
All contracts for construction, maintenance, goods, supplies, or materials exceeding the amount provided in Section 287.017, Florida Statutes, for Category one (\$20,000.00), as such category may be amended from time to time, shall be contracted under the terms of these rules. Contracts for construction, maintenance, goods, supplies, and/or materials do not include printing, insurance, advertising, or legal service.

DEFINITIONS

- (a) "Invitation to Bid" is a written solicitation for sealed bids with the title, date and hour of the public bid opening designated specifically and defining the commodity involved. It includes printed instructions prescribing conditions for bidding, evaluation criteria, and provides for a manual signature of an authorized representative.
- (b) "Request for Proposal or Qualification" is a written solicitation for sealed proposals or qualifications with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (c) "Responsive bid/proposal" means a bid or proposal which conforms in all material respects to the specifications and conditions in the invitation to bid or request for proposal and these rules, and the cost components of which are appropriately balanced. A bid/proposal is not responsive if the person or firm submitting the bid fails to meet any requirement relating to the qualifications, financial stability, or licensing of the bidder.
- (d) "Lowest responsible bid/proposal" means, in the sole and absolute discretion of the District whether or not reasonable the bid or proposal (i) submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the District Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the District Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (e) "Construction, Maintenance, Goods, Supplies, and Materials" do not include printing, insurance, advertising, or legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
- (f) "Purchase" means acquisition by sale, rent, lease, lease/purchase, or

installment sale. It does not include transfer, sale or exchange of goods, supplies, or materials between the District and any federal, state, regional, or local governmental entity or political subdivision of the state.

- (g) "Emergency purchase" means a purchase necessitated by a sudden unexpected turn of events (e.g. acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the District in the normal conduct of its business), where the Board of Trustees finds that the delay incident to competitive bidding would be detrimental to the interests of the District.

PROCEDURES

When contracting for construction, maintenance, services/goods, supplies, or materials is within the scope of this Rule, the following is appropriate:

- A. The Board of Trustees shall cause to be prepared an Invitation to Bid or Request for Proposal or Qualifications as appropriate.
- B. The Notice of Invitation to Bid or Request for Proposal or Qualifications shall be advertised at least once in a newspaper of general circulation in Manatee County. The notice shall allow at least thirty (30) days for submittal of responses, unless the Board, for good cause, determines a shorter period of time is appropriate.
- C. The District may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals or qualifications. Persons who provide their name and address to the District office for inclusion on the list shall receive notices by mail/email.
- D. Bids or proposals shall be opened in a public Board of Trustee meeting at the time and place noted on the Invitation to Bid or Request for Proposal or Qualification. Bids and proposals shall be evaluated in accord with the invitation or request and these Rules.
- E. The Lowest Responsive and Responsible Bid or Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. In the event the bids exceed the amount of funds available to or allocated by the Authority Board for this purchase, the bids may be rejected. The District may require bidders or proposers to furnish performance and or other bonds with a responsible surety to be approved by the Board.
- F. Notice of award or intent to award, including rejection of some or all bids, and/or proposals shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service, and by posting same on the Bayshore Gardens website for at least 30 days.
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- G. If *only* one response to an Invitation to Bid or Request for Proposal or Qualifications is received, the Board may proceed with the procurement for construction, maintenance, goods, supplies, or materials. If no response to an Invitation to Bid or Request for Proposal or Qualification is received, the Board may take whatever steps are reasonably necessary in order to proceed with the procurement of construction, maintenance, goods, supplies, or materials in the best interests of the District.
- H. The Board may make an emergency purchase without complying with these Rules. The definition of emergency is found in the Bylaws of the District. The fact that an emergency purchase has occurred or is necessary shall be ratified and recorded in the minutes of the next Board meeting.
- I. Notwithstanding anything contained herein to the contrary, the Board shall not effect a contract for construction, maintenance, goods, supplies or materials from any party who is presently employed by the District or who is employed by any other quasi-governmental agency operating within the Bayshore Gardens Park and recreation District.

SPECIFICATIONS

- 1. The Authority Board may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the Authority office for inclusion on the list shall receive notices by mail.
- 2. In order to be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of the bids or proposals:
 - 1. Hold the required applicable state professional license, liability insurance and be in good standing.
 - 2. Hold all required applicable federal licenses in good standing.
 - 3. Hold a current and active Florida corporate charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes if the bidder is a corporation.
 - 4. Meet any special prequalification requirements set forth in the bid proposal specifications.

5. To assist in the determination of the lowest responsive and responsible bidder, the District may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.

NOTICE TO ALL BIDDERS

The Board may, in its discretion, re-advertise for additional bids or proposals without rejecting any submitted bid or proposal. In the event the bids or proposals exceed the amount of funds available to or allocated by the Board for this contract, all bids/proposals may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover any costs of bid/proposal preparation or submittal from the District.

Notice of the award or intent to award, including rejection of some or all bids or proposals, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service, and by posting the same on the Bayshore Gardens website for thirty (30) days.

§ 190.011(5), Fla. Stat

Date Approved 12/18/18 Sharon Denson

Revised _____

Date Effective 12/18/18