

**BROWARD METROPOLITAN PLANNING ORGANIZATION
PROCUREMENT CODE**

**SECTION 1.
SCOPE.**

This Procurement Code applies to every purchase/procurement and sale by Broward MPO without regard to the source of funds, including State and Federal assistance funding, except as otherwise provided by law. Notwithstanding the provisions in this Procurement Code, Broward MPO purchasing shall be conducted in accordance with applicable local, state and federal law, and in a manner that preserves local, state and federal funding received by Broward MPO in connection with its transportation planning responsibilities.

**SECTION 2.
COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED:
PURCHASES, CONTRACTS, AND SALES IN EXCESS OF \$30,000.**

- 2.1 *Purchases exceeding \$30,000.* A purchase of, or contract for, commodities or services, that is estimated by the Executive Director, or designee, to cost more than thirty thousand dollars (\$30,000), shall be based on competitive bids, competitive proposals, or the Request for Qualifications Procedures in Section 7 for professional services, as determined by the Executive Director or the Procurement Officer.
- 2.2 *Procedure.* Except for a purchase of, or contract for, professional services utilizing the procedure set forth in Section 7, purchases or contracts for commodities or services estimated to cost more than thirty thousand dollars (\$30,000) shall be made from the lowest, most responsive and responsible bidder obtained in accordance with the following formal bid procedures:
- A. The Procurement Officer, or designee, shall perform a cost or price analysis in connection with every procurement action, including contract modifications, under this section.
 - B. The Procurement Officer shall solicit through appropriate legal advertisements at least three (3) competitive sealed bids or proposals from the general public for the purchase of the required goods and services. The bidding window shall not be less than fourteen (14) days, nor more than thirty (30) days long unless approved by the Executive Director, or designee. The advertisement shall state the title, date, and hour of the public bid opening and shall specifically define the resources for which bids are sought. Any invitation to bid shall include instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders.

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- C. The Procurement Team shall rank the bids received according to pre-determined methodology and present them, along with his/her recommendation, to the Broward MPO Board for approval.
 - D. The Executive Director, or designee, shall award the contract or sale after the required Broward MPO Board approval has been obtained.
 - E. The Procurement Officer, or designee, shall maintain a record of all bids received for at least three (3) years.
- 2.3 *Approval.* All purchases and contracts made in accordance with this Section shall be provided for in the approved budget, shall have the prior approval of the Broward MPO Board and shall be executed pursuant to a purchase order processed by the Procurement Officer.
- 2.4 *Surety.*
- A. *Bid deposits.* When deemed necessary by the Procurement Officer, bid deposits shall be prescribed in the public notice inviting bids. When bid deposits are required, unsuccessful bidders shall be entitled to return of surety. A successful bidder shall forfeit any surety required by the Procurement Officer upon failure on its part to enter a contract within fifteen (15) days after the award.
 - B. *Sureties on performance.* For all competitive bids seeking commodities or services in excess of two hundred thousand dollars (\$200,000) the Procurement Officer, or designee, shall include as a requirement of such advertised bids, a performance bond, in the total contract amount. The Procurement Officer, in his or her discretion, may require such performance bonds for bids seeking commodities or services in an amount of two hundred thousand dollars (\$200,000) or less. The Executive Director shall have the discretion to waive the performance bond requirement in the event of an undue hardship or emergency. Any bonding company used must be listed on the United States Department of the Treasury's Circular 570. Additionally, the bonding company must be rated at least "B," Class V, by "Best's Key Rating Guide," published by A.M. Best Company, and authorized to do business in Florida.
- 2.5 *Specifications cannot be determined.* When specifications of the resources that are required for a purchase cannot be determined, the Broward MPO shall solicit sealed competitive bids utilizing a Request for Proposal in accordance with the procedures in this Section.

SECTION 3.
EXEMPTIONS FROM COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS.

- 3.1 *Exemptions.* The following circumstances are exempt from the competitive bid and competitive proposal requirements of this Code:
- A. *Sole Source.* The acquisition of a sole source item shall be exempt from the competitive bidding requirements set forth in this Code upon approval by the Broward MPO Board of a sole source purchase that costs more than \$30,000. The Executive Director, or designee, shall provide documentation to the Broward MPO Board evidencing that this particular vendor is the only practicable or reasonable source.
 - B. *Emergency Purchases.* In urgent cases of compelling emergency that require the immediate purchase of commodities or services, the Executive Director may waive competitive bidding or competitive proposals and authorize the Procurement Officer to secure by open market procedure any commodities or services, notwithstanding the estimated cost of the commodities or services.
 - C. *Utilization of other governmental agencies' contracts.* Awarded bids by any local, State, or national governmental agency, cooperative purchasing organizations, or purchasing associations. Commodities or services that are the subject of contracts with the state, its political subdivisions or other governmental entities, or with the United States government, are exempt from this section; provided, however, that this subsection shall apply only if (i) the commodities or services are the subject of a price schedule negotiated by the state, or (ii) the commodities or services are the subject of a contract with another governmental entity that is based strictly on competitive bids or competitive proposals and not on any preference. Such utilization of other government agencies' contracts shall only be valid for one (1) year from execution of the other governmental agencies' contract or bid award.
 - D. *Contracts with public entities.* Contracts for goods or services with nonprofit organizations or another Public Body or political subdivision defined in Section 1.01 (8), Florida Statutes.
 - E. *Professional Services.* Contracts for professional services involving unique skill, ability, experience or expertise, which are in their nature distinctive and not subject to competitive bidding or competitive proposals, are exempt from this section of the Code; however, state laws, such as the Consultants' Competitive Negotiation Act, to the extent applicable, shall be followed.
 - F. *Borrowing funds.* Any transaction for, or related to, the borrowing of money.

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- G. *Existing Agreements.* Lease agreements and service contracts for the maintenance, repair, or servicing of existing equipment owned or leased by Broward MPO, at the date of adoption of this Code.

SECTION 4.

**REQUEST FOR QUOTES (RFQ):
PURCHASES, CONTRACTS, AND SALES BETWEEN \$5,000 AND \$30,000.**

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

SECTION 5.

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

- 5.1 *Purchases less than \$5,000.* All purchases of supplies, equipment, and contractual services, the cost of which is under five thousand dollars (\$5,000), may be made from the lowest and most responsive and responsible bidder or supplier obtained in accordance with the informal purchasing procedures set forth in this Section.
- 5.2 *Optional Procedure.* For purchases that do not exceed \$5,000, the Executive Director, or designee, may, at his/her discretion, solicit at least three (3) oral quotes or published quotes.

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- 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 this Code.

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

- 6.1 *MPO Board approval.*
- A. A purchase of, or contract for, commodities or services, in excess of thirty thousand dollars (\$30,000), shall require the approval of the Broward MPO Board, regardless of whether the competitive bidding or competitive proposal procedures were followed. However, emergency purchases shall not require advance 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 Broward 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 Broward MPO Board. To the extent practicable, the Executive Director, or designee, shall notify the Broward MPO chair 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 Broward MPO Board. This subsection (B) shall not apply to purchases of utilities or to ongoing contracts.
- 6.2 *Executive Director approval.* A purchase of, or contract for, commodities or services in an amount of thirty thousand dollars (\$30,000) or less, shall require the approval of the Executive Director.
- 6.3 *Required contract provisions.* All contracts awarded by the Broward MPO shall contain the provisions required by applicable Federal, state and local law, as may be amended from time to time, including, but not limited to, a statement of compliance with the Public Entity Crime Act (F.S. 287.133), the Anti-Kickback Act, The Equal employment opportunity Order, remedies for contractor's breach of contract terms and termination for cause and for convenience (for contracts in excess of \$10,000).
- 6.4 *United States Department of Transportation (USDOT)/Federal Transit Administration (FTA) Required DBE and Title VI Programs and LEP Plan.*

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- A. The Broward MPO as a recipient of USDOT funds through the FTA/Federal Highway Administration (FHWA) is required to develop and sustain Disadvantaged Business Enterprise (DBE) and Title VI of the Civil Rights Act Programs and a Limited English Proficiency (LEP) Plan.
- B. Where the Broward MPO is a recipient of USDOT funds through the FTA/FHWA, all contracts awarded by the Broward MPO utilizing these funds shall be subject to
 - (i) applicable Federal, state and local law, as may be amended from time to time;
 - (ii) the Broward MPO's DBE and Title VI Programs and LEP Plan; and
 - (iii) include the provisions required by these Programs and Plan.

SECTION 7.

**REQUEST FOR QUALIFICATIONS PROCEDURES;
CONSULTANT'S COMPETITIVE NEGOTIATIONS ACT PROCEDURES.**

7.1 *Applicability.* The Request for Qualifications procedures in this Section shall apply where the Broward MPO procures services that are regulated by Section 287.055, Florida Statutes, referred to as Consultant's Competitive Negotiations Act ("CCNA"). Additionally, notwithstanding any language in this Procurement Code to the contrary, the Request for Qualifications procedures in this Section may be utilized by the Broward MPO to procure other professional services pursuant to Continuing Contracts, except where expressly prohibited by law.

7.2 *Procedures for qualifications-based selection process.*

A. *Public notice.* If the Broward MPO desires to use the qualifications based selection process for procurement of professional services on a Continuing Contract, or if the Broward MPO is required to utilize the process pursuant to CCNA, the Broward MPO shall publicly advertise a Request for Qualifications to obtain qualifications from potential consultants from which a selection will be made to perform the professional services that the Broward MPO requires.

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

C. *Evaluation and Selection Committee.* An Evaluation and Selection Committee ("Committee") comprised of Broward MPO staff, as appointed by the Executive Director, shall be established. The Committee shall have a minimum of three (3) members. All meetings of the Evaluation Committee shall be conducted in a manner consistent with Florida's Sunshine Law and all applicants shall receive notice by mail,

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(3) members, all three (3) must be present. To participate the members of the Committee must be physically present. All members shall be free of any conflicts of interest as set forth in Chapter 112, Florida Statutes.

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

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

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

G. *Negotiations.* Upon approval by the Executive Director of the highest ranked firms, the Executive Director, or designee, shall request a fee proposal from the highest ranked firm and attempt to negotiate a contract with the highest ranked firm to perform specified services at a compensation that is determined by the Executive Director, in his or her sole discretion, to be fair, competitive and reasonable. If multiple project contracts are to be awarded, the Executive Director, or designee, may request proposals from some or all of the ranked firms and negotiate with them without regard to rank or order. Should the Executive Director, or designee, be unable to negotiate a satisfactory agreement with the top-ranked firm at a price determined to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. The Executive Director, or designee, shall then undertake negotiations with the second most qualified firm. Failing accord with the

second most qualified firm, the Broward MPO must terminate negotiations. The Broward MPO shall then undertake negotiations with the third most qualified firm. Should the Executive Director, or designee, be unable to negotiate a satisfactory contract with any of the selected firms, the Executive Director, or designee, shall select additional short-listed firms in the order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached. If the short list is exhausted, a new solicitation for Qualifications shall be initiated in the event the Broward MPO still desires to procure the services.

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

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

SECTION 8. PROTESTED SOLICITATIONS AND AWARDS

- 8.1 *Filing a protest.* After a notice of intent to award a contract is posted, any actual or prospective bidder who is aggrieved in connection with the pending award of the contract or any element of the process leading to the award of the contract may protest to the Procurement Officer. A protest must be filed within five (5) business days after posting or any right to protest is forfeited. The protest must be in writing, must identify the name and address of the protester, and must include a factual summary of, and the basis for, the protest. Filing shall be considered complete when the protest is received by the Procurement Officer.
- 8.2 *Protest Committee.* A Protest Committee shall have the authority to review, settle and resolve the protest. The protest committee shall be comprised of the Procurement Officer, the Finance Officer, the Executive Director or designee, and, if applicable, the director or designee of the department or office for which the contract is to be awarded. The Committee's review shall be informal. The Procurement Officer, or the director or designee of the department or office for which the contract is to be awarded, shall serve as the chairperson of the Committee. The Procurement Officer shall provide for the disclosure of information regarding the protest to the appropriate awarding agency. The Broward MPO attorney or designee shall be counsel to the Committee.
- 8.3 *Protest Committee determination.* If the Protest Committee determines that the pending award of a contract or any element of the process leading to the award involved a significant violation of law or applicable rule or regulation, all steps necessary and proper

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to correct the violation shall be taken. If the Protest Committee determines that the protest is without merit, the Procurement Officer shall promptly issue a decision in writing stating the reason for the decision and furnish a copy to the protester and any other interested party, and the process leading to the award shall proceed forthwith.

- 8.4 *Stay of contract award.* In the event of a timely protest, the Procurement Officer shall stay the award of the contract, unless, after consulting with the Broward MPO attorney, the Procurement Officer determines that the award of the contract without delay is necessary to protect substantial interests of the Broward MPO.
- 8.5 *Deposit required.* The chairperson of the Committee shall require a deposit from a protester to compensate Broward MPO for the expenses of administering the protest. If the protest is decided in the protester's favor, the entire deposit shall be returned to the protester. If the protest is not decided in the protester's favor, the deposit shall be forfeited to the Broward MPO. The deposit shall be in the form of cash or a cashier's check, and shall be the greater of one (1) percent of the amount of the pending award or five thousand dollars (\$5,000).
- 8.6 *Exhaustion of remedies required.* A protestor must exhaust all administrative remedies with the Broward MPO and the grantee before pursuing a protest with the applicable Federal agency.

SECTION 9. RECORD REQUIREMENTS

- 9.1 The Procurement Officer, or designee, 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 Broward 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, or designee, shall tag and inventory all Tangible Personal Property items equal to or greater than \$1,000 per item.
- 9.5 The Executive Director, or designee, 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.
SALES TAX**

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

**SECTION 11.
PROMPT PAYMENT ACT**

11.1 It is the policy of Broward MPO to pay all invoices within 30 days after receipt of a proper invoice, provided that the goods/services have been delivered, received and accepted by Broward MPO and that the provider is not in default of any contract/agreement terms or conditions.

11.2 *Proper Invoice:*

A. A proper invoice is defined as an original invoice which has been received by the Procurement Officer of Broward 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

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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 Broward MPO, as applicable
 - (b) Invoices are to be delivered to:
Procurement Officer
Broward MPO
100 West Cypress Creek Road, Suite 850
Fort Lauderdale, FL 33309

Each invoice received by Broward 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 *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 *Dispute Resolution.*

- A. In the event of a dispute, the Procurement Officer, or designee, shall meet to consider the complaint. This procedure may be initiated by either the vendor or Broward 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 Broward MPO such material and information as Broward MPO may reasonably require to resolve the dispute.
- C. Any decision by the Procurement Officer shall constitute the final decision of Broward 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.

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SECTION 12. TRAVEL EXPENSES

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

SECTION 13. USE OF CREDIT CARDS

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

Card Use:

- 13.1 The credit card is to be used for Broward MPO purchases ONLY. Use of the card for personal items may be grounds for denial of future use of Broward MPO cards. Fraudulent use may be grounds for dismissal from employment.
- 13.2 The credit card shall have cardholder's name embossed on it and is to be used only by that cardholder.
- 13.3 NO PURCHASE SHALL BE PLACED ON AN INDIVIDUAL'S CARD WITHOUT THE EXPRESS WRITTEN CONSENT OF THE CARDHOLDER.
- 13.4 All receipts (sales drafts) received at the time of purchase are to be turned into the Financial Officer within thirty days of purchase.
- 13.5 All monthly statements of account must be reviewed and signed by the cardholder, certifying that the items shown as purchased are correct, and then forwarded to Accounts Payable for payment.
- 13.6 Should any employee lose or have their credit card stolen, it is the responsibility of the cardholder to *immediately* notify the card issuer. In addition, the cardholder must notify the Financial Officer of the loss within one workday after discovery of the loss or theft of the card. The cardholder is required to make a written report to the Financial Officer that will include the complete information on the loss, the date the loss was discovered, the location where the loss occurred, if known, the purchases that the cardholder had made prior to the loss, and any other information that is pertinent. Should the card be returned, it must be turned into the Procurement Officer.
- 13.7 *Terminating Employees.* If an employee leaves Broward MPO their card must be collected and destroyed. The Financial Officer shall cancel the card with the issuer.

- 13.8 Non-compliance with this Section may result in denial of future use of the card and/or termination from employment.

**SECTION 14.
SURPLUS PROPERTY.**

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

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\$5,000, may be disposed of in the most efficient and cost-effective means as determined by the Board. Sale may be made to the highest and most responsible bidder. Property eligible to be sold under this section may also be sold under the procedures contained in Section 4 of this Resolution or at an appropriately advertised public auction.

- 14.5 *Awarding agency share.* For the sale of original or replacement items of equipment, the fair market value of which exceeds \$5,000, the Procurement Officer shall make available to the awarding agency an amount calculated by multiplying the current market value or proceeds from the sale by the awarding agency's share of the equipment.

**SECTION 15.
CONFLICTS OF INTEREST.**

In connection with the Broward MPO's procurement of commodities or services, Broward MPO employees shall adhere to the conflict of interest and unauthorized compensation provisions applicable to state and local public officials, as set forth in Section 112.313, Florida Statutes.

**SECTION 16.
EFFECTIVE DATE OF PROCUREMENT CODE.**

This Procurement Code is effective as of the date of approval of this Code by the Broward MPO Board, unless otherwise specified in the approving legislation. This Procurement Code shall not apply to purchases made, and contracts solicited or entered into, prior to the effective date of this Code, unless the parties agree to this Code'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)