

# KEN BURKE

CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
PINELLAS COUNTY, FLORIDA

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## FINANCE DIVISION

Clerk of the County Court  
Recorder of Deeds  
Clerk and Accountant of the Board of County Commissioners  
Custodian of County Funds  
County Auditor  
Clerk of the Water and Navigation Control Authority

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TO: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller

FROM: Claretha N. Harris, CPA, Chief Deputy Director,  
Finance Division

SUBJECT: Proposed Modifications to Pinellas County Purchasing Code

DATE: August 16, 2018

In response to the request of the Board of County Commissioners to review the proposed modifications to the Pinellas County Purchasing Code, we have reviewed the red line version dated July 18, 2018. We also reviewed the IG office's response to the request.

We concur with the following findings and recommendations of the IG's office:

- The majority of the proposed modifications "relate to reorganizing the sections to group like topics and simplifying the language so the Code is clear and easier to read".
- "Consider including language in Sec. 2-180, Noncompetitive Purchases, to require attestation that no conflict of interest exists and justification documentation for noncompetitive selection of vendors."
- Consider adding language to future contracts, to address the right to audit contract and pricing documents of subcontractors, and authorize the County to suspend or debar subcontractors when the situation warrants such action.

We have the following comments in addition to those:

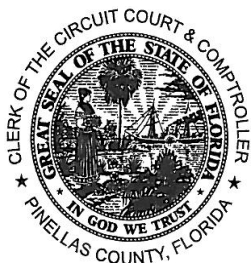
- Under definitions, the Constitutional Officer definition should use the name "Clerk of the Circuit Court and Comptroller" rather than "Clerk of the Circuit Court".

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- The definition of Purchase Order states “Acceptance of a Purchase Order by a Vendor shall constitute a contract, except in instances in which a Purchase Order is used only as an internal document.” In what instances would a purchase order be used only as an internal document? Is the exception statement necessary?
- The definition of agencies includes “departments or offices under the Board and County 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 the Business Technology Services Department” (BTS). Sec. 2-158 (b) allows Constitutional Officers or Agencies to use all or part of the County’s purchasing process. Since the Construction Licensing Board and BTS are included in the agency definition, this appears to give those offices, which are Board departments, the option of using the purchasing code rather than it being a requirement which could be problematic. The current code does not include agencies in this section; it is limited to the Constitutional Officers. We recommend reconsidering this proposed change in the definition.
- Under Sec. 2-176 (g) – Competitive Sealed Bidding, Tie Bids. This is removing the requirement that in the case of tie bids when all other things are equal, the contract shall be awarded to the local bidder/proposer, if any. It was our understanding that it is the Board’s desire to enhance opportunities for local businesses, however, this appears to remove this preference.
- Under Sec. 2-180 (9) – Noncompetitive Purchases. This will allow the purchase of statutorily authorized tourism promotion services and/or activities to not be competitively bid. Unless this type of purchase meets one of the criteria outlined in Sec. 2-180 (1) through (8), the justification and authorization for not competitively bidding the purchase of these services should be listed.

Please contact me if you have any questions or concerns regarding this.

cc: Hector Collazo, Inspector General  
Jeanette Phillips, CPA, Director, Finance Division  
Paul Turner, CPA, Assistant Director, Finance Division  
Anne Lawler, CPA, Manager, Financial Accounting  
Ross Adair, CPA, Manager, Financial Accounting



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