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2 **BROWARD METROPOLITAN PLANNING ORGANIZATION**

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4 **PROCUREMENT RULES**

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7 **SECTION 1**  
8 **SCOPE / DEFINITIONS**  
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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. Notwithstanding the provisions in these Procurement  
13 Rules, Broward MPO purchasing shall be conducted in accordance with applicable local,  
14 state and federal law, and in a manner that preserves local, state and federal funding received  
15 by Broward MPO in connection with its transportation planning responsibilities.  
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17 1.2 As used in this document, the term:

- 18 a. *“Broward MPO” / BMPO / “MPO”* means the Broward Metropolitan Planning  
19 Organization created pursuant to Section 339.175, F.S., duly recognized by the Governor  
20 of the State of Florida as the entity responsible for the continuing, cooperative, and  
21 comprehensive transportation planning in the urbanized area of Broward County, Florida.  
22 b. *“Designee”* means a duly authorized representative of a person holding a superior  
23 position.  
24 c. *“Electronic”* means electrical, digital, magnetic, optical, electromagnetic, or any other  
25 similar technology.  
26 d. *“Electronic Posting: or “Electronically Post”* means the noticing of solicitations, MPO  
27 decisions or intended decisions, or other matters relating to procurement on the MPO  
28 Internet website.  
29 e. *“Executive Director”* means the chief executive officer and the chief administrative  
30 officer of the MPO, including his/her designee, responsible for carrying out the policies  
31 of the MPO Board.  
32 f. *“Procurement Officer”* means the person designated by the Executive Director to be  
33 responsible for overseeing MPO contracting and procurement proceedings, and includes  
34 such person’s designee.  
35 g. *“Public Notice”* means the distribution or dissemination of information to interested  
36 parties using methods that are reasonably available. Such methods may include the  
37 publication in newspapers of general circulation, electronic or paper mailing lists, and  
38 web site(s) designated by the MPO and maintained for that purpose.  
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42 **SECTION 2**  
43 **COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED:**  
44 **PURCHASES, CONTRACTS, AND SALES IN EXCESS OF \$30,000**  
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46 2.1 *Purchases exceeding \$30,000.* A purchase of, or contract for, commodities or services,  
47 that is estimated by the Executive Director, to cost more than thirty thousand dollars  
48 (\$30,000.00), shall be based on competitive bids, competitive proposals, or the Request  
49 for Qualifications Procedures in Section 7 for professional services, as determined by the  
50 Executive Director or the Procurement Officer.

51  
52 2.2 *Procedure.* Except for a purchase of, or contract for, professional services utilizing the  
53 Request for Qualifications Procedures set forth in Section 7, purchases or contracts for  
54 commodities or services estimated to cost more than thirty thousand dollars (\$30,000)  
55 shall be made from the lowest, most responsive and responsible bidder obtained in  
56 accordance with the following formal bid procedures:

57  
58 A. The Procurement Officer shall perform a cost or price analysis in connection with  
59 every procurement action, including contract modifications, under this section.  
60

61 B. The Procurement Officer shall solicit through appropriate legal advertisements,  
62 which may include Electronic Posting, a minimum of three (3), if available,  
63 competitive sealed bids or proposals from the general public for the purchase of  
64 the required goods and services. The bidding window shall not be less than  
65 fourteen (14) days, nor more than thirty (30) days long unless approved by the  
66 Executive Director,. The advertisement shall state the title, date, and hour of the  
67 public bid opening and shall specifically define the resources for which bids are  
68 sought. Any invitation to bid shall include instructions prescribing all conditions  
69 for bidding and shall be distributed to all prospective bidders.  
70

71 C. The Procurement Officer may also utilize the library of services providers for  
72 contracts which have been procured utilizing the process identified in Subsection  
73 2.2 and all continuing contracts were approved by the MPO Board and remain in  
74 force. If the library of services is utilized by the Procurement Officer, the  
75 procurement process is then exempt from the competitive bid proposal  
76 requirements as described in Subsection 3.1, however state laws such as the  
77 Consultants' Competitive Negotiations Act, to the extent applicable, shall be  
78 followed.  
79

80 D. The Procurement Officer shall establish a committee to review and rank the bids  
81 received according to pre-determined methodology and present them, along with  
82 his/her recommendation, to the Executive Director. Upon completion of an  
83 acceptable contract, the Executive Director will present the contract to the MPO  
84 Board for approval.  
85

86 E. The Executive Director shall award the contract or sale after the required MPO  
87 Board approval has been obtained.

88  
89 F. The Procurement Officer shall maintain a record of all bids received for minimum  
90 of three (3) years.

91  
92 2.3 *Approval.* All purchases and contracts made in accordance with this Section shall be  
93 provided for in the approved budget, shall have the prior approval of the MPO Board and  
94 shall be executed pursuant to a purchase order processed by the Procurement Officer.

95  
96 2.4 *Surety.*

97  
98 A. *Bid deposits.* When deemed necessary by the Procurement Officer, bid deposits  
99 shall be prescribed in the public notice inviting bids. When bid deposits are  
100 required, unsuccessful bidders shall be entitled to return of surety. A successful  
101 bidder shall forfeit any surety required by the Procurement Officer upon failure on  
102 its part to enter a contract within fifteen (15) days after the award.

103  
104 B. *Sureties on performance.* For all competitive bids seeking commodities or  
105 services the Procurement Officer, in his or her discretion may include as a  
106 requirement of such advertised bids, a performance bond, in the total contract  
107 amount. The Executive Director shall have the discretion to waive the  
108 performance bond requirement in the event of an undue hardship or emergency.  
109 Any bonding company used must be listed on the United States Department of the  
110 Treasury's Circular 570. Additionally, the bonding company must be rated at least  
111 "B," Class V, by "Best's Key Rating Guide," published by A.M. Best Company,  
112 and authorized to do business in Florida.

113  
114 2.5 *Specifications cannot be determined.* When specifications of the resources that are  
115 required for a purchase cannot be determined, the MPO shall solicit sealed competitive  
116 bids utilizing a Request for Proposal in accordance with the procedures in this Section.

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120 **SECTION 3**  
121 **EXEMPTIONS FROM COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS**

122  
123 3.1 *Exemptions.* The following circumstances are exempt from the competitive bid and  
124 competitive proposal requirements of these Rules:

125  
126 A. *Sole Source.* The acquisition of a sole source item shall be exempt from the  
127 competitive bidding requirements set forth in these Rules upon approval by the  
128 MPO Board of a sole source purchase that costs more than \$30,000. The  
129 Executive Director shall provide documentation to the MPO Board evidencing  
130 that this particular vendor is the only practicable or reasonable source.

131

- 132 B. *Emergency Purchases.* In urgent cases of compelling emergency that require the  
133 immediate purchase of commodities or services, the Executive Director may  
134 waive competitive bidding or competitive proposals and authorize the  
135 Procurement Officer to secure by open market procedure any commodities or  
136 services, notwithstanding the estimated cost of the commodities or services.  
137
- 138 C. *Utilization of other competitively procured governmental agencies' contracts also*  
139 *known as "piggy back contracts".* Awarded bids by any local, State, or national  
140 governmental agency, cooperative purchasing organizations, or purchasing  
141 associations. Commodities or services that are the subject of contracts with the  
142 state, its political subdivisions or other governmental entities, or with the United  
143 States government, are exempt from this section; provided, however, that this  
144 subsection shall apply only if (i) the commodities or services are the subject of a  
145 price schedule negotiated by the state, or (ii) the commodities or services are the  
146 subject of a contract with another governmental entity that is based strictly on  
147 competitive bids or competitive proposals and not on any preference. Such  
148 utilization of other government agencies' contracts shall only be valid during the  
149 term of that contract or bid award.  
150
- 151 D. *Contracts with public entities.* Contracts for goods or services with nonprofit  
152 organizations or another Public Body or political subdivision defined in Section  
153 1.01 (8), Florida Statutes.  
154
- 155 E. *Professional Services.* (i) Contracts for professional services involving unique  
156 skill, ability, experience or expertise, which are in their nature distinctive and not  
157 subject to competitive bidding or competitive proposals, are exempt from this  
158 section of the Rules; and (ii) Contracts for professional services between the MPO  
159 and its members as authorized in Section 10, of these Rules, may be exempt from  
160 this section of the Rules. Notwithstanding the foregoing, ~~however,~~ state laws,  
161 such as the Consultants' Competitive Negotiation Act, to the extent applicable,  
162 shall be followed.  
163
- 164 F. *Borrowing funds.* Any transaction for, or related to, the borrowing of money.  
165
- 166 G. *Existing Agreements.* Lease agreements and service contracts for the  
167 maintenance, repair, or servicing of existing equipment owned or leased by MPO,  
168 at the date of adoption of these Rules.  
169
- 170 H. *Continuing Contracts with Library Service Providers.* Library Service providers  
171 that have current continuing contracts with the MPO may be used by the  
172 Executive Director to provide required services as requested by the MPO  
173 consistent with these Rules from time to time; however, state laws, such as the  
174 Consultants' Competitive Negotiation Act, to the extent applicable shall be  
175 followed.

176 I. Other Exceptions. With the approval of the Executive Director, the following  
177 supplies and services may be procured without competition, subject to the  
178 requirements of these Rules.

- 179 1. Servicing or warranty work of equipment by an authorized dealer  
180 or representative when work by another party would void a warrantee or  
181 guarantee;
- 182 2. Renewal of software licenses;
- 183 3. Used equipment and machinery;
- 184 4. Advertising in newspapers, periodicals and related publications,  
185 television, radio and similar media.
- 186 5. Licenses;
- 187 6. Membership in professional, trade and other similar associations;
- 188 7. Postage;
- 189 8. Published books, manuals, maps, periodicals, films technical  
190 pamphlets, and copyrighted educational aids; and
- 191 9. Services of visiting speakers and lecturers.

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194 **SECTION 4**  
195 **REQUEST FOR QUOTES (RFQ):**  
196 **PURCHASES, CONTRACTS, AND SALES BETWEEN \$5,000 AND \$30,000**  
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198 4.1 *Purchases between \$5,000 and \$30,000.* All purchases of supplies, equipment, and  
199 contractual services, the price of which is at least five thousand dollars (\$5,000), but less than or  
200 equal to thirty thousand dollars (\$30,000), may be made from the lowest and most responsive  
201 and responsible bidder obtained in accordance with the informal Request for Quotes procedures  
202 set forth in this Section.

203  
204 4.2 *Procedure.* Under the Request for Quotes procedures, the Executive Director shall:

- 205  
206 A. Solicit at least three (3) competitive written quotes, if available.
- 207  
208 B. Maintain a record of all quotes received for three (3) years.
- 209  
210 C. The Procurement Officer shall award the contract or sale after approval by the  
211 Executive Director has been obtained.

212  
213 4.3 *Approvals and purchase orders.* All purchases made under this section shall have funds  
214 available in the approved budget, the prior approval of the Executive Director and a Purchase  
215 Order processed by the Procurement Officer.

216  
217 4.4 *Non-exclusivity.* Purchases eligible under this section may also be purchased under  
218 Section 2 of these Rules.

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221 **SECTION 5**

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

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- 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 / Board approval.*
  - A. A purchase of, or contract for, commodities or services, in excess of thirty thousand dollars (\$30,000), but no more than one hundred thousand dollars (\$100,000) shall require the approval of the MPO Executive Committee, Board, 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, in excess of one hundred thousand dollars (\$100,000) 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 Board. This subsection (B) shall not apply to purchases of utilities, or to ongoing contracts or contracts with library of service providers or contracts with MPO members for services.

268  
269 6.2 *Executive Director approval.* A purchase of, or contract for, commodities or services in  
270 an amount of thirty thousand dollars (\$30,000) or less, shall require the approval of the  
271 Executive Director.

272  
273 6.3 *Required contract provisions.* All contracts awarded by the MPO shall contain the  
274 provisions required by applicable federal, state and local law, as may be amended from  
275 time to time, including, but not limited to, a statement of compliance with the Public  
276 Entity Crime Act (F.S. 287.133), the Anti-Kickback Act, The Equal Employment  
277 Opportunity Order, remedies for contractor’s breach of contract terms and termination for  
278 cause and for convenience (for contracts in excess of \$10,000).

279  
280 6.4 United States Department of Transportation (USDOT)/Federal Transit Administration  
281 (FTA) Required Disadvantaged Business Enterprise (DBE) and Title VI Programs and  
282 Limited English Proficiency Plan (LEP).

283  
284 A. The MPO as a recipient of USDOT funds through the FTA/Federal Highway  
285 Administration (FHWA) is required to develop and sustain DBE and Title VI of  
286 the Civil Rights Act Programs and LEP Plan.

287  
288 B. Where the MPO is a recipient of USDOT funds though the FTA/FHWA, all  
289 contracts awarded by the MPO utilizing these funds shall

- 290 (i) be subject to applicable ~~F~~ federal, state and local law, as may be  
291 amended from time to time;
- 292 (ii) the MPO’s DBE and Title VI Programs and LEP Plan; and
- 293 (iii) include the provisions required by these Programs and Plan.

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297 **SECTION 7**  
298 **REQUEST FOR QUALIFICATIONS PROCEDURES;**  
299 **CONSULTANT’S COMPETITIVE NEGOTIATIONS ACT PROCEDURES**

300  
301 7.1 *Applicability.* The Request for Qualifications procedures in this Section shall apply  
302 where the MPO procures services that are regulated by Section 287.055, Florida Statutes,  
303 referred to as Consultant's Competitive Negotiations Act (“CCNA”). Procurement of  
304 services governed by the CCNA shall comply with all statutory requirements.  
305 Additionally, notwithstanding any language in this Procurement Rules to the contrary, the  
306 Request for Qualifications procedures in this Section may be utilized by the MPO to  
307 procure other professional services pursuant to Continuing Contracts, except where  
308 expressly prohibited by law.

309  
310 7.2 *Procedures for qualifications-based selection process.*

311  
312 A. *Public notice.* If the MPO desires to use the qualifications based selection process  
313 for procurement of professional services on a Continuing Contract, or if the MPO is

314 required to utilize the process pursuant to CCNA, the MPO shall publicly advertise a  
315 Request for Qualifications to obtain qualifications from potential consultants from which  
316 a selection will be made to perform the professional services that the MPO requires.  
317

318 B. *Receipt of responses.* The Request for Qualifications shall provide for a MPO  
319 staff member to receive all responses. When the deadline for responses has been reached,  
320 that staff person shall distribute the responses to an Evaluation and Selection Committee  
321 for review.  
322

323 C. *Evaluation and Selection Committee.* An Evaluation and Selection Committee  
324 (“Committee”) comprised of MPO staff or others, as appointed by the Executive  
325 Director, shall be established. The Committee shall have a minimum of three (3)  
326 members. All meetings of the Evaluation Committee shall be conducted in a manner  
327 consistent with Florida’s Sunshine Law and all applicants shall receive notice by mail,  
328 fax or e-mail. A quorum shall be a majority of members except that if there are only three  
329 (3) members, all three (3) must be present. To participate the members of the Committee  
330 must be physically present. All members shall be free of any conflicts of interest as set  
331 forth in Chapter 112, Florida Statutes.  
332

333 D. *Short List.* The Committee shall conduct a preliminary evaluation of all submittals  
334 on the basis of the information provided and other evaluation criteria as set forth in the  
335 Request for Qualifications or as reasonably determined by the Committee pursuant to  
336 CCNA. The Committee will first review each submittal for compliance with the  
337 minimum qualifications and mandatory requirements of the RFQ. Failure to comply with  
338 any mandatory requirements, as determined by the Committee, will disqualify a  
339 submittal. The Committee must find that the firm or individual is fully qualified to  
340 render the required services. In determining whether a firm is qualified, the Committee  
341 shall consider factors that include, but are not limited to, (i) the firm’s capabilities, (ii)  
342 adequacy of personnel, (iii) past record, and (iv) experience of the firm or individual.  
343 The Committee shall then reduce (i.e. short list) the number of firms to at least three  
344 qualified firms (as may be appropriate) for further discussion. In short listing the firms,  
345 the Committee shall attempt to select the best qualified firms to perform the solicited  
346 service without considering price. Firms that are short listed may be required to enter  
347 into a Continuing Contract with the MPO, which shall be subject to approval by the MPO  
348 Executive Committee or the MPO Board.  
349

350 E. *Public Presentations.* The Committee may require public presentations by the  
351 short listed firms regarding their qualifications, approach to the project or work, and  
352 ability to furnish the required services.  
353

354 F. *Ranking of short listed firms.* Following discussions and/or presentations by each  
355 short listed firm, the Committee shall (1) make any adjustments to their scoring as they  
356 deem appropriate, (2) select and rank, in order of preference, the short listed firms  
357 deemed to be the most highly qualified to perform the required services, and (3) vote on  
358 the final ranking of shortlisted firms. Total scores for each evaluation criteria shall be  
359 based upon an average of the scores of all Committee members unless otherwise



360 provided for in the Request for Qualifications documents. The Committee shall provide  
 361 its recommendation on the final ranking of the shortlisted firms to the Executive Director.  
 362

363 G. *Negotiations.* Upon approval by the Executive Director of the highest ranked  
 364 firms, the Executive Director shall request a fee proposal from the highest ranked firm  
 365 and attempt to negotiate a contract with the highest ranked firm to perform specified  
 366 services at a compensation that is determined by the Executive Director, in his or her sole  
 367 discretion, to be fair, competitive and reasonable. If multiple project contracts are to be  
 368 awarded, the Executive Director may request proposals from some or all of the ranked  
 369 firms and negotiate with them without regard to rank or order. Should the Executive  
 370 Director be unable to negotiate a satisfactory agreement with the top-ranked firm at a  
 371 price determined to be fair, competitive, and reasonable, negotiations with that firm must  
 372 be formally terminated. The Executive Director shall then undertake negotiations with the  
 373 second most qualified firm. Failing accord with the second most qualified firm, the MPO  
 374 must terminate negotiations. The MPO shall then undertake negotiations with the third  
 375 most qualified firm. Should the Executive Director be unable to negotiate a satisfactory  
 376 contract with any of the selected firms, the Executive Director shall select additional  
 377 short-listed firms in the order of their competence and qualification and continue  
 378 negotiations in accordance with this section until an agreement is reached. If the short  
 379 list is exhausted, a new solicitation for Qualifications shall be initiated in the event the  
 380 MPO still desires to procure the services.  
 381

382 H. *Compensation for Services.* The MPO may consider proposals for the  
 383 compensation to be paid for the requested services only during the negotiations stage  
 384 under paragraph G above.  
 385

386 I. *Award of Contract.* After the successful conclusion of negotiations, the  
 387 contract(s) will be presented to the Board for award, or, if the contract amount is within  
 388 the Executive Director's approval authority set forth in Section 6, the contract(s) will be  
 389 presented to the Executive Director for award. The Board or Executive Director shall  
 390 review the selection process and may reject all proposals if it is determined that such  
 391 rejection is consistent with this Procurement Rules.  
 392

393 J. *Library of Service Providers.* The MPO may establish a pool of qualified  
 394 consultants, in accordance with applicable law, to be used as needed to provide prompt  
 395 and efficient professional services required by the MPO on a project by project basis, as  
 396 may be authorized by the MPO from time to time. Notwithstanding any provisions in  
 397 these Procurement Rules to the contrary, the Executive Director may procure a contract  
 398 of two hundred thousand dollars (\$200,000) or less utilizing the library of service  
 399 providers by selecting a firm from the library that can provide the required services  
 400 requested by the MPO. The MPO reserves the right to select one or more firms to  
 401 perform a specific project or projects. All contracts exceeding thirty thousand dollars  
 402 (\$30,000) or a contract that would result in a firm from the library receiving contracts  
 403 form the MPO in a cumulatively amount exceeding thirty thousand dollars (\$30,000),  
 404 during a single fiscal year, shall be approved by the MPO Board.  
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**SECTION 8**  
**PROTESTED SOLICITATIONS AND AWARDS**

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- 409 8.1 *Filing a Protest.* After a notice of intent to award a contract is posted, any actual or  
410 prospective bidder who is aggrieved in connection with the pending award of the contract  
411 or any element of the process leading to the award of the contract may protest to the  
412 Procurement Officer. A protest must be filed within five (5) business days after posting  
413 or any right to protest is forfeited. The protest must be in writing, must identify the name  
414 and address of the protester, and must include a factual summary of, and the basis for, the  
415 protest. Filing shall be considered complete when the protest is received by the  
416 Procurement Officer.  
417
- 418 8.2 *Protest Committee.* A Protest Committee shall have the authority to review, settle and  
419 resolve the protest. The protest committee shall be comprised of the Procurement Officer,  
420 the Finance Officer, the Executive Director, and, if applicable, the director or designee of  
421 the department or office for which the contract is to be awarded. The Committee's review  
422 shall be informal. The Procurement Officer, or the director or designee of the department  
423 or office for which the contract is to be awarded, shall serve as the chairperson of the  
424 Committee. The Procurement Officer shall provide for the disclosure of information  
425 regarding the protest to the appropriate awarding agency. The MPO General Counsel, or  
426 designee, shall be counsel to the Committee.  
427
- 428 8.3 *Protest Committee Determination.* If the Protest Committee determines that the pending  
429 award of a contract or any element of the process leading to the award involved a  
430 significant violation of law or applicable rule or regulation, all steps necessary and proper  
431 to correct the violation shall be taken. If the Protest Committee determines that the  
432 protest is without merit, the Procurement Officer shall promptly issue a decision in  
433 writing stating the reason for the decision and furnish a copy to the protester and any  
434 other interested party, and the process leading to the award shall proceed forthwith.  
435
- 436 8.4 *Stay of Contract Award.* In the event of a timely protest, the Procurement Officer shall  
437 stay the award of the contract, unless, after consulting with the MPO attorney, the  
438 Procurement Officer determines that the award of the contract without delay is necessary  
439 to protect substantial interests of the MPO.  
440
- 441 8.5 *Deposit Required.* The chairperson of the Committee shall require a deposit from a  
442 protester to compensate MPO for the expenses of administering the protest. If the protest  
443 is decided in the protester's favor, the entire deposit shall be returned to the protester. If  
444 the protest is not decided in the protester's favor, the deposit shall be forfeited to the  
445 MPO. The deposit shall be in the form of cash or a cashier's check, and shall be the  
446 greater of one (1) percent of the amount of the pending award or five thousand dollars  
447 (\$5,000).  
448
- 449 8.6 *Exhaustion of Remedies Required.* A protestor must exhaust all administrative remedies  
450 with the MPO and the grantee before pursuing a protest with the applicable Federal  
451 agency.

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**SECTION 9  
RECORD REQUIREMENTS**

- 9.1 The Procurement Officer shall maintain records that detail the significant history of a procurement. Such records shall include, but not be limited to, the following information: rationale for the method of procurement, selection of contract type, contractor selection/rejection, and the basis for the contract price.
- 9.2 All MPO expenditures shall be properly recorded in the accounting records and noted and explained as part of the financial report.
- 9.3 Budget amendments to fund expenditures shall be performed as necessary.
- 9.4 The Procurement Officer shall tag and inventory all Tangible Personal Property items equal to or greater than one thousand dollars (\$1,000) per item.
- 9.5 The Executive Director shall prepare a monthly report identifying all existing contracts with non-budgeted MPO contractors and the total compensation the contractors have received from the MPO to date under such existing contracts. The monthly written reports shall be provided to the Board as an administrative item on each regularly scheduled meeting agenda.

**SECTION 10**  
**AUTHORIZATION TO PROVIDE SERVICES TO MPO MEMBERS**

10.1 Contract Required. The MPO may perform transportation planning services for those MPO members who are signatories to the effective MPO Interlocal Agreement For Creation of the Broward Metropolitan Planning Organization, as such may be amended, through separate agreements as approved by the MPO Board. For purpose of this Section 10, MPO members include all voting members, alternate members and non-voting member(s). The provision of such transportation planning services shall be pursuant to a written contract between the MPO and the respective member. Services provided by the MPO may include, but not be limited to, administrative, technical, graphical, public engagement and product review activities. Such services may be provided by MPO staff or by qualified consultants with whom the MPO has retained services pursuant to these Procurement Rules. A contract to provide services to an MPO member shall be approved in accordance with Sections 6.1A and 6.2 of these Rules.

10.2 Services to be Provided; Members Responsible For Consultant Fees, Costs and Expenses. The MPO may assist an MPO member by providing additional resources to accomplish assignments as authorized by the MPO member. A written contract with a MPO member shall provide for those services specific to the respective MPO member’s requirements, a particular

498 project, or to provide support for transportation and/or related planning activities and services as  
499 may be requested from time to time by the MPO member and accepted by the MPO. Each  
500 contract shall contain a general scope of services that outlines services (or separate tasks) that  
501 may be assigned to the MPO under one or more general planning contracts and/or work  
502 authorizations. Pursuant to the contract, the MPO member shall be financially responsible for the  
503 total costs associated for those services as provided pursuant to each Services Contract. The  
504 MPO shall establish and maintain separate cost recovery accounts for the benefit of each  
505 participating MPO member, which member shall, prior to the commencement of any such  
506 services, deposit and maintain a sufficient balance to insure the payment of the fees and costs  
507 reasonably anticipated for these services whether provided through consultants or by MPO staff.  
508 The MPO shall have no obligation to independently fund the fees, costs or expenses of these  
509 services.

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511 10.3 Use of Library Providers. In providing these services to a MPO member, the MPO  
512 may utilize consultants in the MPO’s library of service providers that have continuing contracts  
513 with the MPO. The use of any continuing contract shall conform to the requirements of Section  
514 287.055, Florida Statutes, as may be amended and any successor statute.

515  
516 10.4 General planning contracts or work authorizations for services issued pursuant to a contract  
517 with a MPO member shall be approved by the MPO Executive Committee or the MPO as  
518 provided in Section 6 of these Rules. General planning contracts or work authorizations in  
519 amount of thirty thousand dollars (\$30,000.00) or less may be approved by the Executive  
520 Director. All general planning contracts or work authorizations issued by the MPO pursuant to  
521 the library of service providers shall conform to the requirements of Section 7.2 J of these Rules.

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524 **SECTION ~~10~~ 11**  
525 **SALES TAX**

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

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534 **SECTION ~~11~~ 12**  
535 **PROMPT PAYMENT ACT**

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538 ~~11.12.1~~ It is the policy of MPO to pay all invoices in accordance with the Florida Prompt  
539 Payment Act after receipt of a proper invoice, provided that the goods/services have been  
540 delivered, received and accepted by MPO and that the provider is not in default of any  
541 contract/agreement terms or conditions.

544 ~~11.2~~12.2 *Proper Invoice:*

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A. A proper invoice, as determined by the MPO, is defined as an original invoice which has been received by the Procurement Officer 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
4. Identification of receiving department
5. Shipping date & delivery date
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 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.

(a) It is the sole responsibility of the contactor to ensure that an invoice is proper and submitted as required to the MPO, as applicable

(b) Invoices are to be delivered to:  
Procurement Officer  
Broward MPO  
100 West Cypress Creek Road, Suite 650  
Fort Lauderdale, FL 33309

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Each invoice received by MPO shall be date stamped with the date of first delivery to the Procurement Officer. The date so marked shall be the date on which the invoice is considered “received.”

~~11.3~~12.3 *Improper Invoice.* For invoices which are not proper, i.e., deficient in one or more of the requirements for a proper invoice, the vendor shall be notified within 10 working days of the receipt of the original invoice that the submitted invoice did not contain all the required information and indicate what corrective action on the part of the vendor is needed to make the invoice proper.

~~11.4~~12.4 *Dispute Resolution.*

- A. In the event of a dispute, the Procurement Officer shall meet to consider the complaint. This procedure may be initiated by either the vendor or MPO by notifying the other party in writing and stating specifically the nature of the dispute. This procedure shall commence within 45 days (and be resolved within 60 days) of receipt of a proper invoice.
- B. The invoicing party shall provide MPO such material and information as MPO may reasonably require to resolve the dispute.
- C. Any decision by the Procurement Officer shall constitute the final decision of MPO regarding the dispute. Such decision shall be communicated to the vendor in writing within 5 business days after such decision. If no decision is rendered within the time period as set out above, then a decision against the invoicing party shall be deemed to have been issued.

**SECTION ~~12~~13**  
**TRAVEL EXPENSES**

Procurement of all travel-related expenditures shall be accomplished in accordance with Section 112.061, Florida Statutes and the MPO Personnel Policy Manual.

**SECTION ~~13~~14**  
**USE OF 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.

*Card Use:*

- 636  
637 ~~13~~14.1 The credit card is to be used for MPO purchases ONLY. Use of the card for personal  
638 items may be grounds for denial of future use of MPO cards. Fraudulent use may be  
639 grounds for dismissal from employment.  
640  
641 ~~13~~14.2 The credit card shall have cardholder's name embossed on it and is to be used only by  
642 that cardholder.  
643  
644 ~~13~~14.3 NO PURCHASE SHALL BE PLACED ON AN INDIVIDUAL'S CARD WITHOUT  
645 THE EXPRESS WRITTEN CONSENT OF THE CARDHOLDER.  
646  
647 ~~13~~14.4 All receipts (sales drafts) received at the time of purchase are to be turned into the  
648 Financial Officer within thirty days of purchase.  
649  
650 ~~13~~14.5 All monthly statements of account must be reviewed and signed by the cardholder,  
651 certifying that the items shown as purchased are correct, and then forwarded to Accounts  
652 Payable for payment.  
653  
654 ~~13~~14.6 Should any employee lose or have their credit card stolen, it is the responsibility of the  
655 cardholder to *immediately* notify the card issuer. In addition, the cardholder must notify  
656 the Financial Officer of the loss within one workday after discovery of the loss or theft of  
657 the card. The cardholder is required to make a written report to the Financial Officer that  
658 will include the complete information on the loss, the date the loss was discovered, the  
659 location where the loss occurred, if known, the purchases that the cardholder had made  
660 prior to the loss, and any other information that is pertinent. Should the card be returned,  
661 it must be turned into the Procurement Officer.  
662  
663 ~~13~~14.7 *Terminating Employees.* If an employee leaves MPO their card must be collected and  
664 destroyed. The Financial Officer shall cancel the card with the issuer.  
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666 ~~13~~14.8 Non-compliance with this Section may result in denial of future use of the card and/or  
667 termination from employment.  
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670 **SECTION ~~14~~15**  
671 **SURPLUS PROPERTY**  
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- 673 ~~14~~15.1 *Applicable law.* All Surplus Property shall be disposed of in accordance with Chapter  
674 274, Florida Statutes and the provisions of this Section.  
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676 ~~14~~15.2 *Market value exceeds \$30,000.* All sales of personal property (except trade-in personal  
677 property) that has become obsolete and un usable, or the sale of which is otherwise  
678 determined to be in the best interest of MPO, the market value of which is expected to be  
679 greater than thirty thousand dollars (\$30,000), shall be made to the highest, most  
680 responsive and responsible bidder obtained in accordance with Section 2 of these Rules.  
681 Property eligible to be sold under this subsection may also be sold through an

682 appropriately advertised public auction (Publication of notice not less than one week or  
683 more than two weeks prior to sale in a newspaper having a general circulation in the  
684 Broward County area). Surplus property may be disposed of for value to any person, or  
685 may be disposed of for the value without bids to any governmental unity or political  
686 subdivision, or offered by sale or donation to private nonprofit agencies as defined in  
687 Section 273.01(3), Florida Statutes. All such sales or donations shall have the prior  
688 approval of the MPO Board.  
689

690 ~~1415.3~~ *Market value between \$5,000 and \$30,000.* All sales of personal property (except trade-  
691 in personal property) that has become obsolete and unusable, or the sale of which is  
692 otherwise determined to be in the best interest of MPO, the market value of which is  
693 expected to be greater than five thousand dollars (\$5,000) but less than thirty thousand  
694 dollars (\$30,000), shall be made to the highest, most responsive and responsible bidder  
695 obtained in accordance with the procedures in Section 4 of these Rules.. Property eligible  
696 to be sold under this subsection may also be sold through and appropriately advertised  
697 public auction (publication of notice not less than one week or more than two weeks prior  
698 to sale in a newspaper having a general circulation in the Broward County area). Surplus  
699 property may be disposed of for value to any person, or may be disposed of for the value  
700 without bids to any governmental unity or political subdivision, or offered by sale or  
701 donation to private nonprofit agencies as defined in Section 273.01(3), Florida Statutes.  
702 All such sales or donations shall have the prior approval of the Broward MPO Board.  
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704 ~~1415.4~~ *Market value less than \$5,000.* All sales of personal property (except trade-in personal  
705 property) that has become obsolete or unusable, or the sale of which is otherwise  
706 determined to be in the best interest of the MPO, and the value of which is expected to be  
707 less than five thousand dollars (\$5,000), may be disposed of for value to any person or  
708 may be disposed of for value without bids to the State, to any governmental unit or to any  
709 political subdivision or, if the property is without commercial value, it may be donated,  
710 destroyed, or abandoned. Property, the value of which is estimated to be under \$5,000,  
711 may be disposed of in the most efficient and cost-effective means as determined by the  
712 Board. Sale may be made to the highest and most responsible bidder. Property eligible  
713 to be sold under this section may also be sold under the procedures contained in Section 4  
714 of these Rules or at an appropriately advertised public auction.  
715

716 ~~1415.5~~ *Awarding agency share.* For the sale of original or replacement items of equipment, the  
717 fair market value of which exceeds \$5,000, the Procurement Officer shall make available  
718 to the awarding agency an amount calculated by multiplying the current market value or  
719 proceeds from the sale by the awarding agency’s share of the equipment.  
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722 **SECTION ~~1516~~**  
723 **CONFLICTS OF INTEREST**  
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725 In connection with the MPO’s procurement of commodities or services, MPO employees shall  
726 adhere to the conflict of interest and unauthorized compensation provisions applicable to state  
727 and local public officials, as set forth in Section 112.313, Florida Statutes.



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**SECTION ~~16~~17**  
**EFFECTIVE DATE OF PROCUREMENT RULES**

These Procurement Rules are effective as of the date of approval of these Rules by the MPO Board, unless otherwise specified in the approving legislation. These Procurement Rules shall not apply to purchases made, and contracts solicited or entered into, prior to the effective date of these Rules, unless the parties agree to these Rule’s application to a purchase made, or contract solicited or entered into, prior to the effective date.

**Legislative History:**

Policy Adopted 10/14/10  
Policy Amended and Adopted 5/12/11 (Modified Section 2; Created new Section 7)  
Policy Amended and Adopted 6/9/11 (Created new Paragraph 9.5)  
Policy Amended and Adopted 12/8/11 (Created new Paragraph 6.4)  
Policy Amended and Adopted 6/13/13 (Created Definitions, Modified Sections 2, 3, 7, etc.)  
Policy Amended and Adopted 10/12/17 (Modified Sec. 6, Created new Sec.10, etc.)