned fund balance to eliminate a projected deficit in the subsequent year's budget in an amount no greater than the projected excess of expected expenditures over expected revenues. Assigned fund balance shall reflect management's intended use of resources as set forth in the annual budget (and any amendments thereto). Assigned fund balance may or may not be appropriated for expenditure in the subsequent year depending on the timing of the project/reserve for which it was assigned.

*Unassigned Fund Balance* – These amounts are the portion of fund balance which is not obligated or specifically designated and is available for any purpose. Unassigned Fund Balance may be accessed to eliminate a projected deficit in the current year's budget. Unassigned fund balance shall reflect management's intended use of resources as set forth in the annual budget (and any amendments thereto).

*Minimum Unassigned Fund Balance* - It is the goal of the Board to achieve and maintain an unassigned fund balance equal to 10% of expenditures to cover unexpected expenditures and revenue shortfalls for the PPC and MPO. These expenditures can be used for day-to-day operating needs, including payment to contractors for services pending reimbursement by grant agencies. The Board will allow the Executive Director to determine the proper amounts to be unassigned for purposes as they determine necessary.

*Order of Expenditure of Funds* - The Board's policy is to apply expenditures against restricted fund balance, committed fund balance, assigned fund balance and unassigned fund balance in that order under circumstances where a particular expenditure can be made from more than one fund classification.

### Split Costs

The PPC and MPO may split paying the cost for items or services that are shared between the two entities. The staff services agreement states that the PPC may reasonably prorate any charges that accrue in the name of the PPC but that were incurred jointly by the PPC and MPO. In these instances, the split shall be based on the PPC's fiscal year budgeted staffing split between the organizations, unless otherwise noted and documented. One example of a split cost between the entities based on budgeted staff time is rent for office space.

## CONTRACT ADMINISTRATION

### Agreements

#### Local Governments & Technical Assistance

The Board shall authorize the Executive Director to develop a program to facilitate technical assistance and planning services to local governments on an as-needed and as-available basis. Agreements may be pursued with local governments on a regular basis, even if there is not a pending project or need, so as to be prepared to complete such project or satisfy identified needs if they should arise. Agreements may also be entered into with other organizations or agencies that Forward Pinellas interacts with. Routine technical assistance does not require an interlocal agreement; however, interlocal agreements shall occur whenever local funds are employed solely or in combination with other funds to carry out specific planning projects. Executive Director or Board approval of agreements shall follow the procurement thresholds listed in the appendix of this document.

Local government assistance can include professional planning, facilitation, grant writing, mapping and related services. Any assistance provided or project undertaken as provided for in a scope of services or memorandum of understanding may, at the discretion of Board staff and the local government, be more specifically detailed as to methodology, schedule, work product, and cost executed consistent with and pursuant to the agreement. Such scopes of work or memorandums of understanding are to be coordinated by the Executive Director and do not require further review or approval of the Board.

#### Other Agreements

Forward Pinellas may enter into agreements such as Joint Participation Agreements. These agreements may be executed by the Executive Director or Board, per the Executive Director Authority section herein and procurement thresholds in Appendix A.

#### Work Orders and Contract Execution

Following the approval of scope of work by the Board (if necessary), the Executive Director shall assign a project manager to oversee the work. The project manager is authorized by the Executive Director to submit a work authorization form, if required, and to issue the consultant a notice to proceed. The project manager is authorized to approve invoices and ensure that associated work products meet expectations of quality, timeliness and accuracy. Project managers shall ensure that invoices for authorized assignments are received by accounting staff and those through fiscal year end are received by accounting staff prior to the end of the fiscal year. The project manager may submit work authorization forms, issue notices to proceed and other related tasks for amounts exceeding \$20,000 should the amount be approved by the Board or Executive Director before submittal or issuance.

#### Dispute Resolution

##### Applicability

Any actual or prospective bidder or proposer, or contractual party, who is allegedly aggrieved in connection with the issuance of a bid/proposal or pending award or validly executed contract may protest to the Executive Director.

##### Filing

A formal written protest shall be filed no later than 5:00pm on the fifth (5th) full business day after issuance of the bid or proposal, or alleged violation of a contract, unless altered by the specific provisions in the bid/request for proposal or contract. Written protest shall be addressed to the Forward Pinellas

Executive Director. A protest is considered filed when the Executive Director actually receives it. Failure to file a formal written protest within the time period specified shall constitute a waiver of the right to protest. If the deadline to file falls on a County or legal holiday, the deadline shall be extended to 5:00pm of the next full business day.

#### Written protest requirements

The formal written protest shall identify the protesting party and the solicitation involved; include a clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protesting party deems applicable to such grounds.

#### Authority to resolve

The Executive Director shall have authority to resolve the protest in a fair and equitable manner and shall render a written decision stating the reason for the action with a copy furnished to the protesting party and all substantially affected persons no later than 5:00pm on the fifth (5th) full business day after the filing thereof. If the deadline to respond falls on a County or legal holiday, the deadline shall be extended to 5:00pm of the next full business day.

If it is determined that the solicitation or award is in violation of law or regulations and procedures of the bid/proposal package, the Executive Director shall immediately cancel or revise the solicitation or award as deemed appropriate. If the Executive Director determines that the contract has been breached, the Executive Director shall take immediate steps to cure said breach.

If it is determined that the solicitation or award shall be upheld, or that the contract at issue has not been breached, the Executive Director shall issue a decision in writing pursuant to the requirements herein, which shall be final and conclusive as to Forward Pinellas, unless any further action is taken with the appropriate Federal entity or the protester commences an action in court.

The Executive Director shall inform the Board of the protest, at a minimum, but may seek Board approval or guidance in the resolution process.

#### Sole remedy/exhaustion of administrative remedies

These procedures shall be the sole remedy for challenging an award of bid and the terms of the final contract. A protestor must seek a remedy pursuant to these procedures before pursuing a protest with the applicable Federal agency.

#### Stay of procurement and performance during protests

There shall be no stay of procurement or contract performance during protests.

## EMERGENCY SITUATIONS

In cases of emergencies, the Executive Director is authorized to make decisions on staffing, procurements, and continuity of operations, as needed and in documented consultation with the Chair of the Board, or other members of the Executive Committee, when conditions warrant. In the event of a locally declared emergency which prevents the Forward Pinellas Board from convening, the Executive Director is authorized to approve amendments to the Transportation Improvement Program if said amendments either add a project already in the Long Range Transportation Plan to said Program, or to add projects or phases of a project with a construction budget of five million dollars or less. Such amendments shall not affect the allocation of funds to or by Forward Pinellas or approved project priorities, and shall be subject to ratification by the Forward Pinellas Board.

## Appendix A

### Forward Pinellas Procurement Manual

The following is an outline of the steps involved for selection of professional services and the procurement of equipment, materials, or commodities needed for Board work program activities. These procurement rules are in compliance with and supplemental to the procedures in Part 200 – Uniform Requirements, Cost Principles, and Audit Requirements for Federal Awards, and applicable state and local regulations. These rules shall apply to every procurement by Forward Pinellas, without regard to the source of funds, except as otherwise provided by law. In the event of a conflict between these rules and the federal or state procurement rules, the latter shall control.

For items involving expenditure of MPO federal grant funds, whether in part or in whole, federal procurement guidelines will be followed and the applicable required federal clauses will be utilized in all associated contracts. This manual adheres to the federal procurement requirements; however, more detailed guidelines should be consulted as needed. Applicable federal provisions and clauses can be found on the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) websites. Competitive procurements that anticipate the use of federal funds should note that in the beginning of the procurement process.

The agency may utilize general planning consultants (GPCs). GPCs shall be procured following the appropriate purchase category. The use of GPCs for tasks shall be at the discretion of the Executive Director, with Board approval for scopes for work above \$25,000.

## General Procurement Standards

- a) Forward Pinellas shall enter state and local intergovernmental agreements or inter-entity agreements where feasible and appropriate for procurement or use of common goods and services in order to foster economic efficiency. Such agreements are not governed by these procedures.
- b) Contracts will only be awarded to responsible contractors that possess the ability to successfully perform, which shall be determined by such factors as record of past performance, compliance with public policy, financial resources, and technical skills.
- c) All procurement transactions shall be conducted in a manner providing full and open competition consistent with Federal law, absent an express exemption, shall be solicited from an adequate number of qualified sources.
- d) Any method requiring public notice shall require publication on the official Forward Pinellas website, at least 10 calendar days prior to the solicitation deadline and include how long the solicitation will be open.
- e) Records shall be maintained with sufficient detail to document the history of each procurement and shall be kept for either the period required by Federal law or the State of Florida's Sunshine Law, whichever is longer.
- f) Steps shall be taken to ensure minority businesses, women's business enterprises, and labor surplus firms are used when possible, including but not limited to direct solicitation and requiring prime contractors to solicit and use qualified businesses. Qualified Disadvantaged Business Enterprise (DBE) firms shall be noted and tracked for federal reporting purposes.
- g) All contract awards shall contain the applicable federal and state contract clauses.
- h) Any or all bids, proposals, or requests for negotiation or qualifications may be rejected if there is a legitimate and documented reason for doing so.
- i) If the use of a selection committee is used or required, all meetings shall be conducted in a manner consistent with the State of Florida's Sunshine law. A quorum shall consist of the majority of the

members of the committee, except that if there are only three members, all three members must be present.

- j) The terms “respondent,” “bidder,” “proposer,” “firm” and like terms shall be used interchangeably.
- k) Contract award recommendations and issuance of the final award shall be posted on the Forward Pinellas website no later than three full business days after the recommendation or final decision is made.
- l) Bidders are prohibited from attempting to influence, persuade, or promote a bid or bid protest, and such attempts shall be cause for suspension or disqualification of a bid package or pending award. This restriction shall be included in all relevant procurement documents to place potential respondents on notice of said restriction.
- m) Bid protest procedures shall be made available to respondents.

### Conflict of Interest

When using a committee in the procurement process, members of the committee must each sign a No Conflict and Lobbying certification. The following language, or language approved by the Forward Pinellas attorney that reflects the intent of the below language, must be included in that certification.

You have been asked to participate in the evaluation of proposals received as the result of the referenced competitive solicitation. It is essential that the integrity of the evaluation process be maintained to ensure that each proposer is given fair and equal consideration. Personal association with any of the proposers must not influence your evaluation.

A conflict of interest or the appearance of a conflict of interest may occur if you are directly or indirectly involved with an organization that has submitted a proposal for evaluation.

Prior to reviewing any proposals, you must inform the Forward Pinellas Executive Director of any potential conflicts of interest or the appearance thereof. If you become aware of any potential conflict of interest as you review a proposal, you must immediately notify the evaluation committee proctor or the Executive Director. You may be disqualified as an evaluator if you conduct yourself in a manner that could create the appearance of bias or unfair advantage with or on behalf of any proposer, potential proposer, agent, subcontractor, or other business entity, whether through direct association with contractor representatives, indirect associations, through recreational activities or otherwise.

### Examples of potential biased affiliations or relationships:

- Solicitation, acceptance or agreement to accept from anyone any benefit, monetary or otherwise, as consideration for your decision or recommendation as it pertains to your evaluation of any proposal;
- Affiliation with a proposing company or institution.
- A conflict may exist when someone:
  - Is employed by, have been employed by or are being considered for employment with the company or institution submitting a proposal or hold a consulting, advisory, or other similar position with said company or institution.
  - Holds any current membership on a committee, board or similar position with the company or institution.
  - Holds ownership of the company or institution, securities or other evidences of debt.

- Is currently a student or employee in the department or school submitting a proposal
- Has a relationship with someone who has a personal interest in the proposal. This includes any affiliation or relationship by marriage or through family membership, any business or professional partnership, close personal friendship, or any other relationship that may affect objectivity or judgment or may give an appearance of impropriety to someone viewing it from outside the relationship.

During this process, an additional consideration is the need to maintain confidentiality regarding the status of the evaluation or personal opinions of the proposals outside of the formal committee proceedings. Any and all inquiries received regarding the evaluation must be directed to the Executive Director.

### Lobbying

Lobbying of Forward Pinellas employees, evaluation committee members and elected officials regarding this solicitation by any member of a proposer’s staff, or those people who are members of, or employed by, any legal entity affiliated with an organization that is responding to the solicitation is strictly prohibited. The purpose of this prohibition is to protect the integrity of the procurement process by shielding it from undue influences prior to the contract award, or the competitive selection process is otherwise concluded. Such actions shall cause the proposal to be rejected.

*Any evaluation committee member, staff or elected official who has been lobbied shall immediately report the lobbying activity to the Executive Director.*

Committee members will be asked to read and agree to the conflict of interest policy described herein or similar statement.

I have read, understand, and agree to the above, and I will adhere to the policies as presented. I know of no conflict of interest, nor have I accepted any gratuities or favors from proposers which would compromise my objectivity. I have no personal interest in seeing that a specific proposer is awarded a contract. I shall keep all evaluation proceedings in strict confidence prior to contract award. I will do my best to base my recommendation for contract award solely upon the evaluation criteria in the solicitation and each proposer’s response and understand the ethical implications pertaining to lobbying. I maintained the confidentiality of this process and did not discuss the proposals with any other evaluator before the actual evaluation meeting nor did I release any information to any person without the prior consent of the Executive Director. I did not speak directly to proposers concerning proposals except as allowed during the procurement process (i.e. interviews etc.) Any attempts to be lobbied will be reported to the Executive Director.

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Evaluation Committee Member Signature

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Date

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Printed Member Name

### Disciplinary Action

The Executive Director shall remove any evaluation committee member who has an undisclosed conflict of interest or who does not follow this process.

### Methods of Procurement

The following table and subsequent information details Forward Pinellas's methods of procurement.

<b>Method</b>	<b>When Applies</b>	<b>Minimums</b>	<b>Award/Approval</b>
Micro	<\$10,000*	Fair and reasonable price from a responsive and responsible supplier	Executive Director
Small	\$10,000-\$250,000*	Identification of need, development of scope of services, a minimum of three price or rate quotations from qualified sources	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.
Sealed bids / Invitation for Bids	Preferred when a complete, adequate, and realistic purchase description is available; and the procurement lends itself to a fixed price and the selection can be made principally on the basis of price	Two or more responsible bidders are willing and able to compete	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.
Procurement by Competitive Proposals	Preferred when it is likely more than one source will submit an offer, and either a fixed price or cost reimbursement contract is awarded, and where conditions are not appropriate for the use of sealed bids	Solicitations shall be made from an adequate number of qualified sources. Advertising minimums and Bid/RFM requirements apply.	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.
Architectural/ Engineering (A/E) professional services / Request for Qualifications	Contracts for such services involve unique skill, ability and expertise, likely exceeding \$35,000	Competitive proposal requiring public notice, establishment and use of a selection committee	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.
Sole Source	For items or services only available from a single source, when there is an emergency for the requirement that will not permit a delay resulting from competitive solicitation, the federal awarding entity expressly authorized a sole source procurement, and/or after a solicitation of a number of sources, competition is determined inadequate	Staff must conduct and document a cost analysis and sole source justification, evidencing that a particular respondent or firm is the only practical or reasonable source. For brand name/equal awards, the procurement specifications should identify the product's salient characteristics and describe what qualifications and minimum requirements are needed in an equal product	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.

Method	When Applies	Minimums	Award/Approval
Piggy-backing	When available and advantageous to Forward Pinellas to use another agency's contract through assignment of options	When the solicitation document and associated contract contain an assignability clause that provides for the assignment of all or part of the specified deliverables as originally advertised and awarded	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.
Emergency	When there is an immediate need for equipment, services, or commodities, the lack of which would cause a disruption of essential operations where the protection or preservation of public properties would not be possible through normal purchase procedures, or where there exists a threat to public health, welfare, or safety.	Following each emergency purchase, a report shall be prepared for Board documenting the justification for and price of such expenditures	Executive Director
Pinellas County Master Purchase Orders	Cost savings offered by Master Purchase Orders and Contract Purchase Orders	Orders are a result of a term contract which is competitively secured in accordance with the Pinellas County Purchasing Code and/or applicable Florida Statutes	Executive Director may approve purchases under \$25,000. Board approval is required for purchases of \$25,000 and greater.

\* Per the Federal Acquisition Regulation

### Micro-Purchases

Micro-purchases are purchases that do not exceed the monetary threshold set by the Federal Acquisition Regulation, currently set at \$10,000. Micro-purchases can be made without obtaining bids, requests for proposals, or other competitive procedures.

- i. The Executive Director shall ensure the price is fair and reasonable, and shall have authority to purchase without Board approval.
- ii. All micro-purchases shall be made from a responsive and responsible supplier.
- iii. The Executive Director may solicit at least three (3) oral or written quotes.

### Small Purchases

Small purchases procedures are designed for the securing of services, supplies, and other goods that exceed the micro-purchases amount, but that do not exceed the Simplified Acquisition Threshold as determined by the Federal Acquisition Regulation (currently set at \$250,000.00). Small purchases must be awarded competitively.

- i. Identification of Need. The Executive Director will relay the need for such goods and services to the Board.
- ii. Scope of Services. The Executive Director shall develop the scope of services to be used for such purchases and may invite responders to bid, quote, or offer proposals.
- iii. Selection and Ranking. A minimum of three (3) price or rate quotations must be obtained from qualified sources. If determined necessary by the Executive Director, a pre-quote, bid,

or proposal conference shall be conducted to provide further detail and clarification on the scope of services. The Executive Director shall rank the proposals in an order deemed to be in the best interest of Forward Pinellas and the public as a whole, taking into account the financial, legal, and practical ability to perform and the desired services. Alternatively, a committee formed by staff may review all proposals and rank firms, and submit such ranking to the Executive Director for consideration.

- iv. Award. Final contract awards at or below the Executive Director's approval authority of \$25,000.00 may be executed by the Executive Director. All contract awards above such approval authority shall be approved by the Board.

### Sealed Bids/Invitation for Bids

Bids shall be publically advertised and solicited, and shall be awarded competitively. The contract award shall be made to the responsible bidder whose bid, confirming with all the material terms and conditions of the solicitation, is the lowest in price.

- i. Sealed bids are preferred if the following conditions are present:
  - i. A complete, adequate, and realistic purchase description is available;
  - ii. Two or more responsible bidders are willing and able to effectively compete; and
  - iii. The procurement lends itself to a fixed price and the selection can be made principally on the basis of price.
- ii. Additional bid requirements
  - i. Bids must be solicited from an adequate number of known suppliers, providing sufficient response time prior to the date set for opening bids.
  - ii. Bids shall include specifications, definitions, and pertinent attachments in order for the bidder to adequately respond.
  - iii. A fixed price contract award shall be made in writing to the lowest responsive (meets all qualifications) and responsible (qualified to perform the work) bidder. Where indicated in the bid documents, factors such as discount, transportation, and life cycle costs must be considered.
  - iv. Pursuant to §200.320, any or all bids may be rejected if there is a sound documented reason.
- iii. Award. Final contract awards at or below the Executive Director's approval authority of \$25,000.00 may be executed by the Executive Director. All contract awards above such approval authority shall be approved by the Board.

### Procurement by Competitive Proposals

Requests for negotiations are the preferred method of procurement where it is likely that more than one source will submit an offer, and either a fixed price or cost reimbursement contract is awarded, and where conditions are not appropriate for the use of sealed bids. Solicitations shall be made from an adequate number of qualified sources.

- i. Advertisement. At a minimum, the advertisement should contain:
  - i. Project name and type of item or service to be purchased or performed;
  - ii. Brief summary of the scope of services;
  - iii. Staff contact information;
  - iv. Response deadline and selection timeline;
  - v. DBE information;
  - vi. How the entire RFN package can be viewed and accessed.
- ii. Bid/RFN Requirements

- i. A proposed scope of services that details the expected level of work, service, or product and include reference to any past Forward Pinellas work or documents relevant to the scope;
  - ii. A sample contract, including the applicable required FTA clauses;
  - iii. Certifications regarding public entity crime convictions, debarment, and lobbying;
  - iv. Requirements regarding how and when the proposal responses must be submitted and in what format;
  - v. Instructions on how to submit questions and how Forward Pinellas will respond;
  - vi. DBE requirement information;
  - vii. Protest procedures;
  - viii. All evaluation factors and the relative importance of each;
  - ix. Whether presentations are or may be required, and if so, presentation parameters;
  - x. Timeline for selection process.
- iii. Proposal Evaluations and Selection Process
- i. All submitted proposals shall be considered to the maximum extent practicable;
  - ii. Contracts shall be awarded to the responsible firm whose proposal is most advantageous to Forward Pinellas, taking into consideration price and all other relevant factors.
  - iii. Proposal evaluations shall include a contract-specific written method for conducting technical evaluations of the proposals received and for selecting recipients. Standard factors that shall apply to all contracts include but are not limited to:
    - 1. Ability to competently perform (professional staff, workload, etc.);
    - 2. Past performance record;
    - 3. Willingness to meet time and budget constraints;
    - 4. Price.
  - iv. Selection committee. A committee of at least three (3) members formed by staff may review all proposals and rank firms. The selection committee shall rank all proposals and submit to the Executive Director, along with a price analysis.
  - v. Award. The Executive Director may choose a respondent if the contract is at or below \$20,000.00. If the contract award exceeds \$20,000.00, the respondent must be selected by the Board.

### Architectural/Engineering (A/E) professional Services / Request for Qualifications

Contracts for such services involve unique skill, ability, and expertise. A competitive proposal requiring public notice shall be used for the procurement of such services in conformance with Florida Statute §287.055, whereby the most qualified competitor is selected, subject to the negotiation of fair and reasonable compensation. The following procedures shall apply to procurements that will likely exceed \$35,000.00.

- i. A selection committee shall be established, comprised of at least three (3) members, and shall be responsible for the following:
  - i. Short list. The committee shall conduct a preliminary evaluation of all submittals to determine compliance with the minimum qualifications and requirements. The committee shall consider, at a minimum, capabilities, personnel, past performance record, and experience, and whether the respondent is a certified

- minority business enterprise. The committee shall provide the ranking of at least three (3) shortlisted respondents to the Executive Director.
- ii. Public presentations. The committee may require public presentations by the shortlisted respondents to demonstrate their respective qualifications.
  - iii. Ranking. The committee shall select and rank no fewer than three (3) short listed respondents, if applicable, deemed to be the most qualified to perform the specified services, considering such factors as the ability of professional personnel, whether certified as a minority enterprise, past performance, willingness to meet time and budget requirements, and volume or work previously awarded to the respondent. Price shall not be used as a selection factor in the ranking and selection, and shall only be taken into consideration during the negotiation phase. Total scores shall be calculated based upon the average of the scores of the committee members unless otherwise stated in the proposal.
  - iv. Negotiations. Upon approval by the Executive Director of the shortlist provided by the selection committee, the Executive Director shall request a fee proposal and attempt to negotiate with the highest ranked respondent. Should the Executive Director not be able to reach successful negotiations with said respondent, then the Executive Director shall terminate negotiations and begin negotiations with the next highest ranked respondent until a successful negotiation is reached. If the short list is exhausted, the solicitation shall be deemed terminated and Forward Pinellas may initiate a new solicitation if desired.
  - v. Award. If the contract is within the Executive Director's approval authority as set forth herein, the Executive Director may award the contract after successful negotiations. If the contract exceeds the Executive Director's approval authority, the contract shall be presented to and awarded by the Board.
- ii. This method of procurement can only be used in procuring A/E services, and may not be used to purchase other types of services even though such services may be performed through an A/E firm.

### Sole Source Procurement

In order for the sole source procurement method to be used, staff must conduct and document a cost analysis and sole source justification, evidencing that a particular respondent or firm is the only practicable or reasonable source. The Executive Director or Board, depending on the amount of the bid, may then award the bid without further action. Procurement through solicitation of a proposal from only one source may only be used when one or more of the following factors are present:

- i. The item or service is only available from a single source;
- ii. There is an emergency for the requirement that will not permit a delay resulting from competitive solicitation;
- iii. The federal awarding entity expressly authorized a sole source procurement;
- iv. After solicitation of a number of sources, competition is determined inadequate.

For brand name/equal awards, the procurement specification should identify the product's salient characteristics and describe what qualifications and minimum requirements are needed in an equal product.

### Piggy-backing Procurements

When available and advantageous to Forward Pinellas, Forward Pinellas may “piggy-back” on or utilize through assignment of options another agency’s contract, or allow other agencies to utilize a Forward Pinellas contract. Piggy-backing is permissible when the solicitation document and associated contract contain an assignability clause that provides for the assignment of all or part of the specified deliverables as originally advertised and awarded. “Tag-ons”, which are additions to the contracted quantities as originally advertised and awarded, are not permitted.

### Emergency Procurements

An emergency procurement may be used when there is an immediate need for equipment, services, or commodities, the lack of which would cause a disruption of essential operations where the protection or preservation of public properties would not be possible through normal purchase procedures, or where there exists a threat to public health, welfare, or safety. The Executive Director shall have authority to secure equipment, goods, or services by open market procedures at a reasonable price, regardless of the amount of such expenditures. Following each emergency purchase, a report shall be prepared for the Board documenting the justification for and price of such expenditures.

### Pinellas County Master Purchase Orders

Forward Pinellas may take advantage of cost savings offered by Master Purchase Orders and Contract Purchase Orders that are initiated by the Pinellas County Purchasing Department to secure commonly needed goods and/or services. Such orders are a result of a term contract which is competitively secured in accordance with the Pinellas County Purchasing Code and/or applicable Florida Statutes. Such orders may include but are not limited to computer and phone equipment, vehicles, insurance, and office supplies.