



BOARD OF COUNTY COMMISSIONERS

THE KEYSTONE COUNTY-ESTABLISHED 1827

435 W. Walnut St., Monticello, Florida 32344

**Benjamin "Benny"
Bishop**

District 1, Chair

Eugene Hall

District 2

Hines F. Boyd

District 3

Betsy Barfield

District 4

Stephen Walker

District 5, Vice Chair

**Regular Session Agenda
August 4, 2015 at the Courthouse Annex
435 W. Walnut St. Monticello, FL 32344**

1. **9:00 A.M. – Call to Order, Invocation, Pledge of Allegiance**
2. **Public Announcements, Presentations, & Awards**
3. **Consent Agenda**
 - a) **Approval of Agenda**
 - b) **Minutes of July 21, 2015 Regular Session**
 - c) **Small Grant Application**
4. **Citizens Request & Input on Non-Agenda Items (3 Minute Limit)**
5. **General Business**
 - a) **Presentation of Audit – Chris Johnson/Carr, Riggs, & Ingram**
 - b) **Brownfield Designations for properties at I-10/59 interchange – Julie Conley/Bob Fingar**
 - c) **Old Lloyd Road Sidewalk Bid Recommendation – Kirk Reams/Daryle Gray**
 - d) **Contracting for the County – Comm. Boyd/Bob Perry**
 - e) **Legislative Priorities – Dick Bailar**
 - f) **Small Business Development Program Update – Marcia Elder**
 - g) **SHIP Annual Report Certification – Parrish Barwick**
 - h) **Changes to CDBG Participation Plan – Parrish Barwick**
6. **County Coordinator**
7. **Commissioner Discussion Items**
8. **Adjourn**

From the manual "Government in the Sunshine", page 40:

Paragraph C. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of meeting or hearing is required, of such board, commission, or agency, conspicuously on such notice, the advice that if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Kirk Reams
Clerk of Courts

Parrish Barwick
County Coordinator

T. Buckingham Bird
County Attorney

ITEM 3

CONSENT AGENDA ITEMS

JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS
REGULAR SESSION
July 21, 2015

The Board met this date in regular session. Present were Chairperson Benjamin “Benny” Bishop, Commissioners Betsy Barfield, Hines Boyd, Eugene Hall and Stephen Walker. Also present were County Attorney Buck Bird, County Coordinator Parrish Barwick and Clerk of Court Kirk Reams.

ITEM 1: Call to Order, Invocation, Pledge of Allegiance

1. Pastor Helen Johnson Robinson of Bethel African Methodist Episcopal Church led the invocation and pledge.

ITEM 2: Public Announcements, Presentations and Awards

2. Commissioner Hall introduced a proclamation to Bethel AME. County Coordinator Parrish Barwick read the proclamation and the Board presented it to Pastor Helen Johnson Robinson.

ITEM 3: Consent Agenda

3. **On motion by Commissioner Walker, seconded by Commissioner Hall unanimously carried, the consent agenda—consisting of the approval of the agenda, the minutes of the June 7th, 2015 Regular Session, the minutes of the July 13th, 2015 Emergency Session, the Fred Fox Contract amendment and the Bethel AME Proclamation—was approved.**
4. Chairman Bishop stated that, due to an advertising issue, the hearing on the Land Development Code would need to be rescheduled. **On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the LDC hearing was rescheduled for the evening meeting in August.**

ITEM 5a: 2015/2016 SHIP Certification

5. County Coordinator Parrish Barwick introduced this item. Commissioner Barfield inquired about the allocation of the \$350,000 and whether it had changed, to which Coordinator Barwick stated it had not. **On motion by Commissioner Hall, seconded by Commissioner Barfield and unanimously carried, the Board approved the SHIP certification.**

ITEM 5b: Tanker Request

6. Fire Rescue Chief Mark Matthews presented this item to the Board and stated the tanker would be primarily funded by a grant, with \$11,000 from the County that was budgeted for this item. **On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the Board approved the acquisition of the tanker from Fouts Brothers with additional equipment for a total of \$234,321.**

ITEM 5c: Travel Policy Discussion

7. Commissioner Barfield introduced this item and requested that the Board increase the meal allowance for employees traveling to conferences/continuing education events. Citizen Paul Henry stated the proposed increase looked to be based on “bloated Federal figures.” He urged the Board to use moderation instead of nearly doubling the current amounts. Chairman Bishop stated he would be more amenable to increase from \$36/day to \$45/day rather than \$56/day. **On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the Board approved changing the travel policy to \$45 per day, with allowances as follows: \$10 for breakfast, \$15 for lunch and \$25 for dinner.**

ITEM 6: County Coordinator – Hurricane Loss Mitigation Program

8. County Coordinator Parrish Barwick introduced this item and stated that initially there may not be much interest, but after a storm event there would be increased activity if approved. Commissioner Barfield noted the County would give a set percentage and that the program would be administered by a third party, much like the SHIP program. Chairman Bishop asked if the Board would opt-out at any time, to which County Coordinator Barwick responded in the affirmative. **On motion by Commissioner Barfield, seconded by Commissioner Walker and unanimously carried, the Board approved the Hurricane Loss Mitigation program.**

ITEM 7: Commissioner Discussion Items

9. Clerk of Court Kirk Reams stated he should have project agreements in the near future from the state for Barrington Road, Big Joe Road and Piney Woods Road.
10. Clerk of Court Reams proposed having budget workshops on Tuesdays, with the first being July 28th at 6 pm. Commissioner Barfield asked when the millage rate needed to be set, to which Mr. Reams responded by August 4th. Mr. Reams also stated that per the TRIM calendar, the tentative budget hearing would be September 15th and the Final Hearing would be September 28th.
11. Commissioner Barfield stated that FDOT was widening and resurfacing US-19 and had requested public comment. She requested that the state take a look at some drainage issues on the sidewalk that was just laid.
12. Commissioner Barfield requested that Chris Johnson, lead auditor for Carr Riggs and Ingram, attend the next meeting to present the County audit to the Board. She also requested a digital copy be uploaded to the County website.
13. Commissioner Barfield stated that at the most recent CRTPA meeting, money was approved for a consultant to help prioritize the transportation plan.

14. Commissioner Barfield expressed concern with issues regarding public notice/advertising in the paper for meetings.
15. Commissioner Barfield gave a brief update on the RESTORE Act and stated the county needed to put together a multi-year implementation plan. She requested meeting with County Coordinator Barwick to address this item.
16. Commissioner Boyd stated he was disappointed that the County did not have the scheduled budget meeting but stated he was encouraged by the starting point this year. He stated that for the first time in a while the County might be able to look at reducing the ad valorem tax rate.

ITEM 8: Adjournment

17. The warrant register was reviewed and bills ordered paid.
18. **On motion by Commissioner Walker, seconded by Commissioner Barfield and unanimously carried, the meeting was adjourned.**

Chairman

Attest: _____
Clerk

Kirk Reams

From: Julie Conley <jcedc@embarqmail.com>
Sent: Tuesday, July 28, 2015 12:13 PM
To: Kirk Reams
Subject: Small Grant Application
Attachments: Small Grant Application (blank) JCBOCC.docx

Kirk:

The Small Grant Review Committee met this morning to review and evaluate the grant application submitted by Aucilla Christian Academy Cross Country Team. A copy of the application is attached. It is our position that the applicant meets the eligibility requirements and that the project is consistent with the purposes and intentions of the program. We recommend the County grant the funding request in the amount of \$1000.

In accordance with the Small Grant Program policy, this matter should be placed on the consent agenda for the August 4, 2015, BOCC meeting. The applicant will be notified of the meeting but has been advised there will be no further input or discussion, unless the matter is removed from the consent portion of the agenda.

Thank you.

Julie Conley
Executive Director
Jefferson County EDC

SMALL GRANT PROGRAM
APPLICATION

Thank you for your interest in Jefferson County's Small Grant Program. Our goal is to provide support for activities and initiatives that encourage economic development and enhance the quality of life in our community.

Please complete this application (typewritten applications are preferred) and return it to the County Coordinator's office at least 60 days prior to the date on which the funds are needed.

The process for evaluation of applications is as follows:

1. Within 30 days of receipt of a completed application, the Small Grant Program Review Committee will meet to evaluate the application. This meeting will be advertised and open to the public. You will be personally notified of the meeting and invited to have an open discussion with the Committee regarding your project. This will be the only forum in which your application will be discussed.
2. The Committee's evaluation and recommendation will be forwarded to the Board of County Commissioners and placed on the Consent Agenda for the next available meeting (but no later than 30 days following the Review Committee's meeting). You will receive notice of the meeting. However, there will be no further input or discussion and the Board will either accept or reject the Committee's recommendation.
3. The County Coordinator will notify applicants of the County Commission's decision regarding the grant request.
4. If your funding request is granted, you are required to submit a report outlining the development, implementation and overall assessment of the project or event. Please provide as many details as possible to assist the Review Committee and County Commission in evaluating the impact of the project or event. This report should be submitted to the County Coordinator's office no later than 30 days following the completion of the project or event.

Project name: Aucilla Christian Warrior Stampede

Organization name: Aucilla Christian Academy, Cross Country Team

Type of organization (charitable, 501(c)(3), etc.) Private Christian School, local

Name, address, telephone number and e-mail address of primary contact: Dan Nennstiel, 850-508-6286
Aucilla Christian Academy
7803 Aucilla Road
Monticello, FL 32344
dnennstiel@aucilla.org

Please describe how the project meets the criteria established for this program. You may create your own narrative or respond by answering the questions below. Please limit your narrative or responses to one page and attach it to this application.

- **How does the project respond to a demonstrated or emerging community need?**

The Fall of 2014 was the first Warrior Stampede cross country race hosted by Aucilla Christian Academy and supported by Jefferson County through the use of the local IFAS office. Last year was our trial run and it was a success, local restaurants saw an influx of customers and many reported running out of food. We expect a much larger turn out this Fall.

- **What product or service will be rendered as a result of receiving funding?**

We hope to provide an overall better experience at the race and feature Jefferson County as a warm and hospitable location to visit. In doing so, we would like to create:

1. T-Shirts printed with local business sponsors for team participants.
2. Two re-useable banners: Welcome banner and an Exit banner with Jefferson County logos.
3. Local advertisement flyers to place in the Coach's packet and at the on-site registration table.

- **Is the project tied to economic development?**

Race participants sought food options in the Monticello area last year. We expect the number to be more than double in the attendance of last year's race.

- **How will the project be implemented?**

Aucilla Christian Academy will be responsible for securing a local vendor to print T-shirts, flyers and the banners.

- **Are volunteer services and fundraising efforts being used as leverage to implement the project?**

Local residents assist with race preparation and administration. The Jefferson County Extension office volunteers the use of the grounds and facilities to host the race event.

- **Is the project currently receiving public funding from other sources?**

There are no other public funds sponsoring this event.

- **Are matching funds available?**

There are no matching funds.

- **How will be project be sustained when the requested funds are exhausted?**

If the event increases business for local restaurants, then perhaps local businesses may be willing to provide funding for the future.

Amount of funds requested: \$1500

Anticipated project completion date: October 2015

Signature of Applicant,

Daniel Nennstiel

Title ACA, Cross Country Coach

Date 7/3/2015

ITEM 5(c)

**OLD LLOYD ROAD SIDEWALK
BID RECOMMENDATION**



July 27, 2015

Via e-mail @ kreams@jeffersonclerk.com and via Hand Delivery

Mr. Kirk Reams
Clerk of Court
1 Courthouse Circle
Monticello, Florida 32344

RE: Old Lloyd Road (CR158) Sidewalk Construction

Preble-Rish, Inc. Project No. 751.057

Dear Mr. Reams:

As you know we received bids for the referenced project at 11:00 A.M. EST on July 22, 2015, and four (4) contractors submitted bids. Copies of all the bids have been provided under separate cover. The detailed bid results are attached and labeled as Exhibit A.

After thorough review of all bids, Pyramid Excavation, Inc. was the lowest qualified, responsive bidder. Therefore, we **recommend awarding the contract to Pyramid Excavation, Inc. in the amount of \$46,743.00.**

Also enclosed is a copy of the Notice of Award to be executed if the Commission approves of our recommendation. Please notify our office once approved so we may prepare all of the necessary contract documents to be executed by the Contractor and the County.

If you have any questions, please give me a call at 850.524.0696 or e-mail me at grayd@preble-rish.com.

Sincerely,

PREBLE-RISH, INC.

Daryle Gray, P.E.
Project Manager

187 EAST WALNUT STREET, MONTICELLO, FL 32344 P (850) 997-2175

PORT ST. JOE • BLOUNTSTOWN • SANTA ROSA BEACH • PANAMA CITY
FT. WALTON BEACH • FREEPORT • TALLAHASSEE • MONTICELLO • QUINCY • CRAWFORDVILLE
PENSACOLA • LAKE CITY • MARIANNA • DAPHNE, AL • PORT-AU-PRINCE, HAITI

Jefferson County
 Old Lloyd Road Sidewalk Construction
 Detailed Bid Tabulation
 Exhibit A



PAY ITEM NUMBER	DESCRIPTION	UNIT	QUANTITY	HCI		L-J Construction		Pyramid		Sandco	
				UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
GENERAL											
101-1	MOBILIZATION	LS	1.00	\$ 10,000.00	\$ 10,000.00	\$ 30,000.00	\$ 30,000.00	\$ 2,550.00	\$ 2,550.00	\$ 12,500.00	\$ 12,500.00
102-1	MAINTENANCE OF TRAFFIC	LS	1.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	\$ 25,000.00	\$ 25,000.00
110-1	CLEARING & GRUBBING	LS	1.00	\$ 7,500.00	\$ 7,500.00	\$ 5,000.00	\$ 5,000.00	\$ 4,000.00	\$ 4,000.00	\$ 15,000.00	\$ 15,000.00
908104-1	CONTRACTOR'S EROSION CONTROL	LS	1.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,200.00	\$ 1,200.00	\$ 17,500.00	\$ 17,500.00
CONSTRUCTION											
120-1	REGULAR EXCAVATION	CY	20.00	\$ 50.00	\$ 1,000.00	\$ 20.00	\$ 400.00	\$ 25.00	\$ 500.00	\$ 50.00	\$ 1,000.00
120-6	EMBANKMENT	CY	215.00	\$ 25.00	\$ 5,375.00	\$ 20.00	\$ 4,300.00	\$ 15.00	\$ 3,225.00	\$ 100.00	\$ 21,500.00
522-1	CONCRETE SIDEWALK (4" THICK)*	SY	700.00	\$ 38.00	\$ 26,600.00	\$ 30.00	\$ 21,000.00	\$ 36.00	\$ 25,200.00	\$ 50.00	\$ 35,000.00
522-2	CONCRETE SIDEWALK (6" THICK)	SY	70.00	\$ 50.00	\$ 3,500.00	\$ 35.00	\$ 2,450.00	\$ 50.00	\$ 3,500.00	\$ 60.00	\$ 4,200.00
570-1-2	PERFORMANCE TURF, SOD	SY	280.00	\$ 8.00	\$ 2,240.00	\$ 4.00	\$ 1,120.00	\$ 3.00	\$ 840.00	\$ 10.00	\$ 2,800.00
570-1-1	PERFORMANCE TURF	SY	560.00	\$ 3.00	\$ 1,680.00	\$ 4.00	\$ 2,240.00	\$ 1.30	\$ 728.00	\$ 4.00	\$ 2,240.00
TOTAL					\$ 65,395.00		\$ 74,010.00		\$ 46,743.00		\$ 136,740.00

*Curb ramps and gutter included in this pay item

GRAND TOTAL		\$ 65,395.00		\$ 74,010.00		\$ 46,743.00		\$ 136,740.00
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OLD LLOYD ROAD SIDEWALK

PROJECT # 751.057

SECTION 00080-NOTICE OF AWARD

TO: Pyramid Excavation, Inc.
8440 Florida Georgia Hwy
Havana, FL 32333

PROJECT DESCRIPTION: OLD LLOYD ROAD SIDEWALK.

The OWNER has considered the BID submitted by you for the above described WORK in response to its Advertisement for Bids dated July 1, 2015, and Information for Bidders.

You are hereby notified that your BID has been accepted for items in the amount \$46,743.00. You are required by the Information for Bidders to execute the Agreement and furnish the required CONTRACTOR'S Performance BOND, Payment BOND, and certificates of insurance within ten (10) calendar days from the date of this NOTICE to you.

If you fail to execute said Agreement and to furnish said BONDS within ten (10) calendar days from the date of this Notice, said OWNER will be entitled to consider all your rights arising out of the OWNER's acceptance of your BID as abandoned and as a forfeiture of your BID BOND. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this 27th day of July, 2015.

By: _____
Title: Chairman, Jefferson County Board of County Commissioners

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

By: _____(Company Name).

This the _____ day of _____, 2015.

By: _____(Print and Sign Name).

Title: _____.

OLD LLOYD ROAD SIDEWALK

PROJECT # 751.057

SECTION 00050-AGREEMENT

THIS AGREEMENT, made this 27th day of July, 2015, by and between Jefferson County, Florida hereinafter called "OWNER" and Pyramid Excavation, Inc., doing business as a corporation (an individual, a partnership, or a corporation), hereinafter called "CONTRACTOR". WITNESSETH: That for and in consideration of the payments and agreements herein after mentioned:

1. The CONTRACTOR will commence and complete the construction of the **OLD LLOYD ROAD SIDEWALK**.
2. The CONTRACTOR will furnish all of the materials, supplies, tools, equipment, labor, and other services necessary for the construction and completion of the PROJECT described herein.
3. The CONTRACTOR will commence the work required by the CONTRACT DOCUMENTS within 10 calendar days after the date of the NOTICE TO PROCEED and will complete the same within 120 days unless the period for completion is extended otherwise by the CONTRACT DOCUMENTS. Liquidated damages for failure to substantially complete the project within the specified time will be set at **\$200.00** per day. Completion means the OWNER can use the project as designed.
4. The CONTRACTOR agrees to perform all of the work described in the CONTRACT DOCUMENTS and comply with the terms therein for the sum of \$46,743.00 as shown in the BID SCHEDULE.
5. The term "CONTRACT DOCUMENTS" means and includes the following:
 - (A) NOTICE TO RECEIVE SEALED BIDS
 - (B) INFORMATION FOR BIDDERS
 - (C) BID

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- (D) BID BOND
- (E) AGREEMENT
- (F) PERFORMANCE BOND
- (G) PAYMENT BOND
- (H) NOTICE OF AWARD
- (I) NOTICE TO PROCEED
- (J) CHANGE ORDER
- (K) GENERAL CONDITIONS
- (L) SUPPLEMENTAL GENERAL CONDITIONS
- (M) NOTICE OF SUBSTANTIAL COMPLETION
- (N) ANTI-COLLUSION STATEMENT
- (O) CONFLICT OF INTEREST DISCLOSURE FORM
- (P) DRUG-FREE WORK PLACE
- (Q) TECHNICAL SPECIFICATIONS
- (R) ADDENDA

No. _____, dated _____, 2015.

No. _____, dated _____, 2015.

6. The OWNER will pay to the CONTRACTOR in the manner and at such times as set forth in the General Conditions such amounts as required by the CONTRACT DOCUMENTS.

7. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.

8. This is a Federal Aid Project and is subject to all provisions for Federal Aid Construction Contract known as FHWA 1273 and shall comply with all applicable procedures, guidelines, manuals, standards and directives as described in the FDOT Local Agency Program Manual. The contractor will also be responsible for including these requirements in any subcontract.

AGREEMENT-00050 2

IN WITNESS WHEREOF, the parties hereto have executed or caused to be executed by their duly authorized officials, this Agreement which shall be deemed an original on the date first written above.

(SEAL)

OWNER:

ATTEST:

JEFFERSON COUNTY, FLORIDA

BY _____

NAME _____
(Please Type)

NAME Mr. Benjamin Bishop
(Please Type)

TITLE _____

TITLE Chairman, Jefferson County
Board of County Commissioners

(SEAL)

CONTRACTOR:

ATTEST:

BY _____

NAME _____
(Please Type)

NAME _____
(Please Type)

TITLE _____

ADDRESS _____

END OF SECTION 00050

AGREEMENT-00050 3

ITEM 5(e)

LEGISLATIVE PRIORITIES

Dick Bailer Legislative Committee Request for 2016-17 Session Priorities

**BOARD OF COUNTY COMMISSIONERS
Jefferson County 2015 Legislative Priorities**

The BOCC directs the Jefferson County Legislative Committee to pursue the following fiscal priorities during the 2015 Florida Legislative Session:

BASE FUNDING PRIORITIES

Accomplished

- Maintain funding for Fiscally Constrained Counties
- Maintain PILOT for tax revenue lost from Amendments 1 and 4 1
- Maintain funding of Small County Solid Waste Grant
- Maintain funding for SHIP Affordable Housing Grant
- Maintain funding of the FDOT Road Programs (SCRAP/SCOP/CIGP)
- Maintain full funding for Library

SPECIAL REQUEST PROJECTS

- Seek \$200,000 Small County Courthouse Facilities for Old High School
**SCCF was not funded, but LegCo assisted in obtaining
\$1,150,000 in Special Category Grants: High School**
- \$350K,**
\$50,000
**Opera House \$400K, Dixie Plantation \$350K, and
Lamont schoolhouse**

- Seek inclusion of county in revenues from 2014 Amendment One.
**Revenue distribution under lawsuit but LegCo assisted in
Securing Preservation Funding, over a million of which
came
to the county.**

- Seek FRDAP grant for Head of the Wacissa **No grant was filed by county**
- Seek funding for sewage treatment facility at I-10/SR59 **Not
Funded**
- Seek funding for Public Health Facility renovation \$7,400,000 **Not
Funded**

NEW SPECIAL FUNDING REQUESTS

Seek funding (amount to be determined) for Game Changer project

Senator Montford and Representative Beshears have asked that you rate your priorities. I would suggest that this applies to Special Funding Requests that are not otherwise addressed without delegate support. The BASE Priorities are either funded by statute or reviewed annually for extension and amount.

ITEM 5(f)

**SMALL BUSINESS DEVELOPMENT
PROGRAM UPDATE**

JEFFERSON COUNTY

SMALL BUSINESS DEVELOPMENT PROGRAM

435 WEST WALNUT STREET, MONTICELLO, FLORIDA 32344 ♦ ♦ 850-363-3753

July 27, 2015

The Jefferson SBDP will provide a progress report as part of the August 4 BOCC regular meeting along with opportunities for new program initiatives. Following is summary information about the program. A more detailed report will be available online by July 31 at: <http://jeffersonmeansbusiness.com/services/>. Video highlights of the program appear on this same page of our Website. Our latest newsletter may be downloaded through the Resources page and see the Trainings tab for access to a free SBDP Webcast on timely business topics, scheduled for July 29 at 7:00 PM.

Program Highlights

The SBDP provides a wide range of services in support of small business for the local community, including support to:

- Individuals seeking to start a new business
- Existing businesses seeking to expand or improve
- Nonprofit organizations operating as businesses or for business support purposes

General areas of service include: Direct Client Services; Training & Coaching; Research & Special Reports; Marketing & Education; and Special Projects.

Direct Client Services include:

Core program support

- Business concept & enterprise evaluations
- Business plan development
- Financial evaluations & planning
- Lender requests

Other specialized services

- Additional services, tailored to the needs of individual businesses – such as market research and analysis, strategic communications, marketing methods and strategy, location assistance, nonprofit grants, marketing materials, public relations, operational improvements, on-site business reviews and strategic feedback, and other varied support services

Support is also provided through the SBDP's: educational workshops, online videos, special reports on varied business topics, Website & Blog, social media sites, newsletter, guest columns in the local newspaper, around town business visits and other means.

All of the County's SBDP services are available at no charge and we welcome the opportunity to support the goals and needs of individual businesses and entrepreneurs. Appointments are available in person, by phone and online ... during and, where helpful, after normal business hours ... and with client confidentiality respected.

For further details and to contact us for an appointment: www.JeffersonMeansBusiness.com, 850.363.3753, smallbusiness@jeffersoncountyfl.gov

With all best wishes for local small business success ~

Marcia Elder, Director

Jefferson Small Business Webcast

July 29, 7:00 – 8:00 PM

- Hear & see presentation on timely business topics
- Ask questions on a host of small business concerns
- Learn about free services to support your business

Attend FREE from your computer or mobile device

To SIGN UP, get details & receive notices of future events:
JeffersonMeansBusiness.com – click on “Training & Webcasts” tab

Jefferson County Small Business Development Program

ITEM 5(g)

SHIP ANNUAL REPORT CERTIFICATION

ITEM 5(h)

CHANGES TO CDBG PARTICIPATION PLAN

JEFFERSON COUNTY, FLORIDA
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CITIZENS PARTICIPATION PLAN

In keeping with the provisions of the Housing and Community Development Act of 1974 as amended, 24 CFR 570.431 and **Department of Economic Opportunity (DEO) Rule 73C-23**, Jefferson County, Florida hereby establishes a Citizen Participation Plan.

I. OVERALL GOAL

The purpose of this plan is to provide the citizens of Jefferson County with an adequate opportunity for meaningful involvement on a continuing basis and for participation in the planning, development, implementation, and assessment of Jefferson County's Community Development Block Grant Program.

II. OBJECTIVES

- A. To increase interchange of information between CDBG Staff and the local citizens concerning community development and related concerns.
- B. To heighten public awareness as to the purpose and function of the CDBG Program and the types of assistance available, especially among low/moderate income residents of CDBG target areas.
- C. To increase community participation in program planning and implementation and thereby create local support for CDBG goals.
- D. To allow affected or potentially affected citizens to directly assist in shaping and guiding the program's impact upon their neighborhood as well as the community at large.

III. CONSISTENCY

This Citizen Participation Plan is consistent with the requirements Section 508 of the Housing and Community Development Act of 1987 which amends Section 104(a) of the Housing and Community Development Act of 1974, 24 CFR 570.4312 and **DEO Rule 73C-23**. This Plan supersedes all other Citizen Participation Plans utilized by Jefferson County, Florida. This Plan sets forth the procedures for Citizen Participation that shall be utilized during each stage of the Community Development Block Grant process and upon its adoption by the Board of County Commissioners of Jefferson County shall remain in effect until otherwise amended.

IV. OVERVIEW

- A. Citizen participation is a vital element in the preparation of a method by which community involvement will be solicited and maintained throughout the entire Community Development Block Grant process. Jefferson County, Florida shall strive to ensure such participation by utilizing the public hearing process and by appointing a Citizens Advisory Committee.

- B. It shall be the policy of Jefferson County that the effectiveness of citizen participation in the planning, development, implementation, and assessment of the Community Development Block Grant process be analyzed during the public hearings and other called meetings and amendments to the Plan made when necessary.

V. CITIZEN PARTICIPATION TECHNICAL REQUIREMENTS

Since the purpose of this plan is to provide the citizens of Jefferson County, Florida with an adequate opportunity for meaningful involvement in the planning, implementation, and evaluation of the County's Community Development Block Grant process, it shall be the County's policy to solicit, and respond in a timely manner to, the views and proposals of all citizens, particularly low and moderate income persons, members of minority groups, and residents of blighted areas where the potential exists for the undertaking of CDBG eligible activities. Upon adoption of this Plan, the following technical requirements shall govern this process:

A. Public Hearings

1. To ensure adequate notice of public hearings, all notices shall be printed in the non-legal section of the (local newspaper) no less than five (5) days and no more than twenty (20) days prior to each public hearing held at any stage of the Community Development Block Grant process.
2. When deemed appropriate, the County may also post notices of such hearings in not less than two public places. The posting of notices may only supplement publication of public hearing notices. A news article located in a conspicuous place in the newspaper may be considered as sufficient printed notice to fulfill this requirement. The County may also utilize additional means (personal contact, radio, etc.) to the maximum extent possible to reach target groups identified above when this is necessary. A minimum of two public hearings will be held before the Board of County Commissioners to provide the greatest access for citizen participation in developing CDBG applications.
3. Because of the size of the County, and the centrality of the County Administration Building, this requirement will generally be satisfied by holding the hearings at the Jefferson County Administration Building.
4. Jefferson County has a known concentration of non-English speaking residents; therefore the services of a translator will be obtained in the event a significant number of residents of a target area do not speak English and request such services. Notices shall include information concerning the handicapped.

B. Citizens Advisory Task Force

1. The County shall establish a Citizens Advisory Task Force for all CDBG projects other than economic development projects, which shall consist of no less than three (3), not more than seven (7) members appointed by the Board of County Commissioners in a manner, which will ensure substantial representation of low and moderate income persons and minorities. Committee members shall serve two (2) year terms.
2. The Citizens Advisory Task Force shall serve as a focal point or liaison between the County and its constituents in regard to CDBG project development and implementation. The Committee shall have the following duties and responsibilities:
 - a. Disseminate information concerning eligible activities, proposed projects, and the status of current projects.
 - b. Coordinate various groups which choose to participate in the implementation of community development activities.
 - c. Review written comments assessing the implementation of the CDBG program.
 - d. Monitor the overall implementation of the CDBG program and review program status with administrative personnel on a quarterly basis or more frequently if deemed necessary.
 - e. Monitor the overall implementation of the CDBG program and review program status with administrative personnel on a quarterly basis or more frequently if deemed necessary.
 - f. Monitor the citizen participation process and propose such amendments as may be necessary to this Participation Plan.
3. The Citizen Advisory Task Force shall be a tool through which program progress can be analyzed and proposed amendments discussed, if applicable.

C. Access To Records

1. Jefferson County shall maintain a complete project file on its Community Development Block Grant program(s) which shall be available for public inspection during regular office hours in the County Coordinators office. This file shall include but not be limited to the following:

- a. Citizens Participation Plan
- b. Community Development Plan
- c. Community Development Block Grant Application
- d. Program Amendments
- e. Environmental Review Record
- f. Financial Status
- g. Fair Housing Ordinance
- h. Equal Opportunity Requirements
- i. Policies and Procedures Governing Beneficiary Eligibility
- j. Performance Assessment Report
- k. Written Comments and County's Response

2. Generally, the project file is available for review by any citizen or group; however, in no case will disclosure be made of any program participant's financial status.

D. Technical Assistance

The program staff shall provide technical assistance to citizens committees and groups and interested persons in the citizen participation process. This technical assistance shall focus on increasing public access to participating in the Community Development Block Grant decision making process through the Citizens Advisory Committee, and ensuring that this participation is meaningful. Technical assistance will also be utilized to foster an understanding of program requirements; i.e., equal opportunity, relocation, environmental policies, beneficiary eligibility, etc.

E. Grievances

1. All grievances regarding individual decisions made as a part of the implementation of the Community Development Block Grant program shall be submitted, in writing to the Program Administrator. If a person feels that his/her complaint has not been sufficiently addressed by the Program Administrator's response, an appeal may be made to the Citizens Advisory Task Force.
2. If a response satisfactorily to the aggrieved is not issued by the Committee, an appeal may be made to the Board of County Commissioners. At any point, the aggrieved may register a written complaint with the Florida Department of Economic Opportunity, 107 East Madison Street, MSC-400 Tallahassee, Florida 32399-6508. All written complaints registered at the local level shall have a written response from the Administrator, Committee, or the Board of County Commissioners within fifteen (15) working days of the lodging of said complaint. A file of all grievances and responses shall be maintained and available for public inspection. In the event the aggrieved has exhausted

all appeals without a decision satisfactory to himself/herself, he/she may pursue other legal channels in an attempt to achieve satisfaction.

F. Amendment

The amendment of this Plan shall follow all citizen participation requirements delineated in the Section Post Approval Requirements and applicable technical provisions. Such amendments shall require adoption by the Board of County Commissioners prior to becoming effective.

G. Authority

No part of this participation Plan shall be construed to restrict the responsibility and authority of the elected officials of Jefferson County, Florida, in the development and implementation of any Community Development Block Grant program. Rather it is a vehicle through which the elected officials of Jefferson County can assure citizen input prior to their decision making process.

CITIZEN PARTICIPATION IN EACH STAGE OF THE CDBG PROGRAM

I. Application Stage

The objective of citizen participation at this stage is to provide meaningful community-wide citizen input into the decision making process during the consideration of priorities and of options associated with the development and submission of the application. The following requirements will be met during the application stage and certified to in the body of the application:

A. Review of the Citizen Participation Plan

B. Presentation of the County's Community Development Plan.

Title I of the Housing and Community Development Act of 1974, as revised, has as its primary objective, the development of viable urban communities by providing decent housing, suitable living environment, and expanding economic opportunities, principally for persons of low and moderate incomes. Consistent with these objectives, Jefferson County will develop a Community Development Plan that identifies the community development and housing needs and specifies both short and long term community development objectives to meet the established needs.

C. Public Hearings

A minimum of two (2) public hearings will be held before the Board of County Commissioners during this stage. The purpose of the first public hearing is to assess community needs and problems in an effort to determine the most pressing needs of the community and to solicit citizen input as to the ranking of said needs. The purpose of the second hearing is to present for public comment and review the program of activities that the County has selected for the application as best suited to meet these needs. The County may determine that more than two (2) public hearings during the application stage are desirable and thus hold extra hearings. All such hearings shall be governed by the requirements as set forth herein. The following information will be presented to the public at each public hearing during this stage:

1. The range of activities that may be undertaken with CDBG funds, the kinds of activities previously funded; if any, and the progress made with respect to those activities.
2. An overview of the CDBG program to include analysis of DEO rating process and discussion of applicable grant ceilings.
3. Discussion of the competitive nature of the CDBG process and the likelihood that more applications will be submitted to DEO than can be funded.
4. The process to be followed in soliciting and responding to the views and proposals of citizens in a timely manner.
5. Discussion of the role of the Citizen Advisory Task Force.

II. POST APPROVAL STAGE

- A. The County shall assure continuing citizen participation throughout the life of the Community Development Block Grant program, particularly when considering amendments to the program. The County shall conduct at least one (1) public hearing, in accordance with the requirements of such hearings, during the grant amendment process.
- B. The involvement of citizens in the amendment process is felt to be essential. To ensure adequate citizen participation during the conduct of the program, the following requirements for amendments will be met:
 1. A minimum of one (1) public hearing will be held prior to the submission of any amendment requiring formal approval by DEO

- according to the provisions of this Plan.
2. Citizens will be involved in amendments not requiring formal DEO approval, budget revisions, and local changes in the CDBG Program. Such changes will be presented for review to the Citizen's Advisory Committee in a meeting of such Committee which shall be open to the public.
3. The County shall attempt to involve citizens residing in the target area(s) affected by any amendment or revision in the development of such amendment or revision. This shall be accomplished through the dissemination of information on such program changes to the affected residents.

IV. ASSESSMENT OF PERFORMANCE

Citizens of Jefferson County will be provided opportunities to comment on the implementation of the Town's CDBG program and to assess the performance of the County in meeting its community development goals and objectives.

Continual community assessment of the effectiveness of the program is considered essential to the success of a CDBG program. In order to ensure this involvement, the County will utilize the following approaches:

1. The Citizen Advisory Task Force, established in accordance with this Plan, will function as the focal point of the evaluation and assessment process. This group will continually provide the County and its staff with feedback on the effectiveness of the program and suggest changes, if applicable.
2. The public hearing process will be used to ensure community-wide participation in the evaluation of the program.
3. Written comments on the program will be received at any time during the life of the program. All written comments will be presented to the Citizen Advisory Task Force for their review and responses by the appropriate party within fifteen (15) working days.

VI. CITIZEN COMMENT TO DEO

Persons may comment to DEO at any time concerning Jefferson County's failure to comply with the citizen participation requirements as set forth in this Plan.

JEFFERSON COUNTY, FLORIDA

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

CITIZENS PARTICIPATION PLAN

THIS PLAN passed this 3rd day of February, 2015.

BENJAMIN BISHOP, Chairman

ATTEST:

KIRK REAMS, Clerk of Courts

Resolution No. 2015-020315

JEFFERSON COUNTY, FLORIDA

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

COMPLAINT AND GRIEVANCE PROCEDURES

1. All complaints and or grievances, including those involving the handicapped, shall be submitted in writing to the Community Development Administrator.
2. If remedy is not provided, then the complaint or grievance shall elevate to the **Citizens Advisory Task Force (CATF)**.
3. If remedy is not provided, the complaint or grievance shall elevate to the Jefferson County Board of County Commissioners.
4. It shall be the policy of this locality to respond within fifteen (15) working days to all written complaints. It shall further be the policy of this locality to resolve complaints and grievances in a timely manner.
5. Nothing in the policy or procedure is intended to keep anyone aggrieved from appealing decisions to the Florida Department of Economic Opportunity if proper resolution is not received.

THIS RESOLUTION ADOPTED THIS 3rd DAY OF February, 2015

JEFFERSON COUNTY,

BENJAMIN BISHOP, Chairman

Attest:

KIRK REAMS, Clerk of Courts

JEFFERSON COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
PURCHASING POLICY
INCLUDING THE
MINORITY BUSINESS ENTERPRISE POLICY

Section 1 PURPOSE

This policy is adopted to assure that commodities and services for the Community Development Block Grant Programs are obtained efficiently and effectively in free and open competition and through the use of sound procurement practices. All County staff and other persons (subgrantees or contractors) with designated responsibility for the administration of CDBG award contracts are responsible for ensuring compliance with all applicable federal and state laws and regulations. These include but are not limited to: OMB Circular A-102, attachment O; 2 CFR Part 200; s. 255.0525 and 287.055, Florida Statutes, Chapter 73C-23 Florida Administrative Code.

Section 2 APPLICATION OF POLICY

This policy shall apply to contracts or agreements for the procurement of all materials, supplies, services, construction and equipment for any Community Development Block Grant Program solicited or entered into after the effective date of this policy.

Section 3 PURCHASING DIRECTOR

The County Finance Director shall serve as the central purchasing officer (the “Purchasing Officer”) of Jefferson County for all contracts or agreements described in Section 2.

Section 4 PURCHASING AND CONTRACT AWARD PROCEDURES

Section 4.01 PURCHASING CATEGORIES; THRESHOLD AMOUNTS

Except as to Sole Source Purchases (Section 4.06) and Cooperative Purchasing (Section 4.07), all purchases and contract awards are to be made subject to the provisions of the appropriate Section according to the following threshold amounts:

- A. Small Purchases (Section 4.02) \$1.00 to \$750.00
- B. Purchasing Quotes (Section 4.03)\$750.01 to \$5,000.00
- C. Competitive Sealed Bids/Proposals
 (Section 4.04 & 4.05)\$5,000.01 and above

Section 4.02 SMALL PURCHASES

The purchase of commodities, equipment and services which cost less than the threshold authorized in Section 4 does not require solicitation of quotes or bids. Small purchases shall be authorized by the Purchasing Officer or his/her designees.

Section 4.03 PURCHASING QUOTES

The purchase of goods and services which cost within the range authorized for purchasing quotes in Section 4 shall require competitive quotations from three or more vendors. The quotations shall be obtained by the Purchasing Division and shall be reviewed and awarded by the Purchasing Officer.

Section 4.04 COMPETITIVE SEALED BIDDING

1. Conditions For Use. All contracts for purchases of a single item, services or aggregate in excess of the established base amount for Competitive Sealed Bids/Proposals in Section 4, where price, not qualifications, is the basis for contract award, shall be awarded by competitive sealed bidding.

2. Invitation to Bid. An invitation to bid shall be issued and shall include specifications, all contractual terms and conditions, and the place, date, and time for opening or submittal. No later than five working days prior to the date for receipts of bids, a vendor shall make a written request to the County for interpretations or corrections of any ambiguity, inconsistency or error which the vendor may discover. All interpretations or corrections will be issued as addenda. The County will not be responsible for oral clarifications. No negotiations, decisions or actions shall be initiated or executed by the proposer as a result of any discussions with any County employee prior to the opening of proposals. Only those communications which are in writing from the County may be considered as a duly authorized expression on the behalf of the Council. Also, only communications from firms or individuals which are in writing and signed will be recognized by the Council as duly authorized expressions on behalf of proposers.
 - (1) Alternate(s). Alternate bids will not be considered unless authorized by and defined in the Special Conditions of the bid specifications.
 - (2) Approved Equivalents. The County reserves the right to determine acceptance of item(s) as an approved equivalent. Bids which do not comply with stated requirements for equivalents in the bid conditions are subject to rejection. The procedure for acceptance of equivalents shall be included in the general conditions of the bid.

3. Public Notice. Under Section 255.0525(2), F.S. and Rule 73-23.00521(2)(a), F.A.C., a notice for Request for Proposals must be advertised for proposals that are projected to cost more than \$200,000.00 shall be published in at least one daily newspaper of general circulation in Jefferson County as well as a nearby federal Office of Management and Budget (OMB) designated metropolitan statistical area (MSA) at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. An invitation to bid for construction projects that are projected to cost more than \$500,000.00 shall be publicly advertised at least once in a newspaper of general circulation in Jefferson County at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference. Additionally, Notice shall be sent to those vendors and contractors on the County's MBE/WBE solicitation list. Alternatively, the County may substitute the above notice with any solicitation procedure which generates at least three responsible and responsive bids or proposals which can be considered. However if three responsible and responsive bids or proposals are not received, the procurement will be invalid.

4. Bid Opening. Bids shall be opened publicly. The Purchasing Officer or his/her designee

shall open bids in the presence of one or more witnesses at the time and place designated in the Invitation to Bid. The amount of each bid, and other such relevant information as may be deemed appropriate by the Purchasing Officer together with the name of each bidder, and all witnesses shall be recorded. The record (Bid Report) and each bid shall be open to public inspection.

5. Bid Acceptance and Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the Invitation to Bid, which may include, but not be limited to criteria to determine acceptability such as; inspection, testing, quality, recycled or degradable material content, workmanship, delivery, and suitability for a particular purpose. Those criteria that will effect the bid price and be considered in evaluation for award shall be objectively measured, such as discounts, transportation costs, and total or life cycle costs. No criteria may be used in bid evaluation that are set forth in the Invitation to Bid, in regulations, or in this policy.
6. Bid Agenda Item. After evaluation, the Purchasing Officer will prepare a recommendation and shall place the item on the agenda of the Board of County Commissioners.
7. Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bids mistakes, shall be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written or telegraphic notice received in the office designated in the Invitation to Bid prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake, of non-judgemental character was made, the nature of the mistake, and the bid price actually intended. After bid opening, no changes in the bid price or other provisions of bids prejudicial to the interest of the County or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw his bid if:
 - (1) the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
 - (2) the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the Purchasing Officer.
8. Multi-Step Sealed Bidding. When it is considered impractical to initially prepare a purchase description to support an award based on price, an Invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for

bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

9. Award. The contract shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the Invitation to Bid.

The County reserves the right to waive any informality in bids and to make an award in whole or in part when both conditions are in the best interest of Jefferson County. Any requirement which is waived must be documented and kept in the file.

- (1) Notice of Intended Award. The contract shall be awarded by written notice. Every procurement of contractual services shall be evidenced by a written agreement. Notice of intended award, including rejection of some or all of bids received, may be given by posting the bid tabulations where the bids were opened, by telephone, by first class mail, or by certified United States mail, return receipt requested, whichever is specified in bid solicitation. A vendor may request, in their bid submittal, a copy of the tabulation sheet to be mailed in a vendor provided, self-addressed envelope for their records.

- (2) Notice of Right to Protest. All notices of decision or intended decisions shall contain the statement: "Failure to file a protest within the time prescribed in Section 4.08 of the CDBG Purchasing Policy of Jefferson County shall constitute a waiver of Proceedings under that section of this policy".

10. Cancellation of Invitations for Bids. An Invitation for bids or other solicitation may be canceled, or any or all bids may be rejected in whole or in part when it is in the best interests of the County, as determined by the Council. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any future procurement of similar items.

11. Disqualification of Vendors. For any specific bid, vendors may be disqualified by the Finance Director for the following reasons:

- (1) Failure to respond to bid invitation three consecutive times within the last eighteen (18) month period.
- (2) Failure to update the information on file including address, project or service, or business description.
- (3) Failure to perform according to contract provisions.
- (4) Conviction in a court of law of any criminal offense in connection with the conduct of business.
- (5) Clear and convincing evidence of a violation of any federal or state anti-trust law

(2) Distribution of Project Requirements. The Purchasing Officer shall distribute the written project requirements as approved by the County Commission to all persons on the mailing list who have indicated an interest in being considered for the performance of such professional services and to any additional persons as the Purchasing Officer or using agency deems desirable. The written project requirements shall include a statement of the relative importance of each of the requirements. The project requirements shall be accompanied by an invitation to such persons to submit an indication of interest in performing the required services, and by notification of the date and time when such indications of interest are due. This date shall not be less than fourteen calendar days from the date of public notice when the Purchasing Officer shall publish in at least one newspaper of wide general circulation in the region.

(3) Modification Prohibition. After the publicized submission time and date, indications of interest shall not be modified or allowed to be modified in any manner except for correction of clerical errors or other similar minor irregularities as may be allowed by the Selection Committee (defined in Section 4.051-2(3) prior to making its selection of those best qualified to be formally interviewed.

(4) Reuse of Existing Plans. There shall be no public notice requirements or utilization of the selection process as provided in this section for projects in which the County is able to reuse existing plans from a prior project. However, public notice of any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse.

2. Selection Committee Membership and Evaluation. Depending on the expected complexity and expense of the professional services to be contracted, the County may determine whether a three member or five member selection committee will best serve the needs of the Council.

(1) Three Member Committee Composition. Membership of a three-member selection committee shall be appointed by the Board of County Commissioners.

(2) Five Member Committee Composition. Membership of a five-member selection committee shall be appointed by the Board of County Commissioners.

(3) Selection Committee Evaluation. Only written responses of statements of qualifications, performance data, and other data received in the purchasing office by the publicized submission time and date shall be evaluated. Only those respondents who are determined to be best qualified based upon the evaluation of written responses and selected for Formal interview may submit additional data. From among those persons evidencing, by timely submission of written responses, an interest in performing the services the Selection Committee shall:

- (a) prepare an alphabetical list of those persons determined by the Selection Committee to be qualified, interested and available; and
- (b) designate no less than three persons on the alphabetical list considered by the Selection Committee to be best qualified to perform the work required.

(4) Shortlisting. The best qualified respondents shall be based upon the Selection Committee's ability to differentiate qualifications applicable to the scope and nature of the services to be performed. The Selection Committee shall determine qualifications, interest and availability by reviewing the written responses that express an interest in performing the services, and by conducting formal interviews of no less than three selected respondents that are determined to be best qualified based upon the evaluation of written responses. The determination may be based upon, but not limited to, the following considerations:

- (a) competence, including technical educational and training, experience in the kind of project to be undertaken, availability of adequate personnel, equipment and facilities, the extent of repeat business of the persons, and where applicable, the relationship of construction costs estimates by the person to actual cost on previous projects;
- (b) current work load;
- (c) financial responsibilities;
- (d) ability to observe and advise whether plans and specifications are being compiled with, where applicable;
- (e) record of professional accomplishments;
- (f) proximity to the project involved, if applicable;
- (g) record of performance; and
- (h) ability to design an approach and work plan to meet the project requirements, where applicable.

(5) Interview and Council Approval. After conducting the formal interviews, the Selection Committee shall list those respondents interviewed in order of preference based upon the considerations listed in subsection (4) above. The respondents so listed shall be considered to be the most qualified and shall be listed in order of preference starting at the top of the list. The list of best qualified persons shall be forwarded to the Council for approval prior to beginning contract negotiations. Negotiation sequence shall be based on the order of preference.

3. Negotiation Staff. Contract negotiations shall be conducted by the Purchasing Officer unless the Council President directs that negotiations be conducted by a Negotiation Committee.

Negotiation. The Purchasing Officer or the Negotiation Committee shall negotiate a contract with the firm considered to be the most qualified to provide the services at

compensation and upon terms which the Purchasing Officer or the Negotiation Committee determines to be fair and reasonable to the County. In making this decision, the Purchasing Officer or the Negotiation Committee shall take into account the estimated value, the scope, the complexity, and the professional nature of the services to be rendered. As a part of the negotiation, the Purchasing Officer or the Negotiation Committee shall conduct a cost analysis, including evaluation of profit, based on a cost breakout by the firm of its proposed price. Should the Purchasing Officer or the Negotiations Committee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, negotiations with that firm will be formally terminated. The Purchasing Officer or the Negotiation Committee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the Purchasing Officer or the Negotiation Committee shall formally terminate negotiations, and then shall undertake negotiations with the third most qualified firm. Should the Purchasing Officer or the Negotiation Committee be unable to negotiate a satisfactory contract with any of the selected firms, the Selection Committee shall select additional firms in order of their competence and qualifications, and the Purchasing Officer or Negotiation Committee shall continue negotiations in accordance with this section until an agreement is reached or until a determination has been made not to contract for services.

Section 4.052 OTHER COMPETITIVE SEALED PROPOSALS (non-287.055 services)

1. Conditions for Use. All contracts required by Section 4.05 to be awarded by competitive sealed proposals that are not for the procurement of professional architectural, engineering, landscape architectural, and land surveying services, will be awarded according to the provisions of this section.
2. Consultant's Competitive Negotiation Act. Professional services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined under the Consultant's Competitive Negotiation Act (Section 287.055, Florida Statutes), shall be secured under the provisions of Section 4.051.
3. Council Approval. Proposals anticipated to exceed the threshold established in Section 4 for Competitive sealed Proposals shall be approved by the Board of County Commissioners prior to solicitation.
4. Public Notice. Public Notice shall be by publication in a newspaper of general circulation at least twelve (12) working days prior to proposal opening. Notice of the Request for Proposals shall give date, time, and place set forth for the submittal of proposals and opening.
5. Evaluation Factors. The Request for Proposals shall state the relative importance of criteria outlined in the scope of services, fee proposal, and other evaluation.

6. Proposal Cancellation or Postponement. The Purchasing Officer may, prior to a proposal opening, elect to cancel or postpone the date and/or time for proposal opening or submission.

7. Revisions and Discussions with Responsible Offerors. As provided in the Request for Proposals, and under regulations promulgated by the Board of County Commissioners, discussions may be conducted with responsible offerors who submit proposals determined to be qualified of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining the best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors. The Purchasing Officer shall prepare a written summary of the proposals and make written recommendation of award to the Board of County Commissioners. As a part of the recommendation, the Purchasing Officer shall conduct a cost analysis, including evaluation of profit, based on a cost breakout by the firm of its proposed price.

Award. Award shall be made by the Board of County Commissioners to the lowest responsible offer or whose proposal is determined in writing to be the most advantageous to the Board of County Commissioners, taking into consideration the evaluation factors set forth in the Request for Proposals. No other factors or criteria shall be used in the evaluation criteria that is not included in the Request for Proposal.

Section 4.06 SOLE SOURCE PURCHASES

1. Sole Source Certification. The procurement for all professional services and any contract resulting from a non-competitive procurement process must meet the requirements of ~~24-~~ **2 CFR Part 200** and Section 287.055 of the Florida Statutes. The County's Purchasing Officer must conduct a cost or price analysis of all proposed prices on sole source purchases, analysis shall include a review of profit as a separate element.

2. Additional Purchases from Certified Sole Source . The Purchasing Officer may be authorized, after initial sole source certification and DEO approval, to make additional purchases from a sole source vendor for not less than one year or until such time a contrary evidence is presented regarding sole source eligibility, whichever period is less.

Section 4.07 COOPERATIVE PURCHASING

1. State Contracts. The Purchasing Officer is authorized to purchase goods or services for any dollar amount from authorized vendors listed on the respective state contracts of the Department of General Services, subject otherwise to the requirements of this policy.

2. Other Governmental Units. The Purchasing Officer shall have the authority to join other units of government in cooperative purchasing ventures when the best interest of the County would be served thereby, and the same is in accordance with this policy and with the County and State Law.

Section 4.08

BID PROTEST

1. Right to Protest. Any actual prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of contract may protest to the Board of County Commissioners. Protestors shall seek resolution of their complaints initially with the Purchasing Officer and secondly with the County Clerk prior to protesting to the Board of County Commissioners.

2. Filing a Protest. Any persons who is effected adversely by the decision or intended decision of the County shall file with the Purchasing Officer a notice of protest in writing within 72 hours after the posting of bid tabulation or after receipt of the notice of intended decision and file a formal written protest within 10 calendar days after he/she filed the notice of protest, Failure to file a notice of protest or failure to file a formal written protest shall constitute a waiver of proceedings under this Section. A written protest is filed with the County when it is delivered to and received in the office of the Purchasing Officer.
 1. The notice of protest shall contain at a minimum: the name of the bidder; the bidders address and phone number; the name of the bidder's representative to whom notices may be sent; the name and bid number of the solicitation; and a brief factual summary of the basis of the protest.
 2. The formal written protest shall; identify the protestant and the solicitation involved; include a plain, clear, statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protestant deems applicable to such grounds; and specifically request the relief to which the protestant deems himself entitled by application of such authorities to such grounds.
 3. The protestant shall mail a copy of the notice of protest and the formal written protest to any person with whom he/she is in dispute.

3. Settlement and Resolution. The Purchasing Officer shall; within 14 calendar days of the formal written protest, attempt to resolve the protest prior to any proceedings arising from the position. Provided, however, if such settlement will have the effect of determining a substantial interest of another party or business, such settlement must be reached in the course of the proceedings provided herein.

4. Protest Proceedings. If the protest cannot be resolved by mutual agreement, the

Purchasing Officer shall conduct or designate another to conduct a protest proceeding pursuant to the following procedures:

- (1) **Protest Proceeding Procedures.**
 - (a) The presiding officer shall give reasonable notice to all substantially affected persons or businesses. Otherwise petitions to intervene will be considered on their merits as received.
 - (b) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, or affidavits, and arguments which he/she deems relevant to the issues raised.
 - (c) In the proceeding, the protestant, or his/her representative or counsel, may also make an oral presentation of his evidence and arguments. However, neither direct nor cross examination of witnesses shall be permitted, although the presiding officer may make whatever inquiries he/she deems pertinent to a determination of the protest.
 - (d) The judicial rules of evidence shall not apply and the presiding officer shall base his/her decision on such information given in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.
 - (e) Within seven (7) working days of the conclusion of the proceeding, the presiding officer shall render a decision which sets forth the terms and conditions of any settlement reached. Such decision of the presiding officer shall be conclusive as to the recommendation to the Board of County Commissioners.
 - (f) Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.
- (2) **Intervenor.** The participation of intervenors shall be governed by the terms of the order issued in response to a petition to intervene.
- (3) **Time Limits.** The time limits in which protests must be filed as provided herein may be altered by specific provisions in invitation for bids or request for proposal
- (4) **Entitlement to Costs.** In no case will the protesting bidder or offeror be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney's fees.
5. **Stay of Procurement During Protests.** In the event of a timely protest under Subsection A of this Section, the Purchasing Officer shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or unless the Board of County Commissioners makes a determination that the award of a contract without delay is necessary to protect the substantial interest of the County.

1. Authority of the Purchasing Officer to Settle Bid Protests and Contract Claims. The Purchasing Officer is authorized to settle any protest regarding the solicitation or award of a County contract, or any claim arising out of the performance of a County contract, prior to an appeal to the Board of County Commissioners or the commencement of an action in a court of competent jurisdiction, but may not settle any such protest or claim for consideration of \$1,000.00 or greater in value without prior approval of the Board of County Commissioners.
2. Decision of the Purchasing Officer. All claims by a contractor against the County relating to a contract, except bid protests, shall be submitted in writing to the Purchasing Officer for a decision. The contractor may request a conference with the Purchasing Officer on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
3. Notice to the Contractor of the Purchasing Officer's Decision. The decision of the Purchasing Officer shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of his appeal rights under section 4.09..
4. Finality of the Purchasing Officer Decision; Contractor's Right to Appeal. The Purchasing Officer's decision shall be final and conclusive unless, within 10 calendar days from the date of receipt of the decision, the contractor files a notice of appeal with the Board of County Commissioners.
5. Failure to Render Timely Decision. If the Purchasing Officer does not issue a written decision regarding any contract controversy within fourteen calendar days after receipt of a written request for a final decision, or within such longer period as may be agreed upon between the parties, then the aggrieved party may proceed as if an adverse decision had been issued.

Section 4.10 REMEDIES FOR SOLICITATION OR AWARDS IN VIOLATION OF LAW

1. Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the Purchasing Officer after consultation with the County Attorney, determines that solicitation is in violation of federal, state, or local law or ordinance, then the solicitation shall be canceled or revised to comply with applicable law.
2. Prior to Award. If after bid opening or the closing date for receipt of proposals, but prior to the award contract, the Purchasing Officer after consultation with the County Attorney, determines that a solicitation or a proposed award of a contract is in violation of federal, state, or municipal law or ordinance, then the solicitation or proposed award shall be canceled.

3. After Award. If, after award, the Purchasing Officer after consultation with the County Attorney, determine that a solicitation or award of a contract was in violation of applicable law or ordinance, then;
 - (1) if the person awarded the contract has not acted fraudulently or in bad faith:
 - (a) the contract may be ratified and affirmed, provided it is determined that doing so is in the best interest of the County; or
 - (b) the contract may be terminated and the person awarded the contract shall be compensated for actual costs reasonably incurred under the contract plus a reasonable profit, but excluding attorney's fees, prior to termination; or
 - (2) if the person awarded the contract has acted fraudulently or in bad faith the contract may be declared null and void or voidable, if such action is in the best interest of the County.

Section 5 CONTRACT ADMINISTRATION

Section 5.1 CONTRACT PROVISION

1. Standard Contract Clauses and Their Modification. The County after consultation with the County Attorney, may establish standard contract clauses for use in County contracts. However, the Purchasing Officer may, upon consultation with the County Attorney, vary any such standard contract clauses for any particular contract.
2. Contract Clauses. All County contracts for supplies, services, and construction shall include provisions necessary to define the responsibilities and rights of the parties to the contract. The Purchasing Officer after consultation with the County Attorney, may propose provisions appropriate for supply, service, or construction contracts, addressing among others the following subjects:
 - (1) the unilateral right of the County to order, in writing, changes in the work within the scope of the contract;
 - (2) the unilateral right of the County to order in writing temporary stopping of the work or delaying performance that does not alter the scope of the contract;
 - (3) variations occurring between estimated quantities or work in contract and actual quantities;
 - (4) defective pricing;
 - (5) time of performance and liquidated damages;
 - (6) specified excuses for delay or nonperformance;
 - (7) termination of the contract for default;
 - (8) termination of the contract in whole or in part for the convenience of the County;
 - (9) suspension of work on a construction project ordered by the County;

- (10) site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract
 - (a) when the contract is negotiated;
 - (b) when the contractor provides the site or design; or
 - (c) when the parties have otherwise agreed with respect to the risk of differing site conditions;
- (11) value engineering proposals;
- (12) remedies;
- (13) access to records/retention records;
- (14) environmental compliance; and
- (15) prohibition against contingency fees;
- (16) insurance to be provided by contractor covering employee property damage, liability and other claims, with requirements of certificates of insurance and cancellation clauses;
- (17) bonding requirements as set by the Board of County Commissioners;
- (18) causes of and authorization for suspension of contract for improper contractor activity.

Section 5.2 PRICE ADJUSTMENTS

1. Method of Price Adjustment. Adjustments in price during the term of a contract shall be computed in one or more of the following ways upon approval by the County:
 - (1) by agreement on a fixed price adjustment before adjustment before commencement of the pertinent performance or as soon thereafter as practicable;
 - (2) by unit prices specified in the contract or subsequently agreed upon;
 - (3) by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon by the County;
 - (4) in such other manner as the contracting parties may mutually agree; or
 - (5) in the absence of agreement by the parties, by a unilateral determination by the County of the costs attributable to the events or situations under such clauses with adjustment of profit or fee as computed by the County, subject to the provisions of this Section.
2. Costs or Pricing Data Required. A contractor shall be required to submit cost or pricing data if any adjustment in contract price is subject to the provisions of this Section.

Section 5.3 CHANGE ORDERS/CONTRACT AMENDMENTS

Change orders and contract amendments, which provide for the alteration of the provisions of a contract may be approved by an appropriate person based upon the dollar value of the change or amendment. The purchasing categories thresholds designated in Section 4.01 shall govern the appropriate level of approval.

Section 5.4 ASSIGNMENTS OF CONTRACTS

No agreement made pursuant to any section of this policy shall be assigned or sublet as a whole or in part without the written consent of the County nor shall the contractor assign any monies due or to become due to the contractor hereunder without the previous written consent of the County.

Section 5.5 RIGHT TO INSPECT PLANT

The County may, at its discretion, inspect the part of the plant or place of business of a contractor or any subcontractor which is related to the performances of any contract awarded, or to be awarded, by the County. The right expressed herein shall be included in all contracts or subcontracts that involve the performance of any work or service involving the County.

Section 6 RIGHTS OF BOARD OF COUNTY COMMISSIONERS

Nothing in this policy shall be deemed to abrogate, annul, or limit the right of the Board of County Commissioners when acting in the best interest of the County. The Board of County Commissioners reserves the right to reject all bids received in response to a request, to determine in its sole discretion the responsiveness and responsibility of any bidder, to approve and authorize or to enter into any contract it deems necessary and desirable for the public welfare, or to vary the requirements of the Policy in any instance when desirable for public good **as long as such action does not violate state or federal law and/or program requirements.** All allocated CDBG funds must meet the requirements **2 CFR Part 200** and Sections **255.0525** and **287.055** of the Florida Statutes.

Section 7 COUNTY PROCUREMENT RECORDS

1. Contract File. All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained for the County in a contract file.

2. Retention of Procurement Records. All procurement records shall be retained and disposed of by the County in accordance with records retention guidelines and schedules established by the State of Florida.

Section 8 SPECIFICATIONS

Section 8.1 MAXIMUM PRACTICABLE COMPETITION

All specifications shall be drafted to promote overall economy and encourage competition in satisfying the County needs and shall not be unduly restrictive. The policy applies to all specifications including, but not limited to, those prepared for the County by architects, engineers, designers, and draftsmen.

Section 8.2 USE OF BRAND NAME OR EQUIVALENT SPECIFICATIONS

1. Use. Brand name or equivalent specifications may be used when the County determines that:

- (1) no other design, performance, or qualified product list is available;
 - (2) time does not permit the preparation of another form of purchase description, not including a brand name specification;
 - (3) the nature of the product or the nature of the County requirements makes use of a brand name equivalent specifications suitable for the procurement; or
 - (4) use of brand name or equivalent specification is in the County's best interest.
2. Designation of Several Brand Names. Brand names or equivalent specifications shall seek to designate three, or as many different brands as are practicable, as "or equivalent" references and shall further state the substantially equivalent products to those designated may be considered for award.
 3. Required Characteristics. The brand name or equivalent specifications shall include a description of the particular design, functional, or performance characteristics required.
 4. Nonrestrictive Use of Brand Name or Equivalent Specifications. Where a brand name or equivalent specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.
 5. Determination of Equivalents. Any prospective bidder may apply, in writing, for a pre-bid determination of equivalence by the Purchasing Director. If sufficient information is provided by the prospective bidder, the Purchasing Director may determine, in writing and prior to the bid opening time, that the proposed product would be equivalent to the brand name used in the solicitation.
 6. Specifications of Equivalents Required for Bid Submittal. Vendors proposing equivalent products must include in their bid submittal the manufacturer's specifications for those products. Brand names and model numbers are used for identification and reference purposes only.

Section 8.3 BRAND NAME SPECIFICATIONS

1. Use of Brand Name Specifications. Since the use of a brand name specification is restrictive of product competition, it may be used only when the Purchasing Director makes a determination that only the identified brand name item will satisfy the County needs.
2. Competition. The Purchasing Director shall seek to identify sources from which the designated brand name item or items can be obtained and shall solicit such sources to achieve whatever degree of price competition is practicable. If only one source can supply the requirement, the procurement shall be made under Section 4.06, Sole Source

Purchases.

Section 9 ETHICS IN PUBLIC CONTRACTING

Section 9.1 CRIMINAL PENALTIES

To the extent that violations of the ethical standards of conduct set forth in this section constitute violations of the State Criminal Code they shall be punishable as provided therein. Such penalties shall in addition to civil sanctions set forth in this part.

Section 9.2 EMPLOYEE CONFLICT OF INTEREST

1. Participation. It shall be unethical for any County employee, officer, or agent to participate directly or indirectly in a procurement or administration of a contract. A conflict of interest would arise when:

- (1) the County employee, officer or agent;
- (2) any member of his immediate family;
- (3) his or her partner; or
- (4) an organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The officer's employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, or parties to sub-agreements.

Section 9.3 CONTEMPORANEOUS EMPLOYMENT PROHIBITED

It shall be unethical for any County employee who is participating directly or indirectly in the procurement process to become or to be, while such a County employee, the employee of any person contracting with Jefferson County.

Section 9.4 USE OF CONFIDENTIAL INFORMATION

It shall be unethical for any employee knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of other persons.

Section 9.5 GRATUITIES AND KICKBACKS

1. Gratuities. It shall be unethical for any person to offer, give, or agree to give any County employee, officer, or agent to solicit, demand, accept, or agree to accept from another person, a gratuity or an offer of employment in connection with the decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard rendering of advise, investigation, auditing, or performing in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, subcontract, or to any solicitation or proposal thereto.
2. Kickbacks. It shall be unethical for any payment, gratuity, or offer of employment to be made by or behalf a subcontractor under a contract to the prime contractor or higher tier

1. Notice To Contractor. The contract shall give notice to the contractor of the applicable grantor agency requirements and regulations concerning reporting of, and rights to, any discovery or inventions arising out of the contract.
2. Notice By Contractor. The contract shall require the contractor to include a similar provision in all subcontracts involving research and development, experimental, or demonstration work.

Section 10.2 NOTICE OF FEDERAL PUBLIC POLICY REQUIREMENTS

1. Applicability. If the contract is being funded in whole or in part by assistance from any federal agency, the contract is subject to one or more federal public policy requirements such as:
 - (1) equal employment opportunity;
 - (2) affirmative action;
 - (3) fair labor standards;
 - (4) energy conservation;
 - (5) environmental protection; or
 - (6) other similar socio-economic programs.
2. Notice. The Purchasing Director shall include in the contract all appropriate provisions giving the contractor notice of these requirements. Where applicable, the Purchasing Director shall include in the contract provisions the requirement that the contractor give similar notice to all of its subcontractors.

Section 11 PAYMENT TO VENDORS

All payment to vendors shall also in accordance with the amended "Prompt Payment Act", Chapter 89-297, Florida Statutes.

Section 12 MINORITY BUSINESS ENTERPRISE PARTICIPATION PROGRAM

1. Purpose and Scope. The purpose of the Minority Business Enterprise Program is to enhance the participation of qualified minority and women-owned businesses in providing goods and services and construction contracts required by the Board of County Commissioners. This program describes procedures to accomplish this purpose and to monitor and evaluate progress. All Department and Divisions under the jurisdiction of the Board of County Commissioners are responsible for implementing this program.
2. Policy Statement.
 - (1) It is the policy goal of the County that two percent (2%) of the Council approved procurement as contained with both operating and capital improvement budgets (exclusive of in-

house services and construction) shall be identified and let through the competitive bid process to minority and women businesses and persons. The program is based on an in-depth evaluation of all actual as well as projected procurement (CIPs, equipment, commodities and services) and on the market place. Procurement identified to establish a base for this program are not limited to those items only. This evaluation is the main factor in building a realistic program with attainable targets.

(2) All department and divisions under the jurisdiction of the Board of County Commissioners are responsible for implementing this program and for making every reasonable effort to utilize MBEs and WBE's when opportunities are available. The Purchasing Officer will take the lead role in this process by taking active steps to encourage minority or women owned businesses.

(3) Regarding the implementation of this policy, it is the Council's intent to foster economic development in the County's area by establishing its MBE goals based on availability of minority and women-owned businesses located within the County. This is no way intended to limit or restrict competition. Rather, availability of area companies will be used to guide MBE goals. Such geographical preferences may be adjusted, amended or repealed by the Board of County Commissioners, with or without a public hearing, as deemed necessary.

3. Definition. Minority Business Enterprise (MBE) as used herein, means a business that is owned and controlled at least 51% by one or more minority persons (MBE) or by one or more women (WBE) and whose management and daily operations are controlled by one or more such persons.
4. Administrative Responsibilities. The Purchasing Officer is responsible for the coordination of the Minority Business Enterprise Program and registration.

(1) Capital Improvement Projects

(a) REVIEW

The Purchasing Officer and an appropriate department representative shall review each proposed project or bid to determine potential for utilization of MBE/WBEs and report their finds to the Board of County Commissioners. This review is based on known availability of capable MBE/WBEs in the area in relation to the scope of the bid package and considers how a project might be broken down into sub-bids.

(b) PRE-BID ACTIVITY

(1) Language regarding the Minority Business Enterprise Program will be inserted into bid specifications to assure that prospective bidders are aware of a requirement to make good faith efforts to utilize MBE/WBEs.

(2) Registered MBE/WBEs, the Minority Contractors Association and other organizations for minority and women owned businesses will be notified in writing regarding

pre-bid conferences where information on project scope and specifications will be presented, along with other types of technical assistance.

(3) Available plans and specification will be to MBE/WBE associations along with any special instructions on how to pursue bids.

(4) Majority (prime) contractors on a bid list will be sent a letter outlining the Minority Business Enterprise Program procedures, the supportive documentation required for submittal with their bid, and a list of MBE/WBE contractors on the bid list.

(5) No contractor will be awarded a bid until the contractor has provided specific detailed documentation on how MBE/WBEs will be utilized, and such a plan is approved by the Board of County Commissioners.

(6) The MBE/WBE participation plan for a specific project and the contractor commitment to carry out the program will become a part of the contract awarded by the County. Failure to keep these commitments will be deemed noncompliance with the contract and may result in a breach of contract.

(2) Contractor Responsibilities

(a) Contractors must indicate all MBE/WBEs, contracted for quotes regarding a particular scope of work and submit a completed “Intent to Perform” sheet containing information and documentation obtained from each MBE/WBEs.

(b) A contractor who determines that a MBE/WBEs, names in the bid submittal, is unavailable or cannot perform, will request approval from the Purchasing Officer to name an acceptable alternate. Such requests will be approved when adequate documentation of cause for the change is presented by the contractor.

(c) A contractor’s MBE/WBE plan will utilize MBE/WBEs to perform commercially useful functions in the work bid. A MBE/WBE is performing a commercially useful function when it is responsible for the management and performance of a distinct element of the total work.

(d) Contractors are required to make good faith efforts to obtain MBE/WBE participation when so stipulated by bid specifications and/or contracts. If these efforts are unsuccessful, the contractor will submit a non-availability or refusal to participate and will request waiver of MBE/WBE participation.

(e) The contractor who is the successful bidder will attend pre-construction conferences with appropriate County representatives to review the project scope and the MBE/WBE utilization plan.

(f) The contractor who is the successful bidder must request a change order for any modification to the MBE/WBE plan. Change orders require Council approval and are contingent on contractor documentation of MBE/WBE involvement in the change requested and

documentation of cause for these changes.

(3) MBE/WBE Contractor's Responsibilities

(a) MBEs/WBEs must register with the Purchasing Officer in order to participate in the Minority Business Enterprise Program.

(b) MBEs/WBEs should attend pre-construction conferences to obtain information and technical assistance on projects and bid procedures in which they (MBEs/WBEs) have submitted bids.

4. Joint Venture Responsibilities

(a) All joint ventures between minority and non-minority contractors must meet the "joint venture" definition included in the policy.

(b) The use by MBE/WBEs or prime contractors of "minority fronts" or other fraudulent practices which subvert the true meaning and spirit of the Minority Business Enterprise Program, will not be tolerated and may result in termination of participation.

(c) A joint venture consisting of minority and non-minority business enterprise will be credited with MBE/WBE participation on the basis of the percentages of the dollar amount of the work to be performed by the MBE/WBEs.

(d) Contracts subject to this policy shall contain provisions stating that liquidated damages may be assessed against the general contractor and/or the MBE/WBE specifications in the contract(s). Such liquidated damage provisions shall be in a form approved by the Council.

5. Fulfilling MBE/WBE Participation Requirements

For the purpose of this policy, a general contractor may utilize the services of a MBE/WBE subcontractor, manufacturer, and/or supplier in estimating and satisfying the scope of work, provided that written contract/agreement is executed between the general contractor and the subcontractor, manufacturer, and/or the supplier.

6. Payment

(1) Payment will be expedited by the Board of County Commissioners within thirty (30) days upon completion and acceptance of the project. Special consideration may be given to hardship cases upon notification by MBEs/WBEs.

(2) The County will provide work progress payments to all business at the completion and subsequent acceptance by Council representatives within various stages of a particular project.

7. Waiver of Bid Bond Requirements.

The Council may, at its discretion, waive any of the requirements of this Section when it is determined to be in the best interest of the County.

8. Bid List.

A bid list for the purpose of bid solicitations shall be maintained by the County. The list shall consist of firms that apply.

(1) The County may remove firms from the bid list for any of the following reasons:

- (a) consistent failure to respond to bid invitations (three (3) consecutive instances) within the last eighteen month period; or
- (b) failure to update the information in file including address, product or service description or business description.

(2) The Council may remove firms from the bid list for the following reasons:

- (a) failure to perform according to contract provisions;
- (b) conviction in a court of law of any criminal offense in connection with the conduct of business.
- (c) clear and convincing evidence of a violation of any federal or state anti-trust law based on the submission of bids or proposals or the awarding of contracts.
- (d) clear and convincing evidence that a vendor has attempted to give a Council employee, officer or agent a gratuity of any kind for the purpose of influencing recommendation or decision in connection with any part of the Board of County Commissioners purchasing activity;
- (e) violation of circumvention of the Minority Business Enterprise Program; or
- (f) other reasons deemed appropriate by the Board of County Commissioners

(3) This policy is consistent with and subordinate to the County Purchasing Policy. Wherever conflicts may exist, the provision in the Purchasing Policy will prevail.

9. Reporting.

The Purchasing Officer or appropriate person will report, at least annually, to the Council on the Status of the Minority Business Enterprise Program. Records will be maintained reflecting participation of local minority and women owned businesses and shall be reported.

10. Severability Clause.

Each separate provision of this program is deemed independent of all other provisions herein so that if any provision or provisions be declared invalid, all other provisions hereof shall remain valid and full force and effect.

DULY ADOPTED by the Board of County Commissioners, Jefferson County, Florida this 3rd day of February, 2015.

**BOARD OF COUNTY COMMISSIONERS
JEFFERSON COUNTY, FLORIDA**

BY: _____
BENJAMIN BISHOP, Chairman

ATTEST:

KIRK REAMS, Clerk of Court