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## BROWARD METROPOLITAN PLANNING ORGANIZATION

### PROCUREMENT RULES

#### SECTION 1 SCOPE / DEFINITIONS

10 1.1 These Procurement Rules apply to every purchase/procurement and sale by the Broward  
11 MPO without regard to the source of funds, including State and Federal assistance funding,  
12 except as otherwise provided by law. When using Federal funds and there is a conflict  
13 between Federal, State and/or local requirements, Federal requirements take precedence  
14 unless State or local requirements are more stringent. Notwithstanding the provisions in these  
15 Procurement Rules, Broward MPO purchasing shall be conducted in accordance with  
16 applicable local, State and Federal law, and in a manner that preserves local, State and  
17 Federal funding received by Broward MPO in connection with its transportation planning  
18 responsibilities.

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20 1.2 As used in this document, the term:

- 21 a. *“Broward MPO”* / “BMPO” / *“MPO”* means the Broward Metropolitan Planning  
22 Organization created pursuant to Section 339.175, F.S., duly recognized by the Governor  
23 of the State of Florida as the entity responsible for the continuing, cooperative, and  
24 comprehensive transportation planning in the urbanized area of Broward County, Florida.  
25 b. *“Designee”* means a duly authorized representative of a person holding a superior  
26 position.  
27 c. *“Electronic”* means electrical, digital, magnetic, optical, electromagnetic, or any other  
28 similar technology.  
29 d. *“Electronic Posting”* or *“Electronically Post”* means the noticing of solicitations, MPO  
30 decisions or intended decisions, or other matters relating to procurement on the MPO  
31 Internet website.  
32 e. *“Executive Director”* means the chief executive officer and the chief administrative  
33 officer of the MPO, including his/her designee, responsible for carrying out the policies  
34 of the MPO Board or MPO Executive Committee.  
35 f. “Library of Service Providers” means the library of qualified consultants to perform  
36 transportation planning or other services for the MPO on an as-needed basis in  
37 accordance with the procurement procedures set forth in Chapter 287, Florida Statutes  
38 and in the MPO Procurement Rules.  
39 g. *“Procurement Officer”* means the person designated by the Executive Director to be  
40 responsible for overseeing MPO contracting and procurement proceedings, and includes  
41 such person’s designee.  
42 h. *“Public Notice”* means the distribution or dissemination of information to interested  
43 parties using methods that are reasonably available. Such methods may include the  
44 publication in newspapers of general circulation, electronic or paper mailing lists, and  
45 web site(s) designated by the MPO and maintained for that purpose.  
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**SECTION 2**  
**COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED:**  
**PURCHASES, CONTRACTS, AND SALES IN EXCESS OF \$30,000**

- 2.1 *Purchases exceeding \$30,000.* A purchase of, or contract for, commodities or services, that is estimated by the Executive Director, to cost more than thirty thousand dollars (\$30,000.00), shall be based on competitive bids, competitive proposals, or the Request for Qualifications Procedures in Section 7 for professional services, as determined by the Executive Director or the Procurement Officer.
- 2.2 *Procedure.* Except for a purchase of, or contract for, professional services utilizing the Request for Qualifications Procedures set forth in Section 7, purchases or contracts for commodities or services estimated to cost more than thirty thousand dollars (\$30,000) shall be made from the lowest, most responsive and responsible bidder obtained in accordance with the following formal bid procedures:
- A. The Procurement Officer shall obtain ~~perform~~ an independent cost or price analysis in connection with every procurement action, including contract modifications, under this section. The independent cost proposal or price analysis should be developed before the issuance of the solicitation.
  - B. The Procurement Officer shall solicit through appropriate legal advertisements, which may include electronic posting and public notices, a minimum of three (3), if available, competitive sealed bids or proposals from the general public for the purchase of the required goods and services. The bidding window shall not be less than fourteen (14) days, nor more than thirty (30) days long unless approved by the Executive Director. The advertisement shall state the title, date, and hour of the public bid opening and shall specifically define the resources for which bids are sought. Any invitation to bid shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders.
  - C. The Procurement Officer may also utilize the library of service providers for contracts which have been procured utilizing the process identified in Subsection 2.2 and all ~~continuing contracts~~ agreements with library of service providers that were approved by the MPO Board and remain in force. If the library of services is utilized by the Procurement Officer, the procurement process is then exempt from the competitive bid proposal requirements as described in Subsection 3.1, however State laws such as the Consultants' Competitive Negotiations Act ("CCNA"), to the extent applicable, shall be followed.
  - D. The Procurement Officer shall review the bids or proposals for responsiveness and then establish a committee to review and rank the bids or proposals received according to pre-determined methodology and present them, along with his/her recommendation, to the Executive Director. Upon completion of an acceptable

- 93 contract, the Executive Director will present the contract to the MPO Board for  
 94 approval.  
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- 96 E. The Executive Director shall award the contract or sale after the required MPO  
 97 Board or Executive Committee approval has been obtained.  
 98
- 99 F. The Procurement Officer shall maintain records for the period of time as required  
 100 by the State of Florida Records Retention Schedule, as may be amended from  
 101 time to time a record of all bids received for a minimum of three (3) years.  
 102 Records include procurement justification information, such as responsive and  
 103 responsibility determinations and technical evaluation, independent cost estimate  
 104 and bid tabulation form.  
 105
- 106 2.3 *Approval.* All purchases and contracts made in accordance with this Section shall be  
 107 provided for in the approved budget (Unified Planning Work Program [“UPWP”]), shall  
 108 have the prior approval of the MPO Board or Executive Committee and shall be executed  
 109 pursuant to a purchase order processed by the Procurement Officer.  
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- 111 2.4 *Surety.*  
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- 113 A. *Bid deposits.* When deemed necessary by the Procurement Officer, bid deposits  
 114 shall be prescribed in the public notice inviting bids. When bid deposits are  
 115 required, unsuccessful bidders shall be entitled to return of surety. A successful  
 116 bidder shall forfeit any surety required by the Procurement Officer upon failure on  
 117 its part to enter a contract within fifteen (15) days after the award.  
 118
- 119 B. *Sureties on performance.* For all competitive bids seeking commodities or  
 120 services the Procurement Officer, in his or her discretion may include as a  
 121 requirement of such advertised bids, a performance bond, in the total contract  
 122 amount. ~~The Executive Director shall have the discretion to waive the~~  
 123 ~~performance bond requirement in the event of an undue hardship or emergency.~~  
 124 Any bonding company used must be listed on the United States Department of the  
 125 Treasury's Circular 570. Additionally, the bonding company must be rated at least  
 126 "B," Class V, by "Best's Key Rating Guide," published by A.M. Best Company,  
 127 and authorized to do business in Florida.  
 128
- 129 2.5 *Specifications cannot be determined.* When specifications of the resources that are  
 130 required for a purchase cannot be determined, the MPO shall solicit sealed competitive  
 131 bids utilizing a Request for Proposal in accordance with the procedures in this Section.  
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### SECTION 3

#### EXEMPTIONS FROM COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS

- 3.1 *Exemptions.* The following circumstances are exempt from the competitive bid and competitive proposal requirements of these Rules:
- A. *Sole Source.* The acquisition of a sole source item shall be exempt from the competitive bidding requirements set forth in these Rules upon approval by the MPO Board or Executive Committee of a sole source purchase that costs more than \$30,000. The Executive Director shall provide documentation to the MPO Board or Executive Committee evidencing that this particular vendor is uniquely qualified to provide goods or services or the only practicable ~~or reasonable~~ source to secure such goods or services.
- B. *Emergency Purchases.* In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the Executive Director may waive competitive bidding or competitive proposals and authorize the Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services. Emergency purchases shall not require advance MPO Executive Committee or Board approval in urgent situations presenting a clear and present substantial threat to life or property where immediate action is required and a quorum of the MPO Executive Committee or MPO Board for an emergency special meeting cannot be obtained before the deadline for action. In such emergency situations, the Executive Director may approve the purchase or contract, subject to later ratification by the MPO Executive Committee or MPO Board. To the extent practicable, the Executive Director shall notify one or more of the MPO Executive Committee Members of such emergency purchases.
- C. *Utilization of other competitively procured governmental agencies' contracts also known as "piggy back contracts."* Awarded bids by any local, State, or national governmental agency, cooperative purchasing organizations, or purchasing associations. Commodities or services that are the subject of contracts with the State, its political subdivisions or other governmental entities, or with the United States government, are exempt from this section; provided, however, that this subsection shall apply only if (i) the commodities or services are the subject of a price schedule negotiated by the State, or (ii) the commodities or services are the subject of a contract with another governmental entity that is based strictly on competitive bids or competitive proposals and not on any preference. Such utilization of other government agencies' contracts shall only be valid during the term of that contract or bid award.
- D. *Contracts with public entities.* Contracts for goods or services with nonprofit organizations or another Public Body or political subdivision defined in Section 1.01 (8), Florida Statutes.

- 182 E. *Professional Services.* (i) Contracts for professional services involving unique  
 183 skill, ability, experience or expertise, which are in their nature distinctive and not  
 184 subject to competitive bidding or competitive proposals, are exempt from this  
 185 section of the Rules; and (ii) Contracts for professional services between the MPO  
 186 and its members as authorized in Section 10, of these Rules, may be exempt from  
 187 this section of the Rules. Notwithstanding the foregoing, State laws, such as the  
 188 CCNA, to the extent applicable, shall be followed.  
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- 190 F. *Borrowing funds.* Any transaction for, or related to, the borrowing of money from  
 191 a licensed, registered or otherwise permitted lending entity, whether private or  
 192 governmental in nature.  
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- 194 G. *Existing Agreements.* Lease agreements and service contracts for the  
 195 maintenance, repair, or servicing of existing equipment owned or leased by MPO,  
 196 at the date of adoption of these Rules.  
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- 198 H. *~~Agreements Continuing Contract with Library Service Providers.~~* Library  
 199 Service providers that have current agreements ~~continuing contracts~~ with the  
 200 MPO may be used by the Executive Director to provide required services as  
 201 requested by the MPO consistent with these Rules from time to time; however,  
 202 State laws, such as the Consultants' Competitive Negotiation Act, to the extent  
 203 applicable shall be followed. No single agreement with a library service provider  
 204 may exceed \$2,500,000 without separate competitive bidding for those services.  
 205
- 206 I. Other Exceptions. With the approval of the Executive Director, the following  
 207 supplies and services may be procured without competition, subject to the  
 208 requirements of these Rules.  
 209 1. Servicing or warranty work of equipment by an authorized dealer  
 210 or representative when work by another party would void a warrantee or  
 211 guarantee;  
 212 2. Renewal of software licenses;  
 213 3. Used equipment and machinery;  
 214 4. Advertising in newspapers, periodicals and related publications,  
 215 television, radio and similar media.  
 216 5. Licenses;  
 217 6. Membership in professional, trade and other similar associations;  
 218 7. Postage;  
 219 8. Published books, manuals, maps, periodicals, films technical  
 220 pamphlets, and copyrighted educational aids; and  
 221 9. Services of visiting speakers and lecturers.  
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**SECTION 4**  
**REQUEST FOR QUOTES:**  
**PURCHASES, CONTRACTS, AND SALES BETWEEN \$5,000 AND \$30,000**

- 4.1 *Purchases between \$5,000 and \$30,000.* All purchases of supplies, equipment, and contractual services, the price of which is at least five thousand dollars (\$5,000), but less than or equal to thirty thousand dollars (\$30,000), should ~~may~~ be made from the lowest and most responsive and responsible bidder obtained in accordance with the informal Request for Quotes procedures set forth in this Section unless otherwise justified.
- 4.2 *Procedure.* Under the Request for Quotes procedures, the Executive Director shall:
- A. Solicit at least three (3) competitive written quotes, if available.
  - B. Maintain a record of all quotes received for the period of time as required by the State of Florida Records Retention Schedule, as may be amended from time to time for three (3) years.
  - C. The Procurement Officer shall award the contract or sale after approval by the Executive Director has been obtained.
- 4.3 *Approvals and purchase orders.* All purchases made under this section shall have funds available in the approved budget (UPWP), the prior approval of the Executive Director, and a Purchase Order processed by the Procurement Officer.
- 4.4 *Non-exclusivity.* Purchases eligible under this section may also be purchased under Section 2 of these Rules.

**SECTION 5**  
**PURCHASES, CONTRACTS AND SALES FOR LESS THAN \$5,000**

- 5.1 *Purchases less than \$5,000.* All purchases of supplies, equipment, and contractual services, the cost of which is under five thousand dollars (\$5,000), may be made from the lowest and most responsive and responsible bidder or supplier obtained in accordance with the informal purchasing procedures set forth in this Section.
- 5.2 *Optional Procedure.* For purchases that do not exceed \$5,000, the Executive Director, may, at his/her discretion, solicit at least three (3) oral quotes or published quotes.
- 5.3 *Approvals and purchase orders.* Purchases made under this section require budget availability, Procurement Officer approval and processing of a Purchase Order.
- 5.4 *Non-exclusivity.* Purchases eligible under this section may also be purchased under Sections 2 and 4 of these Rules.

**SECTION 6**  
**APPROVALS FOR PURCHASES AND AWARD OF CONTRACTS**

6.1 *MPO Executive Committee or Board approval.*

A. A purchase of, or contract for, commodities or services, in excess of thirty thousand dollars (\$30,000), but no more than two hundred fifty thousand dollars (\$250,000) ~~one hundred thousand dollars (\$100,000)~~ or the maximum amount otherwise authorized in Section 2.06 of the BMPO Rules, shall require the approval of the MPO Executive Committee, regardless of whether the competitive bidding, library of service providers, or competitive proposal procedures were followed. A purchase of, or contract for, commodities or services that exceed two hundred fifty thousand dollars (\$250,000) ~~one hundred thousand dollars (\$100,000)~~ or the maximum expenditure authority of the Executive Committee as set forth in Section 2.06 the BMPO Rules, shall require the approval of the MPO Board. However, emergency purchases shall not require advance MPO Executive Committee or Board approval in urgent situations presenting a clear and present substantial threat to life or property where immediate action is required and a quorum of the MPO Executive Committee or the MPO Board for an emergency special meeting cannot be obtained before the deadline for action. In such emergency situations, the Executive Director may approve the purchase or contract, subject to later ratification by the MPO Executive Committee or the MPO Board. To the extent practicable, the Executive Director shall notify one or more of the MPO Executive Committee Members of such emergency purchases.

B. Purchases exceeding the aggregate sum of one hundred thousand dollars (\$100,000) shall not be purchased from the same person or entity during the course of any fiscal year, unless such purchases are first authorized by the MPO Executive Committee or Board as limited by Section 2.06 of the BMPO Rules. This subsection (B) shall not apply to purchases of utilities, BMPO operations and maintenance, or to ongoing contracts or contracts with library of service providers or contracts with MPO members for services.

6.2 *Executive Director approval.* A purchase of, or contract for, commodities or services in an amount of thirty thousand dollars (\$30,000) or less, shall require the approval of the Executive Director.

6.3 *Required contract provisions.* All contracts awarded by the MPO shall contain the provisions required by applicable Federal, State and local law, as may be amended from time to time, including, but not limited to, a statement of compliance with the Public Entity Crime Act (F.S. 287.133), the Anti-Kickback Act, Davis-Bacon Act, The Equal Employment Opportunity Order, remedies for contractor's breach of contract terms and termination for cause and for convenience (for contracts in excess of \$10,000).

317 6.4 United States Department of Transportation (“USDOT”) / Federal Transit Administration  
 318 (“FTA”) / Federal Highway Administration (“FHWA”) Required Disadvantaged  
 319 Business Enterprise (DBE) and Title VI Programs and Limited English Proficiency Plan  
 320 (LEP).

321  
 322 A. The MPO as a recipient of USDOT funds through the FTA/FHWA is required to  
 323 develop and sustain DBE and Title VI of the Civil Rights Act Programs and LEP  
 324 Plan.

325  
 326 B. Where the MPO is a recipient of USDOT funds through the FTA/FHWA, all  
 327 contracts awarded by the MPO utilizing these funds shall be subject to:  
 328 (i) applicable Federal, State and local law, as may be amended from time  
 329 to time;  
 330 (ii) the MPO’s DBE and Title VI Programs and LEP Plan; and  
 331 (iii) include the provisions required by these Programs and Plan.

### SECTION 7

#### REQUEST FOR QUALIFICATIONS PROCEDURES; CONSULTANT’S COMPETITIVE NEGOTIATIONS ACT PROCEDURES

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 339 7.1 *Applicability.* The Request for Qualifications procedures in this Section shall apply  
 340 where the MPO procures services that are regulated by Section 287.055, Florida Statutes,  
 341 referred to as Consultant’s Competitive Negotiations Act (“CCNA”). Procurement of  
 342 services governed by the CCNA shall comply with all statutory requirements.  
 343 Additionally, notwithstanding any language in this Procurement Rules to the contrary, the  
 344 Request for Qualifications procedures in this Section may be utilized by the MPO to  
 345 procure other professional services (as defined in Section 3.1E) pursuant to continuing  
 346 agreements ~~contracts~~, except where expressly prohibited by law.

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 348 7.2 *Procedures for qualifications-based selection process.*

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 350 A. *Public notice.* If the MPO desires to use the qualifications based selection process  
 351 for procurement of professional services on a continuing agreement ~~contract~~, or if the  
 352 MPO is required to utilize the process pursuant to CCNA, the MPO shall publicly  
 353 advertise a Request for Qualifications to obtain qualifications from potential consultants  
 354 from which a selection will be made to perform the professional services that the MPO  
 355 requires.

356  
 357 B. *Receipt of responses.* The Request for Qualifications shall provide for a MPO  
 358 staff member to receive all responses. When the deadline for responses has been reached,  
 359 that staff person shall distribute the responses to an Evaluation and Selection Committee  
 360 for review.

361

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

371  
 372 D. *Short List.* The Committee shall conduct a preliminary evaluation of all submittals  
 373 on the basis of the information provided and other evaluation criteria as set forth in the  
 374 Request for Qualifications or as reasonably determined by the Committee pursuant to  
 375 CCNA. The Committee will first review each submittal for compliance with the  
 376 minimum qualifications and mandatory requirements of the RFQ. Failure to comply with  
 377 any mandatory requirements, as determined by the Committee, will disqualify a  
 378 submittal. The Committee must find that the firm or individual is fully qualified to  
 379 render the required services. In determining whether a firm is qualified, the Committee  
 380 shall consider factors that include, but are not limited to, (i) the firm’s capabilities, (ii)  
 381 adequacy of personnel, (iii) past record, and (iv) experience of the firm or individual.  
 382 The Committee shall then reduce (i.e. short list) the number of firms to at least three  
 383 qualified firms (as may be appropriate) for further discussion. In short listing the firms,  
 384 the Committee shall ~~attempt to~~ select the most best qualified firms to perform the  
 385 solicited service without considering price. Firms that are short listed ~~shall~~ may be  
 386 required to enter into an agreement ~~Continuing Contract~~ with the MPO to provide the  
 387 contracted services, which shall be subject to approval by the MPO Executive Committee  
 388 or the MPO Board.

389  
 390 E. *Public Presentations.* The Committee may require public presentations by the  
 391 short listed firms regarding their qualifications, approach to the project or work, and  
 392 ability to furnish the required services.

393  
 394 F. *Ranking of short listed firms.* Following discussions and/or presentations by each  
 395 short listed firm, the Committee shall (1) ~~make any adjustments to their~~ the short  
 396 listed firms as they deem appropriate, (2) select and rank, in order of preference, the short  
 397 listed firms deemed to be the most highly qualified to perform the required services, and  
 398 (3) vote on the final ranking of shortlisted firms. Total scores for each evaluation criteria  
 399 shall be based upon an average of the scores of all Committee members unless otherwise  
 400 provided for in the Request for Qualifications documents. The Committee shall provide  
 401 its recommendation on the final ranking of the shortlisted firms to the Executive Director.

402  
 403 G. *Negotiations.* Upon approval by the Executive Director of the Committee’s  
 404 recommendation of the final rankings of the shortlisted firms, highest ranked firms, an  
 405 intent to award shall be posted and the Executive Director shall request a fee proposal  
 406 from the highest ranked firm and attempt to negotiate a contract with the highest ranked  
 407 firm to perform specified services at a compensation that is determined by the Executive

408 Director, in his or her sole discretion, to be fair, competitive and reasonable. If multiple  
409 project contracts are to be awarded, the Executive Director may request proposals from  
410 some or all of the ranked firms and negotiate with them without regard to rank or order.  
411 Should the Executive Director be unable to negotiate a satisfactory agreement with the  
412 top-ranked firm at a price determined to be fair, competitive, and reasonable, negotiations  
413 with that firm must be formally terminated. The Executive Director shall then undertake  
414 negotiations with the second most qualified firm. Failing accord with the second most  
415 qualified firm, the MPO must terminate negotiations. The MPO shall then undertake  
416 negotiations with the third most qualified firm. Should the Executive Director be unable  
417 to negotiate a satisfactory contract with any of the selected firms, the Executive Director  
418 shall select additional short-listed firms in the order of their competence and qualification  
419 and continue negotiations in accordance with this section until an agreement is reached.  
420 If the short list is exhausted, a new solicitation for Qualifications shall be initiated in the  
421 event the MPO still desires to procure the services.  
422

423 H. *Compensation for Services.* The MPO may consider proposals for the  
424 compensation to be paid for the requested services only during the negotiations stage  
425 under paragraph G above.  
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427 I. *Award of Contract.* After the successful conclusion of negotiations, the  
428 contract(s) will be presented to the MPO Board or Executive Committee for award, or, if  
429 the contract amount is within the Executive Director's approval authority set forth in  
430 Section 6, the contract(s) will be presented to the Executive Director for award. The  
431 Board, Executive Committee, or Executive Director shall review the selection process  
432 and may reject all proposals if it is determined that such rejection is consistent with ~~this~~  
433 these Procurement Rules.  
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435 J. *Library of Service Providers.* The MPO may establish a pool of qualified  
436 consultants, in accordance with applicable law, to be used as needed to provide prompt  
437 and efficient professional services required by the MPO on a project by project basis, as  
438 may be authorized by the MPO from time to time. Notwithstanding any provisions in  
439 these Procurement Rules to the contrary, the Executive Director may procure a contract  
440 ~~of two hundred thousand dollars (\$200,000) or less~~ utilizing the library of service  
441 providers by selecting a firm from the library that can provide the required services  
442 requested by the MPO. The MPO reserves the right to select one or more firms to  
443 perform a specific project or projects. All contracts ~~exceeding thirty thousand dollars~~  
444 (\$30,000) shall be subject to the expenditure limits set forth in Section 6.1 of these  
445 Procurement Rules or a contract that would result in a firm from the library receiving  
446 contracts from the MPO for the same services in a cumulative amount exceeding ~~thirty~~  
447 ~~thousand dollars (\$30,000)~~ the expenditure limits set forth in Section 6.1 of these  
448 Procurement Rules, during a single fiscal year, shall be approved by the MPO Executive  
449 Committee or Board as warranted by BMPO Rules.  
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## SECTION 8 PROTESTED SOLICITATIONS AND AWARDS

- 8.1 *Filing a Protest.* After a notice of intent to award a contract is posted, any actual or prospective bidder who is aggrieved in connection with the pending award of the contract or any element of the process leading to the award of the contract may protest to the Procurement Officer. A protest must be filed within five (5) business days after posting or any right to protest is forfeited. The protest must be in writing, must identify the name and address of the protester, and must include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest is received by the Procurement Officer.
- 8.2 *Protest Committee.* The Protest Committee shall have the authority to review, settle and resolve the protest. The protest committee shall be comprised of the Procurement Officer, the Finance Officer, the Executive Director, and, if applicable, the director or designee of the department or office for which the contract is to be awarded. The Committee's review shall be informal. The Procurement Officer, or the director or designee of the department or office for which the contract is to be awarded, shall serve as the chairperson of the Committee. The Procurement Officer shall provide for the disclosure of information regarding the protest to the appropriate awarding agency. The MPO General Counsel, or designee, shall be counsel to the Committee.
- 8.3 *Protest Committee Determination.* If the Protest Committee determines that the pending award of a contract or any element of the process leading to the award involved a significant violation of law or applicable rule or regulation, all steps necessary and proper to correct the violation shall be taken. If the Protest Committee determines that the protest is without merit, the Procurement Officer shall promptly issue a decision in writing stating the reason for the decision and furnish a copy to the protester and any other interested party, and the process leading to the award shall proceed forthwith.
- 8.4 *Stay of Contract Award.* In the event of a timely protest, the Procurement Officer shall stay the award of the contract, unless, after consulting with the MPO attorney, the Procurement Officer determines that the award of the contract without delay is necessary to protect substantial interests of the MPO.
- 8.5 *Deposit Required.* The chairperson of the Committee shall require a deposit from a protester to compensate MPO for the expenses of administering the protest. If the protest is decided in the protester's favor, the entire deposit shall be returned to the protester. If the protest is not decided in the protester's favor, the deposit shall be forfeited to the MPO. The deposit shall be in the form of cash or a cashier's check, and shall be the greater of one (1) percent of the amount of the pending award or five thousand dollars (\$5,000).

495 8.6 *Exhaustion of Remedies Required.* A protestor must exhaust all administrative remedies  
 496 with the MPO and the ~~grantee~~ pending successful bidder before pursuing a protest with  
 497 the applicable Federal agency.  
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## SECTION 9 RECORD REQUIREMENTS

503 9.1 The Procurement Officer shall maintain records that detail the ~~significant~~ history of a  
 504 procurement. Such records shall include, but not be limited to, the following  
 505 information: rationale for the method of procurement, selection of contract type,  
 506 contractor selection/rejection, the basis for the contract price, notice to bidders,  
 507 RFP/RFQ, independent cost/price analysis, and record of negotiations.  
 508

509 9.2 All MPO expenditures shall be properly recorded in the accounting records and noted and  
 510 explained as part of the financial report.  
 511

512 9.3 Budget amendments to fund expenditures shall be performed as necessary.  
 513

514 9.4 The Procurement Officer shall tag and inventory all Tangible Personal Property items equal  
 515 to or greater than one thousand dollars (\$1,000) per item.  
 516

517 9.5 The Executive Director shall prepare a monthly report identifying all existing contracts  
 518 with ~~non-budgeted~~ MPO contractors and the total compensation the contractors have  
 519 received from the MPO to date under such existing contracts. The monthly written  
 520 reports shall be provided to the Board as an administrative item on each regularly  
 521 scheduled meeting agenda.  
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## SECTION 10 AUTHORIZATION AND PROCEDURE TO PROVIDE SERVICES TO MPO MEMBERS

530 10.1 ~~Agreement~~ *Contract Required.* The MPO may perform transportation planning services for  
 531 those MPO members who are signatories to the effective MPO Interlocal Agreement For  
 532 Creation of the Broward Metropolitan Planning Organization, as such may be amended, through  
 533 separate agreements as approved by the MPO Board. For purpose of this Section 10, MPO  
 534 members include all voting members, alternate members and non-voting member(s). The  
 535 provision of such transportation planning services shall be pursuant to a written contract between  
 536 the MPO and the respective member. Services provided by the MPO may include, but not be  
 537 limited to, administrative, technical, graphical, public engagement and product review activities.  
 538 Such services may be provided by MPO staff or by qualified consultants with whom the MPO  
 539 has retained services pursuant to these Procurement Rules. An agreement ~~contract~~ to provide

540 services to an MPO member shall be approved in accordance with Sections 6.1A and 6.2 of these  
541 Procurement Rules.

542  
543 10.2 *Services to be Provided; Members Responsible For Consultant Fees, Costs and Expenses.*  
544 The MPO may assist an MPO member by providing additional resources to accomplish  
545 assignments as authorized by the MPO member. A written contract with a MPO member shall  
546 provide for those services specific to the respective MPO member's requirements, a particular  
547 project, or to provide support for transportation and/or related planning activities and services as  
548 may be requested from time to time by the MPO member and accepted by the MPO. Each  
549 agreement ~~contract~~ shall contain a general scope of services that outlines services (or separate  
550 tasks) that may be assigned to the MPO under one or more general planning contracts and/or  
551 work authorizations. Pursuant to the agreement ~~contract~~, the MPO member shall be financially  
552 responsible for the total costs associated for those services as provided pursuant to each Services  
553 Agreement ~~Contract~~. The MPO shall establish and maintain separate cost recovery accounts for  
554 the benefit of each participating MPO member, which member shall, prior to the commencement  
555 of any such services, deposit and maintain a sufficient balance to insure the payment of the fees  
556 and costs reasonably anticipated for these services whether provided through MPO consultants or  
557 by MPO staff. The MPO shall have no obligation to independently fund the fees, costs or  
558 expenses of these services.

559  
560 10.3 *Use of Library Providers.* In providing these services to a MPO member, the MPO  
561 may utilize consultants in the MPO's library of service providers that have continuing ~~contracts~~  
562 agreements with the MPO. The use of any continuing ~~contract~~ agreement shall conform to the  
563 requirements of Section 287.055, Florida Statutes, as may be amended and any successor statute.

564  
565 10.4 General planning agreements ~~contracts~~ or work authorizations for services issued pursuant  
566 to an agreement ~~contract~~ with a MPO member shall be approved by the MPO Executive  
567 Committee or the MPO Board as provided in Section 6 of these Procurement Rules. General  
568 planning agreements ~~contracts~~ or work authorizations ~~in amount of thirty thousand dollars~~  
569 ~~(\$30,000.00) or less~~ may be approved by the Executive Director in accordance with the  
570 expenditure limits set forth in Section 6.1 of these Procurement Rules. All general planning  
571 agreements ~~contracts~~ or work authorizations issued by the MPO pursuant to the library of service  
572 providers shall conform to the requirements of Section 7.2 J of these Procurement Rules.

## 573 574 575 SECTION 11 576 SALES TAX 577

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

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## SECTION 12 PROMPT PAYMENT ACT

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

12.2 *Proper Invoice:*

A. A proper invoice, as determined by the MPO, is defined as an original invoice which has been received by the ~~Procurement Officer~~ finance/accounts payable of the MPO, and has, at minimum:

1. Vendor's name, telephone number and mailing address
2. Broward MPO Purchase Order Number
3. Invoice date and service period
4. Shipping date & delivery date ~~Identification of receiving department~~
5. Packing slip required for supply orders
6. Payment terms (including any applicable discounts)
7. Adequate description of goods/services for identification
8. Quantity
9. Unit Price
10. Extended Price
11. Shipping/handling charges
12. Total invoice amount
13. Approval of project manager ~~architect~~ or engineer (if required)
14. Approval of governing body (if required)

B. For contracts, a proper invoice shall include elements in (A) above as applicable, PLUS:

1. Schedule of values for materials and services provided and associated costs.
2. Total invoice amount (less retainage) and percentage of work completed
3. Date of invoice and date work completed through
4. Statement of certification that all work was completed in accordance with contract
5. Statement that all subcontractors, if applicable, have been paid for work completed.
6. Certification that all procedures for procurement of goods and services provided for ethical, fair and open competition in procurement, and selection of all consultant-contracted services was accomplished in accordance with the Consultants' Competitive Negotiations Act.

- 632 (a) It is the sole responsibility of the contactor to ensure that an  
 633 invoice is proper and submitted as required to the MPO, as  
 634 applicable  
 635  
 636 (b) Invoices are to be delivered to:  
 637 Finance/Accounts Payable ~~Procurement Officer~~  
 638 Broward MPO  
 639 100 West Cypress Creek Road, Suite 650  
 640 Fort Lauderdale, FL 33309  
 641

642  
 643 ~~Each invoice received by MPO shall be date stamped with the date of first~~  
 644 ~~delivery to the Procurement Officer. The date so marked shall be the date~~  
 645 ~~on which the invoice is considered "received."~~  
 646

647 12.3 *Improper Invoice.* For invoices which are not completed in accordance with these  
 648 Procurement Rules ~~proper~~, i.e., deficient in one or more of the requirements for a proper invoice,  
 649 the vendor shall be notified within 10 working days of the receipt of the original invoice that the  
 650 submitted invoice did not contain all the required information and indicate what corrective action  
 651 on the part of the vendor is needed to make the invoice proper.  
 652

653 12.4 *Dispute Resolution Regarding Invoicing.*  
 654

- 655 A. In the event of a dispute regarding invoicing, the ~~Procurement Officer~~ Accounting  
 656 Manager shall ~~meet to~~ consider the complaint. This procedure may be initiated by  
 657 either the vendor or MPO by notifying the other party in writing and stating  
 658 specifically the nature of the dispute. This procedure shall commence within 45  
 659 days (and be resolved within 60 days) of receipt of a proper invoice.  
 660  
 661 B. The invoicing party shall provide MPO such material and information as MPO  
 662 may reasonably require to resolve the dispute.  
 663  
 664 C. Any decision by the ~~Procurement Officer~~ Accounting Manager shall constitute the  
 665 final decision of MPO regarding the dispute. Such decision shall be  
 666 communicated to the vendor in writing within 5 business days after such decision.  
 667 If no decision is rendered within the time period as set out above, then a decision  
 668 against the invoicing party shall be deemed to have been issued.  
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672 **SECTION 13**  
 673 **TRAVEL EXPENSES**  
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675 Procurement of all travel-related expenditures shall be accomplished in accordance with Section  
 676 112.061, Florida Statutes and the MPO Personnel Policy Manual.  
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## SECTION 14 USE OF MPO CREDIT CARDS

Individual names as well as MPO's name shall be on all credit cards utilized in connection with official MPO business, except as otherwise provided herein. Therefore, both have responsibility and liability for use of any card in their name.

### MPO Credit Card Use:

- 14.1 The MPO credit card is to be used for MPO purchases ONLY. Use of the card for personal items may be grounds for denial of future use of MPO cards. Fraudulent use may be grounds for dismissal from employment.
- 14.2 The MPO credit card shall have cardholder's name embossed on it and is to be used only by that cardholder.
- 14.3 NO PURCHASE SHALL BE PLACED ON AN INDIVIDUAL'S MPO CARD WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CARDHOLDER.
- 14.4 All receipts (sales drafts) received at the time of purchase are to be turned into the Financial Officer within thirty days of purchase.
- 14.5 All monthly statements of account must be reviewed and signed by the cardholder, certifying that the items shown as purchased are correct, and then forwarded to Accounts Payable for payment.
- 14.6 Should any employee lose or have their MPO credit card stolen, it is the responsibility of the cardholder to *immediately* notify the card issuer. In addition, the cardholder must notify the ~~Financial Officer~~ Accounting Manager of the loss within ~~one workday~~ 24 hours after discovery of the loss or theft of the card. The cardholder is required to provide make a written report to the Financial Officer, no later than the next business day after the loss of the MPO credit card, that will include the complete information on the loss, the date the loss was discovered, the location where the loss occurred, if known, the purchases that the cardholder had made prior to the loss, and any other information that is pertinent. Should the card be returned, it must be turned into the ~~Procurement Officer~~ Accounting Manager.
- 14.7 Terminating Employees. If an employee is terminated or otherwise ceases to be employed by the MPO, the employee's leaves MPO credit their card must be collected and destroyed. The Financial Officer shall cancel the card with the issuer.
- 14.8 Non-compliance with this Section may result in denial of future use of the MPO credit card and/or termination from employment.

**SECTION 15**  
**SURPLUS PROPERTY**

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- 15.1 *Applicable law.* All Surplus Property shall be disposed of in accordance with Federal requirements; Chapter 274, Florida Statutes; and the provisions of this Section. Depending on the cost and age of the Surplus Property, and whether the Surplus Property was acquired with Federal funds, approval from FTA may be needed before being disposed.
- 15.2 *Market value exceeds \$30,000.* All sales of personal property (except trade-in personal property) that has become obsolete and unusable, or the sale of which is otherwise determined to be in the best interest of MPO, the market value of which is expected to be greater than thirty thousand dollars (\$30,000), shall be made to the highest, most responsive and responsible bidder obtained in accordance with Section 2 of these Rules. Property eligible to be sold under this subsection may also be sold through an appropriately advertised public auction (Publication of notice not less than one week or more than two weeks prior to sale in a newspaper having a general circulation in the Broward County area). Surplus property may be disposed of for value to any person, or may be disposed of for the value without bids to any governmental unity or political subdivision, or offered by sale or donation to private nonprofit agencies as defined in Section 273.01(3), Florida Statutes. All such sales or donations shall have the prior approval of the ~~MPO Board~~ MPO Executive Director consistent with FTA requirements.
- 15.3 *Market value between \$5,000 and \$30,000.* All sales of personal property (except trade-in personal property) that has become obsolete and unusable, or the sale of which is otherwise determined to be in the best interest of MPO, the market value of which is expected to be greater than five thousand dollars (\$5,000) but less than thirty thousand dollars (\$30,000), shall be made to the highest, most responsive and responsible bidder obtained in accordance with the procedures in Section 4 of these Rules. Property eligible to be sold under this subsection may also be sold through and appropriately advertised public auction (publication of notice not less than one week or more than two weeks prior to sale in a newspaper having a general circulation in the Broward County area). Surplus property may be disposed of for value to any person, or may be disposed of for the value without bids to any governmental unity or political subdivision, or offered by sale or donation to private nonprofit agencies as defined in Section 273.01(3), Florida Statutes. All such sales or donations shall have the prior approval of the MPO Executive Director consistent with FTA requirements. ~~Broward MPO Board.~~
- 15.4 *Market value less than \$5,000.* All sales of personal property (except trade-in personal property) that has become obsolete or unusable, or the sale of which is otherwise determined to be in the best interest of the MPO, and the value of which is expected to be less than five thousand dollars (\$5,000), may be disposed of for value to any person or may be disposed of for value without bids to the State, to any governmental unit or to any political subdivision or, if the property is without commercial value, it may be donated, destroyed, or abandoned. Property, the value of which is estimated to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the

770 Board. Sale may be made to the highest and most responsible bidder. Property eligible  
 771 to be sold under this section may also be sold under the procedures contained in Section 4  
 772 of these Rules or at an appropriately advertised public auction.  
 773

774 15.5 *Awarding agency share.* For the sale of original or replacement items of equipment, the  
 775 fair market value of which exceeds \$5,000, the ~~Procurement Officer~~ Accounting Manager  
 776 shall make available to the awarding agency an amount calculated by multiplying the  
 777 current market value or proceeds from the sale by the awarding agency's share of the  
 778 equipment.  
 779

## 780 SECTION 16

### 781 CONFLICTS OF INTEREST

782 In connection with the MPO's procurement of commodities or services, MPO employees shall  
 783 adhere to the conflict of interest and unauthorized compensation provisions applicable to State  
 784 and local public officials, as set forth in Section 112.313, Florida Statutes.  
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## 787 SECTION 17

### 788 EFFECTIVE DATE OF PROCUREMENT RULES

789 These Procurement Rules are effective as of the date of approval of these Rules by the MPO  
 790 Board, unless otherwise specified in the approving legislation. These Procurement Rules shall  
 791 not apply to purchases made, and contracts solicited or entered into, prior to the effective date of  
 792 these Rules, unless the parties agree to these Rule's application to a purchase made, or contract  
 793 solicited or entered into, prior to the effective date.  
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#### 796 Legislative History:

797 Policy Adopted 10/14/10

798 Policy Amended and Adopted 5/12/11 (Modified Section 2; Created new Section 7)

799 Policy Amended and Adopted 6/9/11 (Created new Paragraph 9.5)

800 Policy Amended and Adopted 12/8/11 (Created new Paragraph 6.4)

801 Policy Amended and Adopted 6/13/13 (Created Definitions, Modified Sections 2, 3, 7, etc.)

802 Policy Amended and Adopted 10/12/17 (Modified Sec. 6, Created new Sec.10, etc.)

803 Policy Amended and Adopted 7/8/21  
 804