

## **Procurement Policy**

### **Overview**

#### **THE POLICIES DESCRIBED IN THIS SECTION APPLY TO ALL PURCHASES MADE BY FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL.**

The Florida Developmental Disabilities Council (FDDC) requires the practice of ethical, responsible, and reasonable procedures related to purchasing, agreements and contracts, and related forms of commitment.

The goal of this procurement policy is to ensure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable federal statutes and grant requirements. This policy follows the regulations in 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), including the procurement standards.

### **Responsibility for Purchasing**

With the approval of the FDDC's annual budget, the Executive Director or their designee are authorized to conduct purchasing in accordance with this policy. Any programmatic or administrative purchase requests outside the approved annual budget will be addressed in accordance with FDDC's Budget Policy.

Ethical conduct in managing FDDC's purchasing activities is essential. Staff and Council members must always be mindful that they represent the Council as a whole and share a professional trust with funding sources.

### **Procurement through a Competitive Process**

To ensure full transparency in competitive procurement FDDC will:

- Address any potential conflicts of interest.
- Address any noncompetitive practices among contractors that may restrict, eliminate, or restrain trade.

- Ensure contractors and staff who develop or draft specifications, requirements, statements of work, or invitation for bids or request for proposals are excluded from competing for such procurements.
- Award contracts to offerors/bidders whose product or service is most advantageous in terms of price, quality, and other factors.
- Issue solicitations that clearly set forth all requirements to be evaluated.
- Reserve the right to reject any and/or all bids when it is in the FDDC's best interest.
- Not give preference to state or local geographical areas unless such preference is mandated by federal statute or specifically required for the scope of work to be provided.

### **Procurement Procedures**

FDDC will:

1. Avoid purchasing items that are not necessary or duplicative for the performance of the activities required by a federal award.
2. Analyze lease and purchase alternatives, where appropriate, that would be the most economical and practical procurement when both lease and purchase alternatives are available and allowable to the program.
3. Encourage purchasers to enter into state and local inter-governmental or inter-entity agreements, where appropriate, for procurement or use of common or shared goods and services.
4. Encourage purchasers to use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs ([www.qsa.gov](http://www.qsa.gov)).
5. Document the cost and price analysis associated with each procurement decision more than the simplified acquisition threshold (\$250,000) to be retained in the procurement files.
6. Ensure internal independent budget line-item estimates are determined prior to receiving bids, independent request for proposals or sole source.
7. Maintain a current list of all pre-qualified lists of persons, firms or products which are used in acquiring goods and services. This is to ensure qualified sources are maintained to ensure maximum full and open competition.
8. FDDC will maintain records sufficient to detail the history of procurement, including:
  - 1) Rationale for the method of procurement,
  - 2) Selection of contract type,
  - 3) Contractor selection or rejection, and
  - 4) The basis for the contract price.
9. FDDC shall make all procurement files available for inspection upon request.
10. A contract award must not be made to the parties listed on the government-wide exclusions in the System for Award Management (SAM), in accordance with E.O.'s 12549 and 12689, "Debarment

and Suspension.” SAM exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than E.O. 12549.

11. To the extent practical, FDDC will utilize small businesses, minority-owned firms, women's business enterprises, and labor surplus area firms whenever possible.

### **Authorizations and Purchasing Limits**

**(1) Procurement by micro-purchase (under \$50,000):** Procurement by micro-purchase is the acquisition of supplies or services where the aggregate dollar amount does not exceed the federally defined micro-purchase threshold up to \$50,000. To the maximum extent practical, FDDC should distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if FDDC considers the price to be reasonable based on research, experience, purchase history or other information and documents. The micro-purchase threshold amount will be evaluated annually. Justification for FDDC's micro-purchase amount is Attachment A.

The amount of the requested expenditure and justification for the expenditure must be presented to the Executive Director for approval. Upon receipt of the justification the Executive Director or her designee will obtain written agreement from either the Treasurer or the Council Chair and provide final approval.

**(2) Procurement by small purchase procedures (between \$50,000 & \$250,000):** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that cost more than the micro-purchase threshold and do not cost more than the Simplified Acquisition Threshold of \$250,000. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Invitation for Proposal (IFP) or Request for Bids (RFB) methods may be used to procure small purchases.

The amount of the requested expenditure and justification for the expenditure must be presented to the Executive Director for approval. Upon receipt of the justification the Executive Director or her designee will obtain written agreement from either the Treasurer or the Council Chair and provide final approval.

**(3) Procurement by competitive proposals (\$250,000 and higher):** The technique of competitive proposals is normally conducted with more than one source submitting an offer, and a cost-reimbursement type contract is awarded.

If this method is used, the below procedures are required:

- 1) Requests for proposals must be publicized,

- 2) They must identify all evaluation factors and their relative importance,
- 3) Any response to publicized requests for proposals must be considered to the maximum extent practical,
- 4) Proposals must be solicited from an adequate number of qualified sources,
- 5) A written method for conducting technical evaluations of the proposals received and for selecting recipients must be implemented, and
- 6) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the program, with price and other factors considered.

The amount of the requested expenditure and justification for the expenditure must be presented to the Executive Director for approval. Upon receipt of the justification the Executive Director or her designee will obtain written agreement from either the Treasurer or the Council Chair and provide final approval.

**(4) Procurement by noncompetitive proposals:** Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- 1) The aggregate dollar amount for the acquisition of property or services, does not exceed the micro-purchase threshold,
- 2) The item is available only from a single source which includes an organization (person) who is recognized as a subject matter expert in the field,
- 3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation
- 4) The Federal awarding agency expressly authorizes a noncompetitive procurement in response to a written request, or
- 5) After solicitation of several sources, competition is determined inadequate.

The amount of the requested expenditure and justification for the expenditure must be presented to the Executive Director for approval. Upon receipt of the justification the Executive Director or her designee will obtain written agreement from either the Treasurer or the Council Chair and provide final approval.

#### **Procurement Protest Procedures**

Offerors/bidders will be notified in the original Request for Bid or Invitation of Proposal of FDDC's protest procedures. Offerors/bidders not selected under a competitive solicitation will be notified in



writing or electronically that their bid or proposal was not accepted. FDDC's protest procedures will be made available upon request, including the name and address of a contact person, and a deadline for filing the protest.

Revised/Approved January 2018

Revised 09/19/18

Revised 11/15/22

## Attachment A

### Self-Certification of Increased Micro-Purchase Threshold

Effective Date: November 15, 2022

Annual Self-Certification Date: January 26, 2024

The Florida Developmental Disabilities Council (FDDC), as a non-federal entity, may establish a threshold higher than the micro-purchase threshold identified in the Federal Acquisition Regulation (\$10,000) in accordance with the requirements of 2 CFR § 200.320 (a)(1)(iv).

FDDC may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with FDDC's *Record Retention and Destruction Policy*. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- A. A qualification as a low-risk auditee, in accordance with the criteria in 2 CFR § 200.520 for the most recent audit;
- B. An annual institutional risk assessment to identify, mitigate, and manage financial risks; or
- C. For public institutions, a higher threshold consistent with State law.

FDDC self-certifies that effective November 15, 2022, and for the period January 26, 2024, through February 2025, its Micro Purchase Threshold is hereby increased to \$50,000. Micro purchases will be made in accordance with FDDC's *Procurement Policy*. Unless otherwise required by FDDC's internal purchasing regulations or controls, purchases up to the Micro Purchase Threshold may be purchased without soliciting competitive price or rate quotations if FDDC considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly.

This self-certification is based on the following justification, as recognized, and authorized by 2 CFR §200.320(a)(1)(iv)

- (A) FDDC qualifies as a low-risk auditee<sup>1</sup>, in accordance with the criteria in 2 CFR § 200.520 for the last two annual audits.

The micro-purchase threshold level will be evaluated annually upon receipt of the audited financial statements. The final recommendation will be approved by the Executive Committee.

Approved 11/15/2022

Revised 1/26/2024

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/CFR-2015-title2-vol1/pdf/CFR-2015-title2-vol1-sec200-520.pdf>