



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

February 13, 2025

Ken Burke
Clerk of the Circuit Court
Pinellas County Courthouse
315 Court Street, 5th Floor
Clearwater, Florida 33756

Dear Ken Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pinellas County Ordinance No. 25-8, which was filed in this office on February 12, 2025.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

Eres, Christian L

From: County Ordinances <CountyOrdinances@dos.myflorida.com>
Sent: Thursday, February 13, 2025 9:36 AM
To: Clerk Board Records; County Ordinances
Cc: Hooey, Docia A; Revie, Derelynn H
Subject: RE: Pinellas County Ordinance - PIN20250212_Ordinance2025_25-8
Attachments: Pinellas20250212_Ordinance25_8_Ack.pdf

Categories: Chris

This Message Is From an External Sender

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Report Suspicious

Good morning,

Attached is the acknowledgement letter for Pinellas County Ordinance 25-8.

Thank you,

David Parrish

Government Operations Consultant II
Office of the General Council
Department of State
Room 701 – The Capital – Tallahassee, FL
P: (850) 245-6270

From: Clerk Board Records <BoardRecords@mypinellasclerk.gov>
Sent: Wednesday, February 12, 2025 1:29 PM
To: County Ordinances <CountyOrdinances@dos.myflorida.com>
Cc: Clerk Board Records <BoardRecords@mypinellasclerk.gov>; Hooey, Docia A <dhooey@mypinellasclerk.gov>; Revie, Derelynn H <drevie@mypinellasclerk.gov>
Subject: Pinellas County Ordinance - PIN20250212_Ordinance2025_25-8

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Ken Burke, Clerk of the Circuit Court and Comptroller Derelynn Revie, Deputy Clerk, Board Records Department
Sender Phone number:	(727) 464-3458

County Name:	Pinellas
Ordinance Number:	PIN20250212_Ordinance2025_25-8

Christian Eres

Senior Board Records Specialist | Board Records Department
Office of Ken Burke, Clerk of the Circuit Court and Comptroller
Pinellas County, Florida
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Please Note: All mail sent to and from Pinellas County is subject to the Public Records Laws of Florida.

ORDINANCE 25- 8

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 2, ARTICLE V OF SAID CODE; PROVIDING FOR AN UPDATE TO THE PURCHASING POLICIES AND PROCEDURES; AMENDING SECTION 2-156, DEFINITIONS; AMENDING SECTION 2-159, PRINCIPAL PUBLIC PURCHASING OFFICIAL; AMENDING AND RENAMING SECTION 2-161, BIDDER QUALIFICATIONS AND PREQUALIFICATIONS; SUSPENSION AND DEBARMENT; AMENDING SECTION 2-162, PROTEST PROCEDURE; AMENDING SECTION 2-163, BID AND CONTRACT SECURITY; AMENDING SECTION 2-164, INTERGOVERNMENTAL RELATIONS; AMENDING SECTION 2-176, COMPETITIVE SEALED BIDDING; AMENDING SECTION 2-178, CONTRACTING FOR DESIGNATED PROFESSIONAL SERVICES; AMENDING SECTION 2-179, SMALL PURCHASES; AMENDING SECTION 2-181, EMERGENCY PROCUREMENTS; AMENDING SECTION 2-184, PURCHASES OF MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND SERVICES; RESERVING SECTION 2-185, AMENDING SECTION 2-188, APPROVAL AUTHORITY; AMENDING SECTION 2-189, LOBBYING; AMENDING SECTION 2-198, SELECTION OF DESIGN CRITERIA PROFESSIONAL; AMENDING ALL SECTIONS FOR CLARITY, CONSISTENCY AND UNIFORMITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in light of inflation and the rising costs of doing business, the volume of routine contracts has increased, and often fall outside of the delegated authority range of the County Administrator and the Purchasing Director; and

WHEREAS, the Board wishes to promote efficiency and productivity in purchasing procedures and policies to allow for the expediency of routine purchases; and

WHEREAS, in consideration of these rising costs the Board desires to expand the approval authority and increase the delegated authority amount for the Purchasing Director; and

WHEREAS, the Board also desires to adopt several other changes including additional definitions, removal of prequalification for construction vendors, additional qualifications for Bidders, additional purchasing methods, additional purchasing policies, increasing the threshold amount for small purchases, raising the competitive bidding threshold, and the amendment of certain sections for clarity, consistency, and uniformity.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 2, Article V, sec 2 -156 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-156. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agencies means departments or offices created by special act or interlocal agreement, including but not limited to the Pinellas Planning Council, the Pinellas County Construction Licensing Board and Business Technology Services.

Board means the Board of County Commissioners of Pinellas County, Florida.

Business day means any calendar day from 7:00 a.m. to 5:00 p.m. EST, except a Saturday, Sunday or county observed holiday.

Constitutional officer means one or more of the following: clerk of circuit court and comptroller, property appraiser, sheriff, supervisor of elections, and tax collector.

County means Pinellas County, Florida, a political subdivision of the State of Florida.

County facilities shall mean any land, buildings or structures owned or controlled by the county.

Director means the Pinellas County Purchasing Director.

Evaluation criteria means the basis upon which the county will rely to determine acceptability of a response to a competitive solicitation, as stated in the solicitation document, or this division.

Noncompetitive purchase means a purchase that is not required to be made pursuant to a formal county-initiated competitive solicitation because a justification exists demonstrating that competitive selection is unnecessary, inappropriate or otherwise not in the best interest of the county under the circumstances. Such purchases may be made with no competition or with such competition as is practical and appropriate under the circumstances, as determined by the director.

Piggybacking means a form of intergovernmental cooperative purchasing in which an entity will be given the pricing and terms of a contract entered into by a larger entity. Generally, the larger entity will competitively award a contract that will include language allowing for other entities to use the contract to their advantage in terms of pricing, thereby gaining economies of scale that they normally would not receive if they competed on their own.

Public notice means the required notification or advertisement of an invitation to bid, request for proposal, or other competitive solicitation provided for in this division, to be given to vendors for a reasonable period of time, as determined by the director, which shall, at a minimum, include: (i) direct notice to vendors by the Pinellas County Purchasing Division ("purchasing division"); (ii) posting notice or a link (which contains notice) on the purchasing

division e-bidding website; and (iii) notice in a newspaper of general circulation, when required by applicable law. The public notice shall describe the goods and/or services sought, and state the date, time and place of the bid, proposal, or other solicitation opening.

Purchasing Division means the department within the County that administers the policies and procedures regarding the purchase of commodities and services.

Purchase order means the county's obligating document used to evidence the existence of a purchase or sales transaction with a vendor at the time of the order (i.e., description of the requested items, cost of items being purchased, delivery schedule, terms of payment, transportation). Acceptance of a purchase order by a vendor shall constitute a contract where there is no other contract document in place, in accordance with the Purchase Order Usage Policy, and constitutes an encumbrance to a transaction, which is a commitment of appropriated funds to purchase an item or service; to encumber funds means to set aside or commit funds to a specified future expenditure. The financial obligation to a vendor starts with the issuance of a purchase order and not at the point of approval or award of a written contract.

Responsible with respect to bidder or proposer means a vendor who has submitted a bid or proposal, who has the capability, as determined by the county, in all respects to perform fully the contract requirements and who has the integrity and reliability which will give reasonable assurance of good-faith performance, which includes, but is not limited to those specified in section 2-161(a)(1)a.—j.

Responsive with respect to bidder or proposer means a vendor who has submitted a bid or proposal, which conforms in all material respects, as determined by the county, to the bid or proposal solicitation.

Sole source purchase means research has determined there is only one potential vendor for an item.

Vendor means an actual or potential supplier of goods and/or services.

Cross reference(s)—Definitions generally, § 1-2.

SECTION 2. Chapter 2, Article V, sec 2-159 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-159. Principal public purchasing official.

- (a) Except as otherwise provided in this division, the director, or the designated official within the purchasing division, when authorized by the director in writing, shall serve as the principal public purchasing official for the county, shall be responsible to the board and shall be responsible for the procurement of goods and services in accordance with this division. Additionally, the purchasing division shall serve as a servicing agency for the constitutional officers and agencies, as directed by the board.
- (b) In accordance with this division and any other applicable laws, the director, or the designated official within the purchasing division, when authorized by the director in writing, shall:
 - (1) Procure or supervise all goods and/or services needed by the county;

- (2) Approve all purchase orders, regardless of amount, for all goods and/or services procured as authorized in this division;
 - (3) Provide assistance to agencies in the sale, trade, or disposal of surplus supplies and tangible personal property;
 - (4) With the exception of contract review policies approved by the board, have the authority and responsibility to establish and maintain written administrative procedures governing procurement of goods and/or services, in accordance with this division and purchasing policies adopted by resolution of the board ("purchasing manual"). Once developed, and as amended, the administrative procedures implementing this division and purchasing policies adopted by the board shall be approved by the county administrator.
- (c) The director may not delegate procurement authority to other county officials, except as authorized herein, or except as authorized pursuant to rules and regulations adopted by the board.

SECTION 3. Chapter 2, Article V, sec 2-161 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-161. Bidder qualifications suspension and debarment.

(a) *Qualifications.*

- (1) Responsible and responsive bidder who submits the lowest bid. In determining the responsible and responsive bidder who submits the lowest bid, in addition to price, due diligence will be conducted and the following factors, shall be considered, as a minimum:
 - a. The ability, capacity and skill of the bidder to perform the contract;
 - b. Whether the bidder can perform the contract promptly, or within the time specified, without delay or interference;
 - c. The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - d. The quality of performance of previous contracts;
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
 - f. The sufficiency of the financial resources and ability of the bidder to perform the contract;
 - g. The quality, availability and adaptability of the goods and/or services to the particular use required;
 - h. The ability of the bidder to provide future maintenance and service;
 - i. The number and scope of conditions attached to the bid;
 - j. The ability to meet insurance requirements.

- k. The status as to the Vendor's debarment or suspension by Pinellas County or another public entity.
 - l. The ability of a Vendor to bond construction activities as required in the bid documents.
- (2) *Qualification of vendors for construction.* The County will consider vendors for construction, prequalified, if the vendor is considered eligible by the Florida Department of Transportation ("FDOT"). Vendors prequalified by FDOT are presumed to be qualified to perform the work, pursuant to F.S. § 255.20.

Vendors who are not prequalified by the FDOT, wishing to bid on the County's construction projects in excess of \$150,000.00, are required to be qualified in accordance with the criteria and procedures set forth in the County's bid process prior to bid opening.

Qualification through the bid process is not a conclusive determination of responsibility, and a prequalified FDOT bidder may be rejected as a non-responsible bidder on the basis of subsequently discovered information.

- (b) *Suspension and debarment.* Maintaining the integrity of the public contracting and purchasing process is vital and a matter of great public interest. Selecting and contracting with highly qualified vendors that engage in ethical and responsible business practices protects the public and supports the integrity of the public contracting and procurement process. Because the opportunity to participate in competitive procurements or to supply goods and/or services to the county is a privilege, not a right, this privilege should be denied to vendors that engage or are involved in activities or actions, as described herein, that adversely impact the quality of goods and/or services provided to the county for the benefit of the public. In those instances, it is in the best interests of the public to disqualify vendors by suspension or debarment from consideration for award of contracts, or work on existing contracts, based upon documentation that the grounds for suspension or debarment exist, as provided herein.
- (1) *Suspension.* A vendor shall be suspended for a period of two years or until the conditions described herein have been rectified or resolved, whichever occurs first, as determined by the director based upon the following:
- a. The county has formally declared the vendor in breach of a contract that has resulted in the termination of the contract by the county for failure to comply with the conditions, specifications or terms of a contract with the county; or
 - b. The county has formally disqualified or declared a vendor's bid, quotation, or proposal non-responsive, based on the vendor's fraud or misrepresentation; or
 - c. The vendor is charged by a court of competent jurisdiction with the commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract; or is charged by a court of competent jurisdiction with the following: embezzlement, theft, forgery, bribery, fraud, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a county government contractor; or

- d. The vendor becomes insolvent, has proceedings in bankruptcy instituted against it, or has a receiver or trustee appointed over its property; or
 - e. The vendor has three or more violations of the code as defined in section 1-8 of the Code in any two-year period arising from or related to vendor's business activities, as determined in a court or administrative proceeding, including by plea; or
 - f. The vendor and the county are engaged in proceedings (i.e., court proceedings, arbitration, or administrative proceeding) arising from or related to the vendor's performance of a contract with the county, in which the vendor and the county have positions adverse to each other. To the extent that vendor is indemnifying and defending the county, the positions are not considered adverse; or
 - g. The vendor is suspended by another government entity.
- (2) *Debarment.* A vendor shall be permanently debarred by the director based on the following:
- a. The county obtains a judgment in an adversarial proceeding between the county and the vendor (i.e., court proceeding, arbitration, or administrative proceeding) arising from the vendor's performance of a contract with the county which remains unsatisfied for a period of 30 days from the expiration of any appeal period or final resolution of any appeal; or
 - b. Vendor conviction by or judgment obtained in a court of competent jurisdiction for commission of those offenses in connection with the vendor's business activities stated in subsection (b)(1)c. above; or
 - c. Vendor is debarred by another government entity.
- (3) *Public entity crime.* Notwithstanding any other provision herein, any vendor who has been convicted of a public entity crime, as defined by F.S. § 287.133, shall not be able to transact business with the county to the extent specified in the statute.
- (4) *Notification to suspend or debar.* The director shall issue written notification to suspend or debar the vendor based on documentation of the existence of one or more of the conditions described herein. The suspension or debarment shall take effect as of the date stated in the notification. The notification shall state the basis for the action taken and the period of the suspension, or that the vendor has been debarred. Prior to issuance of written notification, the director may schedule an informational meeting with the vendor to review the documentation supporting the suspension or debarment. The only issue that shall be considered at the informational meeting is whether the condition giving rise to the suspension or debarment has occurred.
- (5) *Effects of suspension and debarment.*
- a. Suspended or debarred vendors are not eligible for award of contracts or additional work on existing contracts during the period of suspension or during debarment; from having any bids, proposals, quotations or qualifications considered by the county or responding to other solicitations of the county; and from conducting business with the county as a subcontractor, representative, or joint venturer of other vendors.

- b. Any business entity controlled by or affiliated with any suspended or debarred vendor may also be prohibited from contracting with the county if the relationship or affiliation is such that the person or business entity by reason of the relationship with the ineligible vendor could directly benefit from the contract. Such factors as ownership interest, one or more members of the board of officials in common, control of one entity by the other, interlocking or shared management or principals, and limited management and ownership among family members shall be considered in determining ineligibility under this section of this article.
- (6) *Reinstatement.* After suspension or debarment, a vendor is not eligible to contract or be awarded work with the county until reinstated by the director. To be considered for reinstatement, the vendor must supply information and reasonable documentation indicating that the conditions causing the suspension or debarment have been rectified or resolved. If the charges referenced in subsection (b)(1)c. are dismissed or the vendor is found not guilty, the suspension shall be lifted automatically upon written notification and proof of final court disposition provided by the vendor to the county. If the conviction or judgment referenced in subsection (b)(2)b. is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition provided by the vendor to the county. As a condition of reinstatement, and with approval of the county administrator, the director may limit the nature and scope of contractual undertakings that must be satisfactorily completed before seeking additional contracts from the county. Nothing herein prevents the county from granting reinstatement prior to the end of the suspension period or debarment where, in the director's judgment, the county's interests have been addressed and the vendor to be reinstated is not likely to engage in similar conduct again.

SECTION 4. Chapter 2, Article V, sec 2-162 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-162. Protest procedure.

- (a) *Right to protest.* A vendor who is aggrieved by the contents of the bid or proposal package, or a vendor who is aggrieved in connection with the recommended award on a bid or proposal solicitation, may file a written protest to the director, as provided herein. This right to protest is strictly limited to those procurements of goods and/or services solicited through invitations to bid or requests for proposals, including solicitations pursuant to F.S. § 287.055, the "Consultants' Competitive Negotiation Act." No other actions or recommendations in connection with a solicitation can be protested, including: (i) requests for quotations, negotiations, qualifications or letters of interest; (ii) rejection of some, all or parts of bids or proposals; (iii) disqualification of bidders or proposers as non-responsive or non-responsible; or (iv) recommended awards less than the mandatory bid or proposal amount. Protests failing to comply with the provisions of this section shall not be reviewed.
- (b) *Posting.* The purchasing division shall post the recommended award on or through the departmental e-bidding website.
- (c) *Requirements to protest.*

- (1) If the protest relates to the content of the bid or proposal package, a formal written protest must be filed no later than 5:00 p.m. EST on the fifth full business day after issuance of the bid or proposal package.
- (2) If the protest relates to the recommended award of a bid or proposal, a formal written protest must be filed no later than 5:00 p.m. EST on the fifth full business day after posting of the award recommendation.
- (3) The formal written protest shall identify the protesting party and the solicitation involved; include a statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances or other legal authorities which the protesting party deems applicable to such grounds; and specifically request the relief to which the protesting party deems itself entitled by application of such authorities to such grounds.
- (4) A formal written protest is considered filed with the county when the purchasing division receives it. Accordingly, a protest is not timely filed unless it is received within the time specified above by the purchasing division. Failure to file a formal written protest within the time period specified shall constitute a waiver of the right to protest and result in relinquishment of all rights to protest by the bidder or proposer.
- (d) *Sole remedy.* These procedures shall be the sole remedy for challenging the content of the bid or proposal package or the recommended award.
- (e) *Lobbying.* Protestors and anyone acting on their behalf, are prohibited from attempts to influence, persuade, or promote a bid or proposal protest through any other channels or means, and contacting any county official, employee, advisory board member, or representative to discuss any matter relating in any way to the solicitation being protested, other than the purchasing division's or county attorney's office to address situations such as clarification and/or pose questions related to the procurement process. The prohibitions provided for herein shall begin with the filing of the protest and end upon the final disposition of the protest; provided, however, at all times protestors shall be subject to the procurement lobbying prohibitions in section 2-189 of this Code. Failure to adhere to the prohibitions herein shall result in the rejection of the protest without further consideration.
- (f) *Time limits.* The time limits in which protests must be filed as specified herein may be altered by specific provisions in the bid or proposal.
- (g) *Authority to resolve.* The director shall resolve the protest in accordance with the documentation and applicable legal authorities and shall issue a written decision to the protestor no later than 5:00 p.m. EST on the tenth full business day after the filing thereof.
- (h) *Review of director's decision.*
 - (1) The protesting party may request a review of the director's decision to the county administrator by delivering written request for review of the decision to the director by 5:00 p.m. EST on the fifth full business day after the date of the written decision. The written notice shall include any materials, statements, and arguments which the bidder or proposer deems relevant to the issues raised in the request to review the decision of the director.
 - (2) The county administrator shall issue a decision in writing stating the reason for the action with a copy furnished to the protesting party no later than 5:00 p.m. EST on the seventh full business day after receipt of the request for review. The decision shall be

final and conclusive as to the county unless a party commences action in a court of competent jurisdiction.

- (i) *Stay of procurement during protests.* There shall be no stay of procurement during protests.

SECTION 5. Chapter 2, Article V, sec 2-163 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-163. Bid and contract security.

- (a) *Bid security.*

- (1) *Requirement for bid security.* Bid security shall be required for all competitive sealed bidding for construction contracts when the price is estimated by the director to exceed \$150,000.00. Bid security shall be in a form satisfactory to the county attorney. Nothing herein shall prevent the requirement of such security on other contracts when the circumstances warrant.
- (2) *Amount of bid security.* Bid security for all other competitive sealed bids and proposals shall be in an amount equal to at least five percent of the amount of the bid, unless the director determines that the nature of the industry is such that the bid security requirement would work a hardship on most potential bidders.

- (b) *Contract security.* When a construction contract is awarded in excess of \$150,000.00, security shall be provided in conformance with the minimum requirements of F.S. § 255.05.

- (1) A performance bond satisfactory to the county attorney, executed by a surety insurer authorized to do business in the state as a surety, in an amount equal to 100 percent of the price specified in the contract, conditioned that the contractor perform the contract in the time and manner prescribed in the contract; and
- (2) A payment bond satisfactory to the county attorney, executed by a surety insurer authorized to do business in the state as a surety, in an amount equal to 100 percent of the price specified in the contract, conditioned that the contractor promptly make payments to all persons supplying labor, materials or services used directly or indirectly in the performance of the work provided for in the contract, and who are claimants as defined in F.S. § 255.05(1).
- (3) In lieu of the bonds required herein, a contractor may file an alternative form of security, in accordance with F.S. § 255.05(7).

- (c) *Authority to require additional security.* Nothing in this section shall be construed to limit the authority of the county to require additional security.

SECTION 6. Chapter 2, Article V, sec 2-164 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-164. Intergovernmental relations.

The purchasing division may acquire from, or use any goods or services belonging to, another public procurement unit independent of the requirements of subdivision II of this division, pertaining to source selection and contract formation, unless prohibited by law.

- (a) Cooperative and piggybacking.
 - (1) *Cooperative purchasing authorized.* The purchasing division may either participate in, sponsor, conduct or administer a cooperative purchasing contract for the procurement of any goods, services or construction with one or more public procurement units. Such cooperative purchasing may include, but is not limited to, joint or multiparty contracts between public procurement units and open-ended state or federal public procurement unit contracts which are made available to local public procurement units.
 - (2) *Piggybacking purchasing authorized.* The purchasing division may piggyback an existing contract to acquire the same commodities or services at the same or lower price from another public entity contract. Such piggybacking purchasing may include state or federal public procurement contracts which are made available to public entities. Economies of scale must be followed, where there exists a price advantage, meaning, the piggyback purchase must match the needs, specifications, and scope of the County, so that the County may take advantage of the pricing, due to a larger entity procuring a greater volume of goods and/or services than if the County were to procure on its own (i.e. the volume or quantity of a large purchase and the savings realized by the entity because of the size of that purchase). The Director will make the final determination as to whether the existing contract from the public entity meets the criteria for use by the County as an authorized piggyback purchase.
 - (3) *Approval authority for contracts of \$250,000.00 or less.* Approval of contracts for cooperative or piggyback purchasing and acquisition or use of goods under this section which are \$150,000.00 or less in a fiscal or calendar year shall be granted to the director, and which are more than \$150,000.00 and do not exceed \$250,000.00 in a fiscal or calendar year shall be granted to the county administrator or his/her designee.
- (b) State of Florida contracts and required purchases.
 - (1) State of Florida bid or negotiated contracts. The county administrator is authorized to approve piggyback contracts for purchases of goods and/or services in any amount within the budget of the using department under a State of Florida contract that was competitively solicited and awarded. The director is authorized to award contracts for the purchase of goods and/or services for \$150,000.00 or less under a State of Florida piggyback.
 - (2) Purchases of goods required to be made from qualified nonprofit agencies for the blind or severely disabled. Purchases of goods required to be made from qualified nonprofit agencies for the blind or severely disabled pursuant to state law may be authorized by the county administrator in any amount within the budget of the using department.
 - (3) Reports to the board. For purchases in excess of \$250,000.00 made pursuant to this section, the county administrator shall place a receipt and file a report to the board at the end of each fiscal quarter.

SECTION 7. Chapter 2, Article V, sec 2-176 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-176. Competitive sealed bidding.

- (a) *Conditions for use.* Unless procured pursuant to another process authorized by law or this Code, all contracts of the county for the purchase of goods and/or services valued in excess of \$150,000.00 shall be awarded by competitive bidding.
- (b) *Invitation to bid.* An invitation to bid shall be issued and shall include specifications and conditions applicable to the procurement and shall indicate the deadline for bid submittal and the time of bid opening.
- (c) *Bidders list.* The director shall develop and implement procedures to promote competition among vendors by posting public notice of the bid and notifying vendors of the opportunity.
- (d) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation to bid. The name of each bidder and other relevant information deemed appropriate to properly identify each bid shall be recorded.
- (e) *Bid receipt and bid evaluation.* Bids shall be received and evaluated in accordance with the requirements established in the bid documents.
- (f) *Award.* The county will enter into a contract with the responsible and responsive bidder who submits the lowest bid in accordance with section 2-188 of this Code.
- (g) *Tie bids.* If two or more bids received are for the same total amount or unit price, or in the case of proposals, the qualifications, quality and service are equal, the contract shall be awarded by drawing lots in public.

State law reference(s)—Bids required for certain road work, F.S. §§ 336.41, 336.45.

SECTION 8. Chapter 2, Article V, sec 2-178 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-178. Contracting for designated professional services.

- (a) *Consultants' Competitive Negotiation Act.* Contracts for architectural, professional engineering, landscape architectural and registered land surveying and mapping services shall be procured in accordance with F.S. § 287.055, referred to as the consultants Competitive Negotiation Act (CCNA). All contracts for CCNA services shall be procured under the supervision of the director and the purchasing division.
- (b) *Design-build and construction management services.* Design-build and construction management services, as defined in F.S. § 287.055 and § 255.103, respectively, shall be procured pursuant to the process defined in the CCNA, unless the county, through the director, elects to bid construction management and design-build contracts through an invitation to bid or request for proposal process, as provided in F.S. § 255.20(1), where price is considered in the award process.
- (c) *CCNA oversight.* The county administrator shall appoint a minimum of three members of his/her executive management team to provide oversight for the CCNA process. Such oversight will include, but not be limited to, composition of evaluation committees,

evaluator pool members, the evaluation process, and any other matters deemed appropriate by the county administrator.

- (d) *Evaluator pool.* The director shall be responsible for developing and maintaining a pool of qualified evaluators to participate in CCNA evaluation committees, who may consist of representatives from county departments, professional organizations, and internal and external subject matter experts.
- (e) *Evaluation committee.* The CCNA evaluation committee shall consist of at least three but typically not more than seven members (unless deemed to be in the best interest of the county) selected based upon their expertise and/or association with the project. The evaluation committee must consist of at least one person from the requesting department (or the requesting division within a multi-divisional requesting department). The requesting department (or the requesting division within a multi-divisional requesting department) cannot have majority representation on the evaluation committee. The committee shall also include non-requesting department representatives, internal/external subject matter experts and local professional organization representatives (if deemed appropriate or necessary). Final composition and qualifications of evaluation committees shall be subject to the subsection titled "CCNA Oversight", above.
- (f) *Evaluation criteria.* Pursuant to the CCNA, the evaluation criteria for ranking shall include, but shall not be limited to, ability of the firm and its professional personnel; firm experience with projects of a similar size and type; firm's willingness and ability to meet the schedule and budget requirements; volume of work previously awarded by the county; effect of the firm's recent/current and projected workload; minority business status; location; past performance; and when required, the public presentation.
- (g) *Ranking of firms.* The county, through the competitive proposal process, shall make a finding that the firm or individual to be employed is duly qualified to render the required services. The evaluation committee shall review submittals in response to the public solicitation and shall select, in order of preference, no fewer than three firms deemed to be the most highly qualified, if at least three firms respond to the solicitation. If less than three firms respond, and after conducting due diligence, it is decided by the director that every effort was made to comply with F.S. § 287.055 requirements, the county will interview the firms and proceed with the evaluation process. The evaluation committee may conduct public presentations with a minimum of three firms (if three firms submitted).
- (h) *Public presentation.* The evaluation criteria for public presentation shall include, but shall not be limited to, the firm's understanding of the project, ability to provide required services within the schedule and budget, qualifications and approach to the project.
- (i) *Contract negotiations.* Staff shall negotiate a contract with the number one ranked firm for professional services for compensation which is deemed to be fair and reasonable. Detailed discussions must be held by the firm and the county to establish the scope of the project and the exact services to be performed by the firm. Should the county and the firm fail to agree upon the terms of an acceptable contract, negotiations with the top firm shall be terminated and negotiations with the second ranked firm shall commence. If again unsuccessful, the process is repeated with the next ranked firm. This process is continued until the parties enter into a contract, the project is abandoned, or the procurement process is otherwise terminated.

The firm awarded the contract must execute a truth-in-negotiation certificate stating that the wage rates and other unit costs are accurate, complete and current at the time of contracting. Any professional service contract in which the certificate is required shall contain a provision that the contract price shall be adjusted to exclude any significant sums where the county determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

- (j) *Professional services not subject to CCNA.* Notwithstanding the foregoing provision of this section, the noncompetitive procurement of contracts for legal, medical, independent certified public accounting, expert witnesses, catering services (as defined by the State of Florida) or other professional services is hereby authorized by negotiation with organizations or persons on the basis of experience, skill, and financial capacity to perform and shall be approved as provided in section 2-188. Notwithstanding the foregoing, selection of an independent financial auditor to perform a "financial audit" as defined by F.S. § 11.45(1)(c) and other audit functions as may be requested shall be by the following described procedure, as permitted by the Pinellas County Home Rule Charter and F.S. § 218.391. A selection committee shall be established consisting of a designee of the board, the clerk of the circuit court and comptroller or his/her designee, the director of the office of management and budget or his/her designee, the supervisor of elections or his/her designee, the tax collector or his/her designee, the property appraiser or his/her designee, and the sheriff or his/her designee. The selection committee shall prepare or cause to be prepared a request for proposal for independent financial auditor services, and the auditor shall be selected by competitive sealed proposal pursuant to Pinellas County Code, section 2-177.

SECTION 9. Chapter 2, Article V, sec 2-179 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-179. Small purchases.

- (a) *Generally.* Any contract for \$150,000.00 in a fiscal or calendar year or less may be made in accordance with the small purchase procedures authorized in this section. A purchase shall not be artificially divided so as to constitute a small purchase under this section.
- (b) *Small purchases of \$25,000.00 or more.* Insofar as it is practical for small purchases of \$25,000.00 or more, no less than two quotations shall be solicited. Award shall be made on the basis of lowest and best quotation.
- (c) *Small purchases under \$25,000.00.* The director shall adopt operational procedures for making small purchases of less than \$25,000.00. Such procedures may provide for obtaining adequate and reasonable competition when deemed to be in the best interest of the county for the goods and/or services being purchased and shall require the maintenance of adequate written records to document the purchasing decision. Purchases below \$25,000.00 are not subject to competitive quotation.

SECTION 10. Chapter 2, Article V, sec 2-181 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-181. Emergency procurements.

- (a) *Generally.* Notwithstanding any other provisions of this division, emergency purchases of goods and/or services may be made in the event of a disruption of essential operations, or when there exists a threat to public health, welfare or safety, or when the protection or preservation of public property would not be possible through normal purchasing procedures; provided that such emergency purchases shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular vendor shall be forwarded to the purchasing division for the contract file.
- (b) *Award.*
 - (1) Emergency purchases in excess of \$150,000.00 shall be authorized by the county administrator, as applicable. The county administrator shall place a receipt and file a report as to those emergency purchases in excess of \$150,000.00 and which do not exceed \$250,000.00 to the board at the end of each fiscal quarter, and in addition, a written explanation of the circumstances of an emergency purchase in excess of \$250,000.00 shall be filed by the county administrator and entered in the minutes of the board.
 - (2) Emergency purchases of a value less than or equal to \$150,000.00 shall be authorized by the director, as applicable.

SECTION 11. Chapter 2, Article V, sec 2-184 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-184. Purchases of maintenance, repair and operating supplies and services.

- (a) Routine county operations require the on-going purchase of maintenance, repair, and operating supplies and services ("MRO"), and therefore when exclusively used for the procurement of MRO requirements, contracts may be procured and increased in accordance with this section. MRO purchases include preventative or scheduled maintenance supplies and/or services such as hardware, tools, chemicals, paints, paper products, office products and other consumables and associated services utilized for routine operation of the county in which the department operating budget would fund the contract. MRO purchases specifically exclude capital improvement projects or consulting services.
- (b) Contracts for MRO requirements may be put in place to secure competitively procured pricing, and should establish the applicable pricing, unit costs, terms and conditions, estimated quantities and total expenditures. MRO contracts may be entered into in accordance with the authorities set out in section 2-188 herein, however when increases to MRO contracts are needed, the county administrator is authorized, when such increase would otherwise exceed existing delegated authority, to increase estimated and authorized expenditures on any MRO contract in an amount not-to-exceed 50 percent of the initial award, which amount shall be cumulative over the term of the contract. Any increase

beyond 50 percent of the initial award will require approval by the board, or re-solicitation of the contract. All increases to contracts in excess of \$150,000.00 will be placed in a report and filed with the board each fiscal quarter. The director may increase estimated and authorized expenditures on any MRO contract in an amount not-to-exceed \$150,000.00 cumulatively over the term of the contract. The director also has authority to approve MRO contracts up to \$150,000.00 in accordance with section 2-188 herein. Increases in accordance with this section must be made in compliance with the provisions of F.S. ch. 129, relating to the county budget.

SECTION 12. Chapter 2, Article V, sec 2-185 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-185. –Reserved.

SECTION 13. Chapter 2, Article V, sec 2-188 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-188. Approval authority.

- (a) *Approval authority generally.* The county administrator or his/her designee, and the director or his/her designee, shall have authority to approve procurement related documents and instruments articulated in section 2-62 in accordance with the specified delegated financial authority limits under this division. Additionally, the director will have the authority to approve the following procurement documents: amendments for scrivener's errors or name changes, Purchase Orders (after the necessary approval process from the appropriate authority if not within the director's designated financial limit), solicitation documents including addendums, award and ranking notices, and notice to cure letters.
- (b) *Award of contracts.* Any board contract, which has a value of \$150,000.00 or less in a fiscal or calendar year may be awarded and subsequently extended by the director, or if the director is unavailable, his/her designee; a contract to be awarded which does not exceed \$250,000.00 in a fiscal or calendar year may be awarded and subsequently extended by the county administrator or his/her designee; a contract to be awarded which exceeds \$250,000.00 in a fiscal or calendar year may be awarded only by the board.
- (c) *Rejection of bids/proposals.* The director may reject any or all bids/proposals or parts of bids/proposals, at any stage of the procurement process, when the public interest will be served.
- (d) *Contract extensions.* Any price adjustments or contract extensions included in a current contract awarded by the board, may be exercised and approved at the option of the county administrator or his/her designee, if, after review of the budget and past performance under the contract, the county administrator determines in his/her sole discretion that exercising those contract provisions is in the best interests of the county. The county administrator shall thereafter place a receipt and file a report on the consent agenda of the board at least quarterly.

(e) *Purchasing Policies.*

(1) The board grants the purchasing division the authority to establish and maintain any purchasing policies or procedures consistent with and in furtherance of the requirements of this ordinance and the Pinellas County Code. Once developed, implementing this policy must be approved by the county administrator. Any amendments to the policy must also be approved by the county administrator.

(2) The board grants the purchasing division the authority to establish and maintain any Purchase Order Usage Policy consistent with and in furtherance of the requirements of this ordinance and the Pinellas County Code. Once developed, implementing this policy must be approved by the county administrator. Any amendments to the policy must also be approved by the county administrator.

(3) The board grants the purchasing division, in consultation with the Clerk, and the Office of Management and Budget, the authority to establish and maintain an Expenditure Authorization and Encumbrance Policy consistent with and in furtherance of the requirements of this ordinance and the Pinellas County Code. Once developed, implementing this policy must be approved by the county administrator. Any amendments to the policy must also be approved by the county administrator.

SECTION 14. Chapter 2, Article V, sec 2-189 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-189. Lobbying.

Lobbying shall be prohibited on all county competitive selection processes and purchasing contract awards pursuant to this division, including, but not limited to, requests for proposals, requests for quotations, requests for qualifications, bids or the award of purchasing contracts of any type. The purpose of this prohibition is to protect the integrity of the procurement process by shielding it from undue influences prior to the contract award, or the competitive selection process is otherwise concluded. However, nothing herein shall prohibit a prospective bidder/proposer/protestor from contacting the purchasing division or the county attorney's office to address situations such as clarification and/or pose questions related to the procurement process.

Lobbying of evaluation committee members, county government employees, elected/appointed officials, or advisory board members regarding requests for proposals, requests for quotations, requests for qualifications, bids, or purchasing contracts, by the bidder/proposer, any member of the bidder's/proposer's staff, any agent or representative of the bidder/proposer, or any person employed by any legal entity affiliated with or representing a bidder/proposer/protestor, is strictly prohibited from the date of the advertisement, or on a date otherwise established by the board, until either an award is final, or the competitive selection process is otherwise concluded. Any lobbying activities in violation of this section by or on behalf of a bidder/proposer shall result in the disqualification or rejection of the proposal, quotation, statement of qualification, bid or contract.

For purposes of this provision, "lobbying" shall mean influencing or attempting to influence action or non-action, and/or attempting to obtain the goodwill of persons specified herein relating to the selection, ranking, or contract award in connection with any request for proposal, request for quotation, request for qualification, bid or purchasing contract through direct or indirect oral or written communication. The final award of a purchasing contract shall be the effective date of the purchasing contract.

Any evaluation committee member, county government employee, elected/appointed official, or advisory board member who has been lobbied shall immediately report the lobbying activity to the director.

SECTION 15. Chapter 2, Article V, sec 2-198 of the Pinellas County Code is hereby amended to read as follows:

Sec. 2-198. Selection of design criteria professional.

- (a) Design-build services shall be governed by F.S. § 287.055. The county shall award design-build contracts by the use of a qualifications-based selection process pursuant to F.S. §§ 287.055(3) through 287.055(5), or by use of the competitive proposal selection process set out in this section. The procurement of design-build services shall be made in accordance with the following procedures:
 - (1) *Design criteria package.* The design criteria package shall be prepared and sealed by a design criteria professional employed or retained by the county. If the county enters into a professional services contract for the preparation of the design criteria package, the professional shall be selected and contracted with in accordance with the requirements of F.S. §§ 287.055(4) and 287.055(5). The professional preparing the design criteria package shall not be eligible to render services under a design-build contract executed pursuant to the package prepared by such professional.
 - (2) *Selection/negotiation committee.* A selection/negotiation committee, in this division referred to as the "committee," is hereby established which shall be composed of members designated by the director of purchasing.
- (b) *Public advertisement.* The county shall publicly advertise in a uniform and consistent manner on each occasion when design-build services are required except in cases of valid public emergencies. The advertisement shall include a general description of the project and shall indicate how, and the time within which, interested design-build firms may apply for consideration.
- (c) *Generally.* Any firm or individual desiring to provide design-build services for the county must first be determined legally qualified. Legal qualifications are:
 - (1) Firms must be properly certified to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent.
 - (2) Firms must be properly certified to practice or to offer to practice engineering, architecture, or landscape architecture.

- (3) The firm shall be duly qualified to perform its proposed services under any other applicable law.

SECTION 16. Severability. If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 17. Areas Embraced. Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 18. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 19. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.

APPROVED AS TO FORM

By: Keiah Townsend
Office of the County Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on February 11, 2025 relative to:

ORDINANCE 25- 8

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 2, ARTICLE V OF SAID CODE; PROVIDING FOR AN UPDATE TO THE PURCHASING POLICIES AND PROCEDURES; AMENDING SECTION 2-156, DEFINITIONS; AMENDING SECTION 2-159, PRINCIPAL PUBLIC PURCHASING OFFICIAL; AMENDING AND RENAMING SECTION 2-161, BIDDER QUALIFICATIONS AND PREQUALIFICATIONS; SUSPENSION AND DEBARMENT; AMENDING SECTION 2-162, PROTEST PROCEDURE; AMENDING SECTION 2-163, BID AND CONTRACT SECURITY; AMENDING SECTION 2-164, INTERGOVERNMENTAL RELATIONS; AMENDING SECTION 2-176, COMPETITIVE SEALED BIDDING; AMENDING SECTION 2-178, CONTRACTING FOR DESIGNATED PROFESSIONAL SERVICES; AMENDING SECTION 2-179, SMALL PURCHASES; AMENDING SECTION 2-181, EMERGENCY PROCUREMENTS; AMENDING SECTION 2-184, PURCHASES OF MAINTENANCE, REPAIR, AND OPERATING SUPPLIES AND SERVICES; RESERVING SECTION 2-185, AMENDING SECTION 2-188, APPROVAL AUTHORITY; AMENDING SECTION 2-189, LOBBYING; AMENDING SECTION 2-198, SELECTION OF DESIGN CRITERIA PROFESSIONAL; AMENDING ALL SECTIONS FOR CLARITY, CONSISTENCY AND UNIFORMITY; AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal
this February 12, 2025



KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:

Derelynn Revie, Deputy Clerk


Eres, Christian L

From: Clerk Board Records
Sent: Wednesday, February 12, 2025 1:29 PM
To: County Ordinances
Cc: Clerk Board Records; Hooey, Docia A; Revie, Derelynn H
Subject: Pinellas County Ordinance - PIN20250212_Ordinance2025_25-8
Attachments: PIN20250212_Ordinance2025_25-8.pdf

Sender Full Name:	Ken Burke, Clerk of the Circuit Court and Comptroller Derelynn Revie , Deputy Clerk, Board Records Department
Sender Phone number:	(727) 464-3458
County Name:	Pinellas
Ordinance Number:	PIN20250212_Ordinance2025_25-8

Christian Eres

Senior Board Records Specialist | Board Records Department
Office of Ken Burke, Clerk of the Circuit Court and Comptroller
Pinellas County, Florida
315 Court St., 5th Floor, Clearwater, FL 33756
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