

# ***IMMOKALEE FIRE CONTROL DISTRICT DISTRICT POLICY***

<b>TITLE</b>	<b>916 - Bidding</b>
<b>Board Adoption Date</b>	<b>May 16, 2019</b>
<b>Resolution #</b>	<b>Resolution – 2019-07</b>
<b>Effective Date</b>	<b>May 16, 2019</b>
<b>Revision Date</b>	

PURPOSE: The purpose of the following policy is to provide for fair and open competition and uniformity in procurement of District goods and services. Such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically. The policy also provides for documentation of the acts taken and effective monitoring mechanisms. It is essential to the effective and ethical procurement of commodities, and contractual and professional services that there be a system of uniform procedures to be utilized by a District in managing and procuring commodities and contractual services; that a record of District decisions in the procurement of commodities, and contractual and professional services be maintained; and that adherence by the District and the contractor to specific ethical considerations be required.

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## **1. RESPONSIBILITY FOR PROCUREMENT**

The District's procurement responsibilities are to be directed by the Fire Chief, or his or her designee, with the assistance of the Chief Financial Officer. The Chief Financial Officer shall be responsible for maintaining complete files for bid purchases, and professional and contractual service agreements. The Board of Fire Commissioners or the Fire Chief may authorize the purchase of goods or services, issue proposals and execute contracts, dictated by the dollar amount involved in the purchase, pursuant to the District's Purchase Policy. However, the Fire Chief may delegate particular purchasing responsibilities to the Deputy Chief, Chief Financial Officer, Logistics Officer or other designee. The Logistics Officer shall be responsible for examining goods received pursuant to these procurement policies and the Chief Financial Officer shall be responsible for approving them for payment under the terms of an executed contract.

## **2. MINORITY BUSINESS ENTERPRISE**

The District shall actively encourage the participation of certified minority business enterprises ("MBE") and community small business enterprises ("CSBE") in the procurement process. MBE is defined as any business concern which is organized to engage in commercial transactions and which is at least 51 percent owned by minority persons and whose management and daily operations are controlled by such persons. Minority Person means a person whom is a citizen or lawful permanent resident of the United States and who is:

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- A Black American
- A Hispanic American
- An Asian American
- A Native American Indian
- A Native Hawaiian
- An American Woman and/or
- A Physically Disabled Person

CSBE is defined as a local business enterprise with its central business located in Collier County.

## **3. PROCUREMENT OF GOODS, SERVICES AND CONTRACTS**

### **A. Purchasing Categories**

The following purchasing categories are hereby established for purchases of goods, services (other than those governed by Section 287.055 Florida Statute) and contracts (other than contracts governed by Section 255.20 Florida Statute, continuing legal services, or 3D-Construction Contracts of this policy, (hereinafter "commodities"). The Board may adjust the amounts of the categories from time to time based upon the rate of change of a nationally recognized price index.

- 1) Category One-Exempt Purchases: Purchases exempted from formal purchasing and bidding procedures because of the kind of expense involved. These include expenses which are incurred under contract or are contractual in nature (consultant fees, rental expense) reimbursements subject to the District's Education Reimbursement Policy or ordinary, routine, unavoidable expenditures (payroll, utility, vehicle parts, repair and maintenance, etc.). The Fire Chief or his designee must approve these purchases prior to disbursement of funds.
- 2) Category Two Emergency Purchases: Emergency purchases are those which must be incurred by the District because of an unforeseen emergency, exceed the dollar limit the Fire Chief has the authority to approve, and have not received prior Board approval. There is a limit of \$25,000 on this type of expense. The Fire Chief must approve the purchase prior to disbursement and must inform the District Board of Fire Commissioners at their next meeting of any disbursement of funds for emergency purchases. Construction services must be bid by statute and are therefore exempt from this category.

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- 3) Category Three-Purchases Required During a Declared State of Emergency: In the event a state of emergency is declared by the Collier County Board of Commissioners, the Governor of the State of Florida, or the President of the United States, the Fire Chief is authorized to approve, via purchase order, the necessary purchase of goods or services, up to a maximum of \$50,000 for each purchase. This provision acknowledges that circumstances may arise which make it impossible to obtain Board approval. This provision does not provide the Fire Chief with the authority to sign District checks. The Fire Chief must inform the Board of Fire Commissioners of any and all purchases under this provision at the next Board of Fire Commissioners' meeting.
  
- 4) Category Four: \$0.01 to \$10,000.00
  
- 5) Category Five: \$10,000.01 to \$50,000.00
  
- 6) Category Six: \$50,000.01 and above

## **B. Renewals**

Contracts for commodities may be renewed for an additional term not to exceed the original contract period unless the original contract period is 24 months or less, in which case the contract may be renewed up to three one-year periods. Renewal of the contract shall be by mutual agreement in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity is purchased as a result of the solicitation of bids or proposals, the cost of any contemplated renewals shall be included in the invitation to bid or request for proposals. Renewals shall be contingent upon satisfactory performance evaluations by the District.

## **C. Insurance**

The District shall obtain quotations or competitive bids on all insurance coverage held by the District every three years, or at the direction of the Board of Fire Commissioners. In determining which purchasing procedures apply, the thresholds established for Categories Four, Five and Six shall be used. The annual estimated cost for each type of coverage shall be used to determine which category applies.

## **D. Construction Contracts**

In accordance with Section 255.20, Florida Statute, any District shall competitively award all construction contracts the costs of which exceeds \$200,000.

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## **E. Legal Advertisements**

- 1) All purchases of commodities in excess of threshold amount for Category Five (those purchases exceeding \$50,000) shall be advertised in a newspaper of general circulation in the county or counties within which the District is located no less than ten (10) calendar days prior to the bid opening for invitations to bid and no less than twenty-eight (28) calendar days prior to the proposal opening for requests for proposals. If the Fire Chief, with the concurrence of the Board, determines that an unusual problem exists, and to delay the bidding to provide an opportunity for advertising would be detrimental to the interest of the District, the Fire Chief shall post the intended decision including with particularity the conditions and circumstances requiring waiver of advertising prior to the opening of the bids/proposals at the District office.
  
- 2) Advertisement in a newspaper of general circulation is not required for the reissuance of an invitation to bid or request for proposals provided: 1) the District advertised the original bid or proposal solicitation in a newspaper of general circulation; and 2) the District mails notice of the reissuance of the bid or proposal solicitation to all vendors that were mailed notice of the original solicitation and to all bidders or offerors that responded to the original solicitation, excluding any vendor that responded with an indication of no interest in bidding or offering.

## **F. Conditions to be Included in Formal Invitations to Bid/Requests for Proposal**

- 1) An invitation to bid must contain criteria, to be used in determining acceptability of the bids. If the District contemplates a renewal of the commodity contract, the Invitation to Bid shall so state with sufficient information, including the contract period(s) of renewal, to enable each bidder to bid on the contract including renewal(s). In such case the contract award shall be made based upon an evaluation of bids for the entire contract period including renewal(s). A formal invitation to bid shall be mailed at least 10 days prior to the date set for submittal of bids, unless waived in writing, by the Board. The purchase order/contract shall be awarded with reasonable promptness by written notice to the responsive and responsible qualified bidder who submits the selected responsive bid. The bid evaluation must be determined in writing to meet the requirements and criteria set forth in the Invitation to Bid.
  
- 2) Request for proposal shall include a statement of commodities sought, all contractual terms and conditions applicable, and the date and time for submittal of proposals. Requests for proposal must contain the criteria to be used in determining acceptability of the proposal. If the District contemplates a renewal of the commodity agreement, the request for proposal shall so state and shall also provide sufficient information, including the contract period(s) of renewal, to enable each

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offeror to submit an offer on the contract including renewal(s). In such case the contract award shall be made based on an evaluation of proposals for the entire contract period including renewal(s). To assure full understanding of and responsiveness to the solicitation requirements, discussions may be conducted with qualified offerors.

Notice of Request for Proposal shall be mailed at least 28 days prior to the date set for submittal of proposals.

- 3) Invitation to Negotiate – Except as provided in Section 287.055 Florida Statute relating to the competitive selection of firms to provide professional architectural, engineering, landscape architectural, or land surveying services, an Invitation to Bid or Request for Proposal may also contain an Invitation to Negotiate upon receipt of initial proposals/bids. Identification of the specific areas subject to negotiation, such as cost or fees, scope of services and delivery of commodity or completion of service, must be included.

## **G. Request to Withdraw Bid/Proposal**

Requests for withdrawal will be granted if received by the District, in writing, at any time before execution of a contract with the offeror/proposer.

## **H. Right to Reject Bids/Proposals**

The District shall reserve the right to reject any or all bids/proposals and such reservation shall be indicated in all advertising and invitations to bid/requests for proposal.

## **I. Bid Modification for Commodities/Contractual Services**

A bidder or offeror may not modify its bid after bid/proposal opening, except pursuant to an official negotiation as part of a noticed invitation to negotiate. The District may correct mistakes in an arithmetic extension of pricing. The District may waive minor irregularities in an otherwise valid bid/proposal.

## **J. Inspection or Examination of Sealed Bids/Proposals for Commodities/Contractual Services**

Sealed bids/proposals are not subject to the public records provisions of Section 119.07(1), Florida Statute, until such time as the District provides notice of a decision or intended decision or within 10 days after bid or proposal opening, whichever is earlier. The 10-day period does not include the date of the notice or opening. When the invitation to bid or request for proposal requires the bid or proposal to be placed in two separately sealed envelopes to be submitted simultaneously and not opened on the same date, the 10-day period begins the day after the opening of the second envelope. Bid or proposal opening shall be public at the date and time and at the place specified in the solicitation.

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The opening shall be conducted by an employee of the District and witnessed by at least one other employee of the District. Bid or proposal tabulation sheets shall be completed simultaneously with the public reading of prices whenever appropriate. Upon completion of the tabulation, a copy shall be made accessible for inspection to any interested party.

## **K. Receipt of No Competitive Sealed Bids/Proposals, in the First Invitation to Bid/Request for Proposal**

When no competitive sealed bids/proposals are received for the purchase of a commodity or group of commodities or services in response to the sealed bid/proposal solicitation, the District shall review the situation in order to determine the reasons, if any, why no competitive sealed bids/proposals were received before issuing a second invitation to bid/request for proposals; provided, however, that if the District determines that commodities are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions, the District's intended decision shall be posted in the Board office before the District may proceed with procurement. The District shall document its file as to the conditions and circumstances used to determine the decision to proceed without a second call for bids.

## **L. Default**

Contractors who fail to perform to contract terms and conditions shall be notified, in writing, stating the nature of the failure to perform and providing time certain for correcting the failure (reasonable time should not generally be less than 10 days after receipt of such notice). Unless the contractor corrects its failure to perform within the time provided, or unless the District determines on its own investigation that the contractor's failure is legally excusable, the contractor shall be found in default and issued a second notice stating the reasons the contractor is considered in default and stating that the District will reprocure or has reprocured the commodities or services and the amount of the reprocurement if known. Reprocurement of substitute commodities may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid/the offeror of the second best proposal under the Request for Proposal. If the District fails to contract with the second lowest bidder/offeror of second best proposal it may attempt to contract with the next lowest bidder/offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid/proposal conditions is found. The District may elect to re-bid or to purchase on the open market, as may be in its best interest. All correspondence to contractors respecting failure to perform shall be sent Certified U.S. Mail Return Receipt Requested. The foregoing provisions do not limit, waive or exclude the District's remedies against the defaulting contractor at law or in equity.

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## **M. Emergency Purchases of Commodities/Contractual Services**

Statement Under Oath -- The Fire Chief shall file with the Board a statement certifying the conditions and circumstances requiring an emergency purchase of commodities/contractual services in excess of the threshold amount for Category Five. However, such emergency purchase shall be made with such competition as is practicable under the circumstances. Statements shall be submitted within thirty (30) days after date of purchase order or contract and shall include complete details surrounding the event(s), which created the emergency. A copy of the purchase order or contract shall accompany the statement.

## **N. Single Source Purchases of Commodities**

If the Fire Chief or his designee determines that a commodity is available from a single source and total cost is in excess of the threshold for Category Five, the purchase may be excepted from bid requirements by the Board at a public meeting. For purchases which cost falls below the threshold of Category Five, the Board may waive the requirement of obtaining three bids upon staff recommendation at a public meeting.

## **O. Procedures for Negotiation of Contracts for Purchase of Commodities**

### **1) Negotiations after Receipt of No Competitive Sealed Bids/Proposals**

When negotiating such a contract, the District shall conduct negotiations as follows:

- a) The negotiations shall be made on the best price, terms, and conditions obtainable by the District to meet its needs. The District shall specify in writing and make available to prospective contractors, its needs for the commodity to be purchased prior to commencing negotiations with any vendor.
- b) If a valid bid/proposal was received, negotiations shall commence first with the bidder/proposer submitting the valid bid/proposal. If the District is unable to negotiate a satisfactory contract with the bidder/proposer submitting the valid bid/proposal, negotiations may be held with the remaining bidders/proposers.
- c) If no valid bid was received or if the District was unable to negotiate a

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satisfactory contract with the bidder/proposer submitting the valid bid/proposal, discussions shall then commence with the vendor which had submitted the lowest responding bid/proposal to the invitation to bid/request for proposals. The District shall then undertake discussions with the next lowest responding bidder/proposer and continue discussions with the other bidders/proposers in ascending order of the bid prices until discussions are completed. During discussion, each vendor will be required to give a final firm price, terms, and conditions for the specific commodity/contractual service offered. Upon completion of discussions, the District shall select the vendor offering the commodity/contractual service with the price, terms, and conditions, which, in its judgment, best meets its needs. The District will maintain an accurate record of the discussions held with each vendor. If the District is unable to negotiate a satisfactory contract with any of the vendors that had responded to the invitation to bid/request for proposals, it shall follow the steps in O(2) below if it desires to proceed with negotiations.

### **2) Negotiation of Contracts Without First Seeking Competitive Sealed Bids/Proposals Exceeding the Threshold for Category Five**

When determined by the Board to be in the best interests of the District, the District may contract by negotiation without seeking bids/proposals first. When contracting by negotiation, the following procedures shall be followed:

- a) The Fire Chief shall submit a request in writing to the Board detailing the necessity to contract by negotiation, the proposed steps to be followed by the District in negotiating the contract, and the proposed vendors that will be used in the negotiations. The Board's intended decision to contract by negotiation shall be posted in the Board office.
  
- b) Based on written needs of the District, the District shall obtain from no less than three vendors, written information concerning their qualifications, integrity, and reliability, appropriate information concerning the commodity which may be offered by the vendor to meet the District's needs, and such other information as the District may require. In the absence of at least three vendors, which may offer the commodity desired by the District, the District may consider less than three vendors upon prior approval of the Board.

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- c) The District shall then rank, in order of preference, the vendors deemed by the District to have the qualifications, integrity, and the commodity to meet its needs.
  
- d) The District shall initiate discussions for a contract with the vendor ranked highest in order of preference, based on the District's evaluation of qualifications, integrity, reliability, and the commodity to meet its needs. If, in the sole discretion of the District, negotiations fail, the District shall then undertake discussions with the remaining vendors in descending order of ranking. During discussions, each vendor will be required to give a final firm price, terms, and conditions for the specific commodity offered. Upon completion of discussions, the District shall select the vendor offering the commodity with the price, terms, and conditions, which, in its judgment, best meets its needs. The District will maintain an accurate record of the discussion held with each vendor.

**P. Audit Contracts**

Audit contracts shall be awarded pursuant to the terms and conditions of the Auditor Selection Policy.

**Q. Legal Review of All Contracts**

The District shall provide for legal counsel to review and approve the form of all contracts prior to executing same when appropriate as so deemed by the Fire Chief.

**R. Contractor Qualifications**

In order to be eligible to submit a bid for construction, renovation, repairs, modifications, demolition or other work on a District project, a potential bidder under the jurisdiction of Chapters 399, 455, 489 or 633, Florida Statute must provide to the District evidence of the following qualifications:

- 1) Current State Contractor license certification or registration as required under Florida Statutes, and

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- 2) Current Corporate Charter registration, if the potential bidder is a domestic (Florida) corporation, or authority to transact business if the potential bidder is a foreign (non-Florida) corporation, as may be required by law.

## **4. COMPLIANCE WITH THE CONSULTANTS COMPETITIVE NEGOTIATION ACT ("CCNA"), SECTION 287.055, FLORIDA STATUTE**

### **A. General Provisions**

Purpose -- This part establishes procedures for the competitive selection of firms to provide professional architectural, engineering, landscape architectural, or land surveying services and the negotiation of contracts for such services. The definitions contained in Section 287.055, Florida Statute have the same meaning in this part. This part applies only to the purchase of professional services for a project the basic construction cost of which is estimated to exceed the threshold amount provided in Section 287.017, Florida Statute for Category Five or for planning or study activities which exceed Category Two. Professional services means architecture, professional engineering, landscape architecture or registered surveying or mapping as defined by Section 287.055(2)(a), Florida Statute.

- 1) Public Notice -- The District shall give public notice of each instance in which professional services are being sought and provide a general description of the project. The notice shall appear in a newspaper of general circulation in the county or counties within which the District is located.
- 2) Letter of Interest -- Pursuant to the public notice, a firm desiring to provide professional services for a project shall timely submit a letter of interest containing evidence of current professional status, capabilities, adequacy of personnel, past record and related experience, list of sub consultants, and other information required by the notice necessary for District evaluation under Subsections 287.055(3) and (4), Florida Statute.
- 3) Competitive Selection
  - a) The Fire Chief or his designee will evaluate each letter of interest submitted regarding qualifications and performance ability. The Fire Chief or his designee shall select and list not less than three firms, in order of preference, deemed to be the most highly qualified to perform the required professional service after consideration of the factors set forth in Subsection 287.055(4), Florida Statute, and such other necessary factors.

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b) The Fire Chief or his designee will then recommend to the Board that competitive negotiations be instituted with the firms selected. The Board may amend the Fire Chief's recommendation.

- 4) Competitive Negotiations -- Once the Board authorizes competitive negotiations, the Fire Chief or his designee shall begin contract negotiations for professional services with the designated firms in order of rank for fair, competitive and reasonable compensation. Should negotiations with the firm determined to be the most qualified prove unsuccessful, negotiations with that firm shall cease and negotiations shall begin with the next most qualified firm on the list. Negotiations shall continue in accordance with this Section until an agreement is reached.

If a satisfactory agreement is not reached with any of the initial firms, additional responding firms shall be ranked and listed in the order of their competence and qualifications. Negotiations shall then continue beginning with the first named firm on the second list until an agreement is reached. After successful negotiations, a recommendation shall be made that the Board awards the contract.

Any lump sum or cost-plus-a-fixed-fee professional service contracts over the threshold amount provided in Section 287.017, Florida Statute for Category Four shall require execution of a truth-in-negotiation certificate in accordance with Section 287.055(5)(a), Florida Statute.

- 5) Emergency Procurement -- If, with the concurrence of the Board, the Fire Chief determines in writing that an immediate danger to the public health, safety, welfare or other substantial loss to the public requires emergency action, the District may proceed with the procurement of professional services necessitated by the emergency without competition, upon approval of the Board.
- 6) Reservation of Rights -- The Board reserves the right to reject any and all bids, proposals or other offers to furnish professional or contractual services. The District shall indicate this reservation in all solicitations for contractual or professional services. If the Board finds it necessary to reject all bids, proposals or offers, a written statement to this effect shall be placed in the bid/proposal file and the bidders/proposers shall be notified. The District then may republish the notice seeking professional services, with any appropriate modifications at the direction of the Board. Any interested firm will have the opportunity to submit or resubmit its qualifications to the District for consideration.

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- 7) Prohibition Against Contingent Fees -- Each contract for professional services shall contain a prohibition against contingent fees, as required by Section 287.055(6), Florida Statute.

## **B. Design-Build Provisions**

1. General -- Pursuant to Section 287.055(10), Florida Statute, the following procedures shall be followed in selecting firms when design-build services are sought for District construction projects. The definitions contained in Section 287.055, Florida Statute have the same meaning in this part.
2. Selection of the Design-Build Professional -- The design criteria professional shall be selected and contracted with pursuant to Section 287.055, Florida Statute, and Part 4(A) of this Section, or shall be an employee of the District. The design criteria professional will not be eligible to render services under design-build contracts executed pursuant to the design criteria package. The design criteria professional may be required to evaluate qualifications and proposals submitted by design-build firms, review detailed working drawings for the project, and evaluate project construction for compliance with the design criteria package.
3. Design Criteria Package -- The design criteria professional shall prepare and seal a design criteria package which shall include, but not be limited to, the following: survey information and the legal description of the site; interior space requirements; material quality standards; schematic layouts and conceptual design criteria; cost or budget estimates; design and construction schedules; site development requirements; utility provisions for water, sewer, power and telephone; storm water retention and disposal; and parking requirements, if applicable. Due to the specific requirements of a particular project, additional criteria shall be required in the design criteria package. The purpose of the design criteria package is to provide sufficient information upon which design-build firms may prepare proposals or upon which negotiations may be based. The firm to whom the design-build contract is awarded will be responsible for creation of the project design based on the criteria in the design criteria package.
4. Contracting Process -- The District shall follow the procedures for public notice, letters of interest, competitive selection and competitive negotiations set forth in Part 4(A) of this Section.
5. Reuse of Plans -- When the District reuses existing design criteria packages and final plans from a prior project, the requirements of this subpart shall not be applicable.

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## **5. RESOLUTION OF PROTESTS FROM CONTRACT SOLICITATION PROCESS**

NOTICE: This procedure applies to resolution of all protests arising from the contract solicitation process. Notice of all District decisions or intended decisions shall be by certified mail or certified courier service. By submitting a bid/proposal, all bidders or offerors agree to the process set forth in this policy.

### **NOTICE OF PROTEST:**

Any person adversely affected by an invitation for bids (IFB), request for qualifications (RFQ), or request for proposals (RFP) shall file a notice of protest, in writing, prior to the date on which bids, qualifications, or proposals, are to be received, and shall file a formal written protest within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. Any person adversely affected by the District's decision or intended decision concerning a contract solicitation or award; or any person adversely affected by the District's decision to reject all bids, qualifications, or proposals, shall file a notice of protest, in writing, within 72 hours after receipt of the notice of the decision or intended decision. A formal written protest shall be filed within ten days after filing the notice of protest. No time will be added to the above time limits for mail service.

- 1) Formal Written Protest -- The formal written protest shall be printed or typewritten and contain:
  - a) The name and address of the person or firm filing the protest and an explanation of how they are adversely affected by the District decision or intended decision;
  - b) A statement of how and when the notice of District decisions or intended decision was received;
  - c) A statement of all issues of disputed material fact, and if there are none, a statement so indicating;
  - d) A concise statement of the ultimate facts alleged, as well as the rules or statutes, which entitle the Protestor to relief;
  - e) A demand for relief;
  - f) Any other information material to the protest.
  
- 2) Filing Notices of Protest and Formal Protests -- All notices of protest and formal protests shall be filed with the District Clerk. A protest is not timely filed unless both the notice of protest and the formal protest are received by the District within the prescribed time limits. Failure to file a protest within the time prescribed in this policy shall constitute a waiver of all claims.

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- 3) Stay of Procurement -- Upon receipt of a formal written protest which has been timely filed, the bid solicitation or contract award process shall be stayed until the subject of the protest is resolved by final agency action, unless the Fire Chief, with the concurrence of the Board, sets forth in writing particular facts and circumstances which require the continuation of the contract solicitation process through award without delay in order to avoid an immediate and serious threat or loss to the public health, safety, property or welfare.
- 4) Notice that a contract solicitation has been stayed shall be given by U.S. mail or hand delivery to all to which IFBs, RFQs, or RFPs have been supplied. Upon receipt of a timely formal protest of a decision or intended decision to award or to reject all bids, qualifications, or proposals, notice shall be given by U.S. Mail or hand delivery to all bidders for that contract.
- 5) Resolution of Formal Protest -- Upon the written request of the protestor or on its own initiative, the District shall provide an opportunity for the protestor to meet with the Fire Chief to resolve the protest by mutual agreement within seven days, excluding Saturday, Sunday, and holidays, of receipt of a formal written protest.
- 6) If the subject of a protest is not resolved by mutual agreement within seven days, excluding Saturday, Sunday, and holidays, of receipt of the formal written protest, or a mutually agreed upon extension of time, the Fire Chief shall certify in writing to the Board that there was no resolution. The Fire Chief will make a recommendation to the Board, and the Board will then make a final decision to either uphold the Fire Chief's recommendation, reject the Fire Chief's recommendation and send it back for further action, reject all proposals or do something other than what the Fire Chief has recommended.

## **6. PROCUREMENT OF PROFESSIONAL SERVICES**

### **A. Definitions**

A professional service shall be defined as assistance obtained in support of District operations from an independent contractor in one or more of the following professional fields:

- 1) Appraisal Services- real and personal property appraisers;
- 2) Architecture, professional engineering, landscape architecture, or registered land surveying services (selection pursuant to Section 4 above);
- 3) Auditing and Accounting Services – auditors and accountants (excepting the selection of the annual auditor which shall be conducted pursuant to Section 3 above);

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- 4) Consultants – planning, management, technological or scientific advisors;
- 5) Financial Services – bond counsel, rating and underwriting, financial advisor, actuarial, and investment services;
- 6) Legal Services – attorneys and legal professionals;
- 7) Medical Services - medicine, psychiatry, dental, hospital, and other health professionals.

Because differences in price may only be a minor concern compared to qualitative considerations, professional services may be exempted by the Board of Fire Commissioners from the competitive bidding process.