

RESOLUTION 2024-02
of the
Town Council
for the
Town of Windermere, Florida
adopting revisions to the
Town's Purchasing Policies and Procedures

Whereas, on December 10, 2013, the Town Council adopted the Town of Windermere Purchasing Policies and Procedures to maximize the purchasing power and value of the Town's funds and to ensure that the Town's purchasing process is conducted in an ethical, fair, and open manner and in accordance with Florida law.

Whereas, on March 24, 2015, the Town Council revised the Town of Windermere Purchasing Policies and Procedures.

Whereas, the Town Council had determined it necessary to adopt updates to the Purchasing Policies and Procedures to comply with Florida law and best practices of the Town.

Now Therefore, Be It Resolved by the Town Council of the Town of Windermere, Florida, that the version of the Town of Windermere Purchasing Policies and Procedures attached hereto as **Attachment A** is hereby adopted as the official policy of the Town of Windermere. Previous versions of the Purchasing Policies and Procedures are hereby repealed.

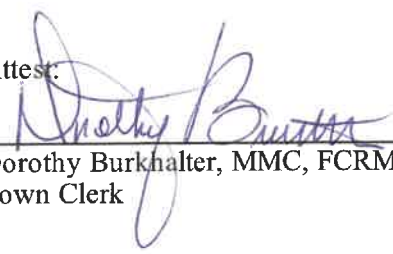
Resolved this 12th day of March, 2024.

TOWN OF WINDERMERE, FLORIDA

By: Town Council

By: 
Jim O'Brien, Mayor

Attest:

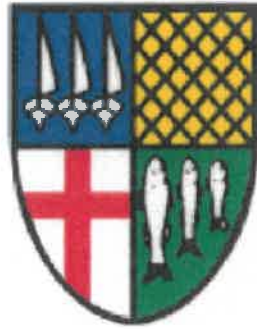

Dorothy Burkhalter, MMC, FCRM
Town Clerk



ATTACHMENT A

**TOWN OF WINDERMERE
PURCHASING POLICIES AND PROCEDURES
Revised 3/12/2024**

TOWN OF WINDERMERE



PURCHASING POLICIES AND PROCEDURES

ADOPTED: 12/10/13
REVISED: 3/24/2015
REVISED: 3/12/2024

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TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 1
Title: INTRODUCTION		
Effective Date: 12/10/13	Amended:	

The Town of Windermere has identified the Town Manager and Finance Department as the departments responsible for coordinating the Town’s central purchasing efforts. The Town’s policy is to promote efficiency, economy, and fair and open competition in an effort to reduce the appearance or opportunity for favoritism or impropriety, and to inspire public confidence that purchase orders and contracts are awarded equitably and economically. It is essential for effective and ethical procurement that there be a system of uniform procedures, utilized by all personnel, that establishes basic guidelines and procedures which regulate procurement activities, contract management, and the resulting distribution of funds. The foremost objective of centralized purchasing is to abide by, uphold, and affect adherence to the Purchasing Policies and Procedures instituted by the Town of Windermere and to guard against the misuse or misinterpretation of the same.

The focus of this manual is to provide the Town of Windermere Departments and any Board or Committee with a guide for following the policies established by the Town of Windermere and the laws established in the Florida Statutes.

This manual may be amended when required by changes in law. Minor procedural changes, i.e. flow of documents, may be changed by the Town Manager. Major Amendments require the approval of Town Council by Resolution.

Finally, this manual is adopted by the Town of Windermere pursuant to its home-rule powers under the Constitution and laws of the State of Florida and the Town’s charter. In the event any provision of this manual conflicts with state law, whether facially or as applied to a particular situation, state law shall govern to the extent of the conflict.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 2
Title: CODE OF ETHICS AND CONDUCT		
Effective Date: 12/10/13	Amended:	

The Town Manager and Finance Department believes in the dignity of their offices and the real worth of the service rendered by their governmental agency and strives to maintain high standards of ethics and conduct.

Public purchasing officials are required to maintain complete independence and impartiality in dealings with vendors, both in fact and in appearance, in order to preserve the integrity of the competitive process and to ensure there is public confidence that purchase orders and contracts are awarded equitably and economically.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 3
Title: GENERAL PURCHASING POLICIES		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. The Town of Windermere has identified the Finance Department as the Department responsible for coordinating the Town’s centralized purchasing efforts.
- II. It is the intent of the Town of Windermere to provide all vendors, (with the exception of those on the State Department of General Services convicted vendor list) with a fair and impartial opportunity in which to compete for the Town’s business.
- III. Goods and services offered to the Town based upon State Contract prices for the current fiscal year are considered to be competitively bid and to have satisfied the requirements of the competitive bidding process.
- IV. It is the policy of the Town of Windermere that the specifications for goods and services shall be open and competitive.
- V. Local preferences are permitted when allowed by law as follows: Town Staff shall not award a local preference on purchases made on items within their purchasing authority unless authorized by the Town Manager.
- VI. Goods and services produced in the United States will be given preference when all other aspects in the bid selection process are equal.
- VII. It will be the policy of the Town of Windermere to consolidate for purchase and bidding, all goods and services of a similar nature.
- VIII. It is the policy of the Town of Windermere to award a bid based upon the total or aggregate items bid, when possible, rather than to segregate items out for individual awards.
- IX. The Town of Windermere may reject all or portions of any bid when it is deemed in the best interest of the Town.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 4
Title: DEFINITIONS		
Effective Date: 12/10/13	Amended: 3/12/2024	

AGREEMENT - See Contract

COUNCIL: The Town of Windermere Council, Windermere, Florida

CHANGE ORDER - A monetary or non-monetary change to an original contract price or other contract conditions.

COMPETITIVE SEALED BID - See Competitive Sealed Proposal

COMPETITIVE SEALED PROPOSAL - Refers to the receipt of two or more sealed bids or proposals submitted by responsive and responsible bidders or proposers.

CONTINUING CONTRACT - A "continuing contract" is a contract for professional or construction services entered into in accordance with all the procedures of Florida Statute 287.055 in which the estimated construction cost of each individual project under the contract does not exceed \$4 million, or for study activities if the fee for professional services for each individual study under the contract does not exceed \$500,000. Firms providing services under continuing contracts shall not be required to bid against one another

CONTRACT - A mutually binding legal relationship obligating the seller to furnish the supplies and/or services (including construction) and the Purchasing Entity to pay for them. It includes all types of commitments that obligate the Town of Windermere to an expenditure of appropriated funds and that, except as otherwise authorized, are in writing. In addition to bilateral instruments, contracts may include (but are not limited to) awards and notices of awards; job orders or task letters issued under basic ordering agreements; letter contracts; purchase orders, under which the contract becomes effective by written acceptance or performance; and bilateral contract modifications. The words "Contract" and "Agreement" may be used interchangeably.

CONTRACTOR - A person who contracts to sell commodities or contractual services to an agency.

CONTRACTUAL SERVICES - The rendering by a contractor of their time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research

and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes.

INVITATION TO BID - A written solicitation for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, group of commodities, or services for which bids are sought. It includes instructions prescribing all conditions for bidding and shall be distributed to all prospective bidders simultaneously. The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency is capable of establishing precise specifications defining the actual commodity or group of commodities required.

INVOICE - Shall mean a formal billing submitted by a vendor showing the amount due and terms of payment for materials and/or services rendered. Invoices must be itemized in sufficient detail to permit proper audit by the auditing body or department.

LOCAL BIDDER – Shall mean a bidder whose business office is located within Orange County.

MAY - Denotes the permissive. However, the words "no person may..." means that no person is required, authorized, or permitted to do the act described.

PROPOSAL - Shall mean a written notice by a vendor setting forth the terms under which a vendor will furnish supplies or services.

EMERGENCY - Shall mean the need for the procurement of goods or services arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of inhabitants of a political subdivision are involved.

PURCHASE ORDER - A formal notice to a vendor to furnish the supplies or services described in detail thereon.

PURCHASING - The act of obtaining supplies, equipment or services necessary to carry out a particular function.

TOWN MANAGER - The person responsible for the organization's procurement program. The Town Manager is given the responsibility and authority to act for the Town in certain areas.

RENEWAL - Contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

REQUEST FOR PROPOSALS - A written solicitation for competitive sealed proposals with the title, date and hour of the public opening designated. The request for proposals is used when the agency is incapable of specifically defining the scope of work for which the commodity, group of commodities, or contractual service is required and when the agency is requesting that a qualified vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A request for proposals includes, but is not limited to, general information, applicable laws and rules, functional or general specifications, statement of work, proposal instructions, licensure, and evaluation criteria. Requests for proposals shall state the relative importance of price and any other evaluation criteria such as licensure.

REQUEST FOR QUALIFICATIONS - This procurement approach differs from the traditional request for proposals approach that it places greater emphasis on the actual qualifications and licensure of the potential contractor--his or her track record--rather than how well the potential contractor responds to pricing. Requests for Qualifications for design or construction project must follow Florida Statute 287.055, may only request qualifications, and cannot request pricing information until the most qualified firm is selected. A Request for Qualifications should be used for all Continuing Contracts.

REQUESTING DEPARTMENT - The department originating the purchase request.

REQUISITION – A written request to the Finance Department for one or more items or services necessary to carry out operational functions for the requesting Department for \$1,000.00 or less.

RESIDENT BIDDER - An individual whose primary residence is within Windermere, Florida; a partnership whose principals are all residents of Windermere, Florida; or a Florida Corporation, partnership, or other business entity whose principal place of business is within Windermere, Florida, or which maintains a full-time business office open to the public within Windermere, Florida.

RESPONSIBLE BIDDER - A person who has the capability and qualifications in all respects to perform fully the contract requirements and has the integrity and reliability that will assure good faith performance as well as current all applicable licensing information.

SHALL - Denotes the imperative.

SOLE SOURCE - Shall mean the only source of service or product relative to kind and availability.

SPECIFICATIONS - A written description of needed supplies, equipment or services setting forth in a clear and concise manner the characteristics of the items and/or services to be purchased and the circumstances under which the purchase will be made.

VENDOR - A supplier of goods or services.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 5
Title: DUTIES AND RESPONSIBILITIES – GENERAL		
Effective Date: 12/10/13	Amended:	

- I. The Finance Department has the sole authority for issuing Purchase Orders and Requisitions to Town Departments for completion.

- II. Purchase Orders will be required for all purchases in unit or in total above \$1,000 unless the procurement of goods or services is governed by a written contract. Requisitions or Purchasing Cards will be used for purchases not exceeding \$1,000. Emergency purchases in excess of \$1,000 must be approved by the Town Manager in order to procure goods or services prior to obtaining a Purchase Order. However, this provision does not exempt any employee from those limits established in sections of these established policies relative to (i) approval to purchase (ii) levels of authority, and (iii) exceptions and exclusions.

- III. The Town Manager is the sole authority responsible for issuing and setting spending limits on Purchasing Cards issued to designated Town Employees, in accordance with the provisions established by the Town's Purchasing Card Agreement.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 5.1
Title: DUTIES AND RESPONSIBILITIES - THE FINANCE DEPARTMENT		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. The Finance Department shall be responsible for developing and administering the purchasing program for those departments in Town government under the direct control of the Town Manager and the Town of Windermere Council.
- II. The Finance Department shall cooperate with Town Departments in procurement of supplies and equipment and shall maintain adequate records necessary to create an audit trail for purchasing transactions.
- III. The Finance Department will verify when a low bidder proposes that the item is in fact a comparable item equal to the specifications of the proposed bid.
- IV. The Finance Department will assist the requesting Department in soliciting quotes where formal bidding is not required.
- V. The Finance Department shall issue a Purchase Order number to the selected vendor, after first determining that unencumbered budget funds are available for the proposed expenditure.
- VI. The Finance Department will coordinate with the Town Manager Administrative Assistant to maintain an inventory of commonly used supplies where practical and will initiate distribution to the Town's various departments upon receipt of a valid Supply Request Form.
- VII. The Finance Department will strive to take advantage of discounts offered by vendors for early and prompt payments of invoices.
- VIII. The Town Clerk shall maintain bid documents. Original bid documents shall not be attached as exhibits to subsequent or resulting contracts, leases or agreements. Such exhibits shall be official copies of the original bid documents.
- IX. The Finance Department or Town Manager Designee will formally post on the Town of Windermere Website the award information for each bid when the bidding process is completed.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 5.2
Title: DUTIES AND RESPONSIBILITIES – REQUESTING DEPARTMENT		
Effective Date: 12/10/13	Amended:	

- I. Departments, Boards, and Committees are responsible for following the purchasing policies and procedures adopted by the Town of Windermere.
- II. Department Head and/or Chairman shall be responsible for determining that sufficient budget funds are available for all expenditures.
- III. Department Head and/or Chairman shall monitor the Purchasing Card Purchases of their employees or volunteers.
- IV. Those employees issued purchasing cards shall maintain the purchasing card in their possession at all times. It is the responsibility of the employee to report lost or stolen cards immediately to the Department Head and the Finance Department. During business hours if the employee is unable to reach the Finance Department, notification may be made directly to the Town Manager. After business hours, contact the Department Head to report a lost or stolen purchasing card. The Department Head is responsible for notifying the Town Manager.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 6
Title: VENDOR POLICIES		
Effective Date: 12/10/13	Amended:	

I. FULL AND OPEN COMPETITION

It is the intent of the Town of Windermere to provide all vendors, with the exception of those on the State Department of Management Services Convicted Vendor List, with a fair and impartial opportunity in which to compete for the Town's business.

II. PUBLIC ENTITY CRIME: Denial and Revocation of Rights

In accordance with section 287.133, Florida Statutes, any entity listed on the State Department of Management Services Convicted Vendor List shall be denied the right to conduct business or render any type of service for any Town Department to the extent required by the debarment, suspension, or other determination of ineligibility by the State.

III. QUALIFICATIONS FOR CONSTRUCTION CONTRACTING

Contractors must meet the requirements of subsection 489.113(2), Florida Statutes: No person who is not certified or registered as required by the statute shall be permitted to act as a contractor for the Town. However, a person who is not certified or registered may perform construction work under the supervision of a person who is certified or registered, provided that the work is within the scope of the supervisor's license and provided that the person being supervised is not engaged in construction work which would require a license as a contractor under any of the categories listed in subsections 489.105(3)(d)-(o), Florida Statutes. Additional qualifications may be included in a request for bids or proposals.

IV. BIDDERS VENDOR LIST

The Town of Windermere will broadcast all bids, including but not limited to, Requests for Proposals, Requests for Qualifications and Invitation to Bid on the Town of Windermere Website.

V. REINSTATEMENT AS ELIGIBLE VENDOR

Vendors that have been disqualified from consideration as an eligible vendor may be reinstated upon written request and approval of the Town Manager; however, debarred or suspended firms shall not be reinstated during the period of a debarment or suspension.

VI. LOCAL PREFERENCE

The use of a local preference is allowable only as permitted by Town policies as approved by the Town Manager or Town Council.

VII. LITIGATION AND ARBITRATION

The Town staff shall not issue any Purchase Orders or contracts to any vendors currently involved in litigation or arbitration with the Town of Windermere until such time as a satisfactory resolution is reached with such vendors; however, the Council may, in its sole discretion, award Purchase Orders or contracts to such vendors.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 7
Title: PURCHASING REQUEST AUTHORIZATION LEVELS		
Effective Date: 12/10/13	Amended: 03/24/2015; 3/12/2024	

I. REQUEST TO PURCHASE

The purchasing authorization levels identify who can request the purchase of goods/services and when a particular purchase must be brought before the Town of Windermere Town Council for approval or award of bid. All Requisitions and Purchase Orders along with proper back-up documentation will be forwarded to the Finance Department for review.

Each individual representing a level of purchasing authority must have on file with the Finance Department a completed Purchasing Level Signature Authorization Form. It is the responsibility of the department/division to ensure each person who has purchasing signature authority has completed the above listed item.

II. REQUESTING AUTHORIZATION LEVELS:

A. Level A - \$0 to, but not exceeding \$1,000 (Requisition)

On the Requisition the "Authorized by" signature line must be signed by the Department Head and/or Chairperson of Committee or Board.

B. Level B – Over \$1,000 but not exceeding \$2,499 (Purchase Order)

On the Purchase Order the top portion "By" signature line must be signed by the Department Head and/or Chairperson of Committee or Board and the Town Manager. Procurement shall require informal solicitation. Council action is not required.

C. Level C – Over \$2,499 but not exceeding \$9,999

On the Purchase Order the top portion "By" signature line must be signed by the Department Head and/or Chairperson of Committee or Board and the Town Manager. Town Council action is not required. Competitive Solicitation is required.

D. Level D – Over \$10,000

On the Purchase Order the top portion “By” line must be signed by the Department Head and /or Chairperson of Committee or Board and the Town Manager then sent to the Town of Windermere Town Council for approval. Competitive formal request for proposal procedures apply. The Town Council must award the bid at a regularly scheduled Town of Windermere Town Council meeting. The requesting Department shall pay particular attention to contract/services agreements, which have the potential to exceed the \$10,000 limit over the life of the contract.

III. EMERGENCY EXCEPTION

In an emergency as determined by the Town Manager and the Town Council, authorization to contract in excess of \$10,000 without bidding is granted to the Town Manager with the provision that it will be brought to the attention of the Town Council at their next regularly scheduled meeting for “after-the-fact” approval. This authority will be capped at \$50,000; any requirements above that level will require a special meeting of the Town Council to be called.

IV. AUTHORIZATION TO PURCHASE

The “Authorized By” line at the bottom of the Purchase Order will be signed by either the Town Manager or the Mayor of the Town of Windermere

The “Certification of Goods” line at the bottom of the Purchase Order can be signed by any person in the department that has verified the goods have been received. The Date field should reflect the date the goods and services are received (do not list the date the signature is taking place).

Any Purchase Orders or Requisitions that are sent to the Finance Department with improper signatures or without proper back-up documentation will be returned to the requesting department/division to be corrected.

To ensure proper accountability of all items being purchased no one person should be signing more than one line on any Purchase Order. Two signatures shall be required.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 8
Title: PURCHASING DOCUMENTATION REQUIREMENTS		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. Level A - \$0 to, but not exceeding \$1,000 (Requisition)
No quotes are required for purchases of \$1,000 or below. Informal solicitation is suggested.
- II. Level B – Over \$1,000 but not exceeding \$5,000 (Purchase Order)
Three written quotations are required. Town Council approval is not required.
- III. Level C – Over \$5,000 - \$9,999 (Purchase Order)
Three Written quotations are required. Town Council approval is required.
- IV. Level D- Over \$10,000 (Purchase Order)
Formal Request for Proposals from the source of supply is required. Town Council approval is required.

If three quotes are not obtainable due to lack of vendor interest/response please state that on the Purchase Order before turning it into the Finance Department.

If an "on call" contractor is being utilized three quotes will not be required; unless the Town has a contract with more than one "on call" contractors for the same type of work then a quote will be required from all "on call" contractors for that specific type of work.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 9
Title: PURCHASE ORDER PROCESS		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. Purchase Order is required for the procurement of goods/services over \$1,000.00 unless the procurement of goods or services is governed by a written contract or is listed as an exempt item under Exemptions and Exclusions.
 - A. To initiate the purchasing process; complete a Purchase Order Form with the following information:
 1. Department and/or Committee or Board requesting materials.
 2. Vendor name and address.
 3. Fund/account number.
 4. Total amount of order.
 5. Department and/or Committee or Board purchasing authority signature.
 6. Quantity, unit size, catalog or part number, description, unit cost, and total cost of items.
 7. Total of all items.
 8. Remarks if needed - this is for further breakdowns in fund/budget/line item numbers and any special "ship to" or "bill to" information.

- II. The Purchase Order is completed by the requesting Department and or Committee or Board and is submitted to the Finance Department. The Finance Department will review the Purchase Order and if required, place on the agenda for the Town Council approval.

- III. The Town Manager shall have approval authority for Purchase Orders not exceeding \$10,000. If the amount exceeds \$10,000 the Purchase Order will be placed on the agenda for the Town Council to approve. The Finance Department will contact the requesting Department and or Committee or Board if the Purchase Order is denied. The Finance Department will encumber the Purchase Order when it is received by their office no matter the amount of the Purchase Order.

IV. Distribution of Purchase Orders after they are approved by the Town Manager or the Town Council will be processed as follows:

A. Purchase Orders approved by the Town Manager between \$1,001 and \$10,000 will be sent to the Finance Department. The requesting Department and/or Committee or Board will order the goods/services. The requesting Department and/or Committee or Board and the Finance Department will not process any invoices or payments against the Purchase Order until the Purchase Order is relinquished.

B. Purchase Orders approved by the Town Council will be returned to the Finance Department for processing. The Finance Department will return the appropriate copies of the Purchase Order back to the requesting Department. The requesting Department will order the goods/services. The requesting Department and the Finance Department will not process any invoices or payments against the Purchase Order until the Purchase Order is relinquished.

V. Unauthorized Purchases

Except as herein provided, it shall be a violation of the Town of Windermere policy for any officer, employee or agent of the Town of Windermere to order the purchase of any materials, supplies, equipment, professional or contractual services or to make any contract within the purview of this Policy other than through the Town Manager, or designee. Any Purchase Order or contract made contrary to the provisions herein shall not be approved, and the Town Council shall not be bound thereby. Purchases, orders, or contracts that are subdivided to circumvent the Purchasing Policy shall be considered Unauthorized Purchases.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 10
Title: REQUISITION POLICY PROCESS		
Effective Date: 12/10/13	Amended:	

- I. A Requisition is required for the procurement of goods/services under \$1,000, unless procurement of goods/services is governed by a written contract or is listed as an exempt item under exemptions and exclusions.
- II. A Requisition to purchase goods/services must be signed by the appropriate authority level. Complete a Requisition Form with the following information:
 - A. Department, Board, or Committee requesting materials.
 - B. Vendor name and address.
 - C. Fund/account number.
 - D. Total amount of order.
 - E. Department, Board, or Committee purchasing authority signature.
 - F. Quantity, unit size, catalog or part number, description, unit cost, and total cost of items.
 - G. Total of all items.
 - H. Remarks if needed - this is for further breakdowns in fund/budget/line item numbers and any special "ship to" or "bill to" information.

III. Unauthorized Purchases

Except as herein provided, it shall be a violation of the Town of Windermere policy for any officer, employee or agent of the Town of Windermere to order the purchase of any materials, supplies, equipment, professional or contractual services or to make any contract within the purview of this Policy other than through the Town Manager, or designee. Any Purchase Order or contract made contrary to the provisions herein shall not be approved, and the Town Council shall not be bound thereby. Purchases, orders, or contracts that are subdivided to circumvent the Purchasing Policy shall be considered Unauthorized Purchases.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 11
Title: CHANGE ORDER PROCEDURES		
Effective Date: 12/10/13	Amended: 3/12/2024	

I. Change Orders

In the course of business, it may be necessary to make changes to a Purchase Order. This is accomplished by a Change Order. A user may request a Change Order to any issued Purchase Order for review by the Finance Department. Change Order procedures shall not be used to avoid ANY standard purchasing procedures.

A Change Order is required for an increase or a decrease no matter the amount, for any Purchase Order. A Change Order will be needed to correct errors, omissions or discrepancies, cover acceptable cost over-runs or to incorporate requirements to expand or reduce the scope of goods or services ordered. A written Change Order is required when a project has changes to the scope of work, exceeds the number of days for substantial completion or has a change in contract price. When a Contract Change Order has been approved by the Town Council, the approval must be attached to a Purchase Order Change Order and submitted to the Finance Department for the Town Manager's approval. When a Contract Change Order has been approved by the Town Council, the resulting Purchase Order Change Order may be given final approval by the Town Manager. Any Change Orders to Purchase Orders must be submitted in writing to the Finance Department.

If a Change Order reduces the amount of the Purchase Order (regardless of the reduction amount) without changing the scope of the project the Town Manager may give final approval.

II. Change Order Procedures

- A. Any Change Order to Purchase Orders must be submitted in writing to the Finance Department.
- B. The Department Head will be required to sign the Change Order form and send it to the Finance Department for review.
- C. The Finance Department will review, sign, and then forward the Change Order Form to the Town Manager for signature.

- D. The Town Manager shall have the authority to approve any Change Order that does not cause the total purchase price (original Purchase Order plus all Change Orders) to exceed \$10,000. If the total purchase price exceeds \$10,000, the Change Order must be approved by the Town Council.
- E. If the Change Order must be approved by the Town Council, an agenda item will be prepared by the Town Manager for the next available Town Council meeting.
- F. Once the Change Order Form is approved, the Finance Department will distribute the fully executed Change Order to the requesting department. The requesting department will be responsible for submitting the Change Order to the vendor and to the Finance Department.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 12
Title: LEVELS OF AUTHORITY – RISK MANAGEMENT REQUIREMENTS		
Effective Date: 12/10/13	Amended:	

Risk Management Requirements / Hold Harmless Agreement

The Contractor/Vendor is required to purchase and maintain minimum limits of \$1,000,000 per occurrence for all liability, which includes general liability and, if applicable, automobile liability. Other coverage may be required where applicable.

The Contractor/Vendor must agree to hold the Town of Windermere harmless against all claims for bodily injury, sickness, disease, death or personal injury or damage to property or loss of use resulting there from, arising out of the agreement, unless such claims are a result of the Town's sole negligence.

The Contractor/Vendor shall purchase and maintain workers' compensation insurance for all workers' compensation obligations imposed by state law with at least \$100,000 each accident and \$100,000 each employee/\$500,000 policy limit for disease. Even if the Contractor/Vendor is not required by state law to secure workers' compensation insurance, the Contractor/Vendor shall purchase and maintain workers' compensation insurance in order to perform work or provide services to the Town of Windermere, Florida. (This is the standard requirement however; the Finance Department can perform a special review as needed on a case-by-case basis for the contractor/vendor.)

The Contractor/Vendor shall also purchase any other coverage required by law for the benefit of employees.

Required insurance shall be documented in Certificates of Insurance and shall be provided to the Town representative requesting the service.

The Contractor/Vendor shall be required to stipulate that he/she agrees to the Hold Harmless Agreement, and to abide by all insurance requirements.

The Town Council may lower the amount of coverage required on contracts for less than \$10,000 that do not involve high risk. The Town Manager shall have approval authority to lower the amount of coverage for Purchase Orders not exceeding \$2,499.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13
Title: COMPETITIVE BIDDING		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. The Requesting Department, Committee, or Board in conjunction with the Finance Department will formulate specifications using guidelines depicted later in the Writing Specifications Section.
- II. In an effort to ensure open and fair competition, the Requesting Department, Committee, or Board may solicit comments from local vendors to insure specifications, as written, do not preclude any given vendor from bidding.
- III. The Requesting Department, Committee, or Board shall attach a written proposal approval request for bids, requests for proposals, and requests for qualifications and forward specifications to the Town Manager for approval. The Town Manager will forward the bid package to the Finance Department for review and to make any necessary comments. The Town Manager will review for approval. Upon receipt of a completed and signed approval form, the Clerk Department will formally advertise the bid.
- IV. The Clerk Department shall determine the date, time and location for submitting bids, as well as the date, time, and location of the Public Bid Opening.
- V. The Clerk Department will advertise the request for bids required by application of applicable state and/or federal law or Town Charter, Ordinance or these policies as follows:
 - A. For goods and services other than capital improvements, at least once on the Town website and on Demandstar permitting at least two weeks for the vendor(s) to respond.
 - B. For capital improvements:
 1. The Town shall comply with the requirements of subsection 255.0525(2), Florida Statutes. If the statute is amended after enactment of these policies, the Town will comply with the amended statute.
 2. Unless the statute is amended, the Town will advertise as follows:

- a. For construction projects estimated to cost over \$200,000, the project shall be publicly advertised at least once in a newspaper of general circulation in Orange County, Demandstar, and the Town Website at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference.
 - b. For construction projects projected to cost more than \$500,000.00, it shall be publicly advertised at least once in a newspaper of general circulation in Orange County, Demandstar, and the Town Website at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled pre-bid conference.
 - c. Exception. The advertising may be waived by the Town Manager in the event of an emergency, which includes an immediate danger to the public health or safety, an immediate danger of loss of public or private property, or an interruption in delivery of an essential governmental service.

- VI. All bids will be opened in public and read aloud by the Clerk Department. The Requesting Department will attend the bid opening and will review the submitted bids to ascertain the most responsive and responsible bid that provides the best value to the Town.

- VII. Unless otherwise instructed, the Finance Department with the concurrence of the Requesting Department or Selection Committee, will recommend the award of bid to the Town Manager in writing with adequate justification.

- VIII. The Finance Department will determine if adequate budgeted appropriations are available for the purchase. The Finance Department will submit to the Town Manager for placement of the item on the agenda for approval by the Town Council if amounts exceed \$10,000.

- IX. The cancellation of an Invitation for Bids usually involves a loss of time, effort, and money spent by the Town and bidders. Invitations should not be cancelled unless cancellation is clearly in the public interest; e.g., (1) where there is no longer a requirement for the supplies or services; or (2) where amendments to the invitation would be of such a magnitude that a new invitation is desirable; or (3) where the Town Council or Town Manager has determined it appropriate.

The notice of cancellation shall identify the invitation for bids by number and short title or subject matter.

- X. Cooperative purchase agreements involve arrangements between two or more governmental entities to share contracts for the purchase of commodities or services

under the same contract. This is accomplished by including in their respective bid documents language notifying bidders that any response to the invitation for bid constitutes a bid made under the same terms and conditions for the same price to other governmental agencies.

- XI. All Town solicitations for the procurement of commodities or contractual services shall include the following provision: Vendor is hereby notified that Section 287.05701, Fla. Stat., provides that the Town may not request documentation of or consider a vendor's social, political, or ideological interests when determining if the vendor is a responsible vendor.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.1
Title: COMPETITIVE BIDDING – WHEN REQUIRED		
Effective Date: 12/10/13	Amended:	

Competitive bidding shall be required only if a state or federal statute or grant requires the Town to utilize formal bidding; or if required by Town Charter or ordinance or these policies; or if the Town Council or Town Manager directs that competitive bidding be used.

Competitive bidding procedures shall not be required unless the Town Manager or Town Council directs their use for the purchase of:

- I. Books, periodicals, software, printed materials, artwork, photographs, film, film strips, video tapes, disk or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the State, a governmental agency, or a recognized educational institute;
- II. All heavy equipment repairs may be exempted from the competitive bidding requirements. The affected Department Head or designee shall solicit and evaluate quotations and make a recommendation for award. The Finance Department shall review the quotations and provide a recommendation to the Town Manager for awarding the bid. Should a purchase exceed \$10,000, the Town Manager shall agenda the item for ratification by the Town Council at a regularly scheduled Town Meeting;
- III. Commodities or services from established State of Florida, PRIDE, SNAPS, SPURS, RESPECT, government pricing, Federal General Services Administration contracts and other contracts competitively bid by government entities;
- IV. The purchase, lease, or rental of real property, except to the extent required by State law, Abstracts of titles for real property, Title insurance for real property;
- V. Supplies, professional and contractual services from a single source upon certification by the Town Manager stating the conditions and circumstances requiring the purchase. This certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;
- VI. Public utility services;

- VII. Supplies or equipment where compatibility of equipment, standardization of products or services, accessories or replacement parts permits only one reasonable source of supply;
- VIII. Grants (direct payment);
- IX. Advertisements, Postage, Legal Services, Expert Witnesses, Court Reporter services;
- X. Dues and memberships in trade or professional organizations, Fees and costs of job- related seminars, training, and travel;
- XI. Artists, music ensembles, (bands) and other entertainment providers;
- XII. Emergency purchases;
- XIII. Other commodities or services, as determined by the Town Manager.
- XIV. Any other good or service to be purchased by the Town if no state or federal law, the Town Charter or Town ordinances or these policies require formal bidding. However, the Town may choose to use formal bidding for any purchase.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.2
Title: COMPETITIVE BIDDING – PIGGYBACK		
Effective Date: 12/10/13	Amended: 3/12/2024	

I. PIGGYBACK

The method of providing additional purchasing options is common practice in the public purchasing community and offers significant benefits. The additional purchasing option may provide favorable pricing and reduce the costs associated with preparing specifications and issuing invitations to bid. "Piggyback" is a procedure of procuring goods or services without formal bid procedures via utilizing other public entity's award of an Invitation to Bid or Request for Proposal. As provided for in the Charter, in the purchase of items which require use of a formal bidding process, the Town may piggyback the contracts of any other public entity including the state, counties, cities or any other public entity which has gone through a formal bidding process. The piggybacked bid should not have been awarded more than one (1) year prior to piggyback. The Town shall be cautious when piggybacking another entity's bid. The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the Invitation to Bid. Changes to terms and conditions, etc., are not allowed. It is recommended that the user Department contact the user Department of the other entity to determine that the item is exactly what is needed by the Town and additionally, to determine if they would recommend piggybacking of the award.

However, design or construction contracts originally procured using the qualification-based selection process in Florida Statute 287.055 cannot be piggybacked by the Town if the contract amounts exceed the thresholds in Florida Statute 287.055. The thresholds for architects and engineers are \$325,000 construction cost or \$35,000 planning study, and for construction services the threshold is \$300,000, but for construction services only the threshold is adjusted by the percentage change in the Engineering News-Record's Building Cost Index from January 1, 2009, to January 1 of the year in which the project is scheduled to begin (currently about \$425,000).

A. The following is required to be part of the procurement package:

1. A full copy of the Invitation to Bid
2. Vendor's price sheet
3. Vendor's signature
4. Allowance for piggybacking by other entity
5. Notification of award
6. Date of Purchase Order or contract and expiration date.

B. Quotation from vendor, offering to honor the same prices under the same terms and conditions as indicated in the Invitation to Bid is also required. Only purchases can be piggybacked; sale or trade-ins must be sold separately. Should the piggybacked bid have a line item(s) for trade-in of used equipment, the line item(s) cannot be piggybacked.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.3
Title: COMPETITIVE BIDDING - SOLE SOURCE		
Effective Date: 12/10/13	Amended:	

I. Sole Source/Non-Competitive Negotiations

Non-competitive negotiations may be used as a procurement method for purchases of supplies or services available from only one source; or sole brand or when it is recommended by the Department Head of the using department or the Finance Department that competitive bidding is not feasible or not advantageous to the Town and approved by the Town Manager and Town Council. The Town Council must make a determination that services and/or goods are available only from a sole source. The cost of goods or services must not exceed \$50,000.00 or such amount as is set by the Town Council in an ordinance. Sole Source means the only existing source of the items that meet the needs of the using department as determined by a reasonably thorough analysis of the marketplace. Sole Source purchasing of goods and services requires a written finding that only one qualified source is available; and also requires a written statement that a search for alternative source was made; and a justification of why the only source is acceptable to fit the needs of the using department. A request for a proprietary item does not justify sole source procurement if there is more than one potential bidder for the item.

A. The Finance Department may negotiate with a sole source supplier under the following circumstances:

1. The needed supply or service is available from only one source/brand.
2. The supply or service is wanted for experimental trial or testing.
3. Additional supplies or services are needed to complete an ongoing task.
4. A supply or service is purchased from, or a sale is made to, another unit of government.
5. The item is a component or replacement part for which there is no commercial distributor.
6. Compatibility is the overriding consideration.
7. The item is a used item, which is subject to immediate sale.

8. The item has a cost of less than \$50,000.

B. Procedures

1. In processing requisitions for sole source/sole brand items, the Finance Department conducts negotiations as to price, delivery, terms, and conditions.
2. The Finance Department, in cooperation with the using department, prepares a recommendation for award.
3. The Town Council approves use of a sole source.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.4
Title: Unique Purchasing Opportunities		
Effective Date: 12/10/13	Amended:	

I. Unique Purchases:

Where the Town Council determines by resolution that a unique purchasing opportunity is available to the Town, it may authorize any single purchase or contract without the necessity of bidding.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.5
Title: COMPETITIVE BIDDING - TIE BIDS		
Effective Date: 12/13/10	Amended:	

I. TIE BIDS

If all bids received are for the same total amount or unit price, quality and service being equal, the contract or purchase shall be awarded to a local responsible bidder. For tie bids among local bidders, or among non-local bidders over ten thousand dollars (\$10,000.00) the Town Manager shall determine which bid shall be recommended to the Town Council for approval at a regularly scheduled Town Council meeting.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.6
Title: COMPETITIVE BIDDING – BID PROTEST		
Effective Date: 12/10/13	Amended:	

I. BID PROTEST PROCEDURES

- A. Any bidder opposed to an intended decision on any bid award must file with the Finance Department of the Town of Windermere a written Notice of Intent to file a protest, within seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays), after the posting of the bid tabulation. The initial notice of protest shall clearly state the facts and law upon which the protest is being based. Failure to state the basis of the protest shall be just cause for the protest to be rejected according to the bid protest procedure.
- B. Following the filing of the Protest Notice, the bidder must submit a formal, written bid protest within five (5) Town of Windermere workdays.
- C. The formal written protest shall contain the following:
 - 1. Town of Windermere’s bid number and description as advertised.
 - 2. Name and address of company or person filing the protest.
 - 3. A clear statement as to the grounds of protest (applicable statutes, ordinances, laws, etc.)
 - 4. Specifically request the relief to which the protestant deems itself entitled.
- D. The Finance Department will review the bid protest, evaluate the facts and attempt to resolve the bid protest in a manner that attempts to address the interests of all parties.
- E. In the event the protest cannot be resolved by mutual agreement, the Finance Department will present the protest to the Town Manager with a recommendation for resolution of the protest. The bid protester will be notified in writing of the final findings.
- F. All bid solicitations (information to bidders) shall contain the following statement:

"Any bidder affected adversely by an intended decision with respect to the award of any bid, shall file with the Finance Department for the Town of Windermere, a written notice of intent to file a protest not later than seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays), after the posting of the bid tabulation. "

Protest procedures may be obtained in the Finance Department.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.7
Title: CONTRACTING FOR PROFESSIONAL SERVICES		
Effective Date: 12/10/13	Amended: 3/12/2024	

- I. The purpose of this section establishes compliance with Chapter 287.055, Florida Statutes, known as the “Consultant’s Negotiation Act.”

Section 287.055, Florida Statutes, applies to the acquisition of professional architectural, engineering, landscape architecture, or surveying and mapping services.

- II. Those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice must be processed through the procedure outlined in Section 287.055, Florida Statutes, which requires:

- A. When it is projected that a project’s construction will exceed the statutory category 5 threshold amount (\$325,000 as of 2024) or when it is projected that cost of a planning or study of activity will exceed the statutory category 2 (\$35,000 as of 2024) threshold amount, the Town must:

1. Publicly announce each occasion when a project or study will exceed the amounts at a public meeting and on the Town’s website and by any other means the Town uses to provide notice to persons or firms intending to work for the Town.
2. Encourage firms that desire to provide professional services to the Town to submit annually statements of qualifications, which may be considered for such project.
3. Before considering any firm or individual design to provide professional services to the Town, that person or firm must be certified as qualified pursuant to law and the regulations of the Town. In making this decision, the Town should consider the capabilities, adequacy of personnel and experience of the firm or individual.
4. The Town Manager shall appoint a selection committee as provided for in these policies to evaluate the professional services, including

capability, adequacy of personnel, past record experience and any other factors determined by the Town to be applicable to its particular requirements for a specific project. The Town must endeavor to meet statutory requirements for minority business enterprise procurement rules.

5. For each proposed project or study, the Town Manager and selection committee shall evaluate current statements of qualifications and performance data on file with the Town and the submittals of any other firms regarding a proposed project or study. In evaluating, the selection committee may require:
 - a. Discussions with the firm.
 - b. Public presentations by the firm.
 6. No fewer than three firms must be evaluated regarding their qualifications by the Town Manager and selection committee along with their approach to the project and ability to furnish the required services. The Town Manager shall submit a recommendation of no fewer than three firms deemed to be the most highly qualified to perform the required services to the Town Council for approval.
 7. The Town Manager shall negotiate a contract with the most qualified firm for professional services at compensation, which the Town determines as fair and reasonable.
 8. If the Town Manager is unable to negotiate a contract with the firm considered to be the most qualified at a price that the Town Council has determined to be fair, competitive and reasonable, negotiations with that firm must be formally terminated and negotiations with the second most qualified firm shall occur. If there is a failure of the second firm, then the Town Manager shall undertake negotiations with the third most qualified firm.
 9. If the Town Manager is unable to negotiate a contract with any of the three, the Town Manager shall select additional firms in order of competence and qualification and continue negotiations.
- B. If a project does not meet the threshold monetary requirement for this type of procedure, the Town may use other procedures to seek services. However, if in using another procurement process, the majority of the compensations proposed by firms are in excess of the appropriate threshold amounts, the Town must reject all of the proposals and re-initiate procurement pursuant to this policy.
- C. The RFQ process should be used for the procurement of any Continuing Contract services to be performed by professional designers or

construction contractors. Continuing contracts cannot be used for any project that exceeds the thresholds in Florida Statute 287.055, which are stated above in the definition of Continuing Contract. Continuing Contracts should not exceed a term of 3 years and have no more than two 1 year extension options.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 13.8
Title: SELECTION COMMITTEE POLICIES AND PROCEDURES		
Effective Date: 12/10/13	Amended:	

I. PROPOSAL EVALUATION COMMITTEE (SELECTION COMMITTEE)

- A. Submittals resulting from a Request for Proposals (RFP), Request for Qualifications (RFQ) or an Invitation to Bid (ITB) could be evaluated by a Selection Committee. The Selection Committee will be used to review the technical aspects of proposal submittals for compliance with specifications and make recommendations on awards. A Selection Committee can be used to review bids as needed.
- B. The Selection Committee generally consists of three (3) or five (5) members representing a cross-section of employees and/or residents of the Town of Windermere with knowledge of the commodities or services sought. Selection Committee members shall be recommended by the requesting Director and submitted to the Town Manager for review. The Finance Department or designee shall serve in an advisory capacity to the Selection Committee and must be present at all proceedings.
- C. No person shall serve on a Selection Committee if he/she has a conflict of interest with respect to any proposer being evaluated. The following activities shall be deemed to be a conflict of interest and shall preclude a person from serving on the Committee.
 - 1. Current employment or past employment with the proposer within one (1) year prior to the evaluation.
 - 2. Serving as a current consultant or past consultant for or with the proposer being evaluated within one (1) year prior to the evaluation.
 - 3. Having an ownership interest (stocks or assets) in the proposer being evaluated at the time of the evaluation (excluding mutual funds).
 - 4. Having a family member (spouse, child, sibling, parent, in-law) with an ownership interest in the proposer being evaluated at the time of the evaluation.
 - 5. Serving as an officer and/or director for the proposer at the time of evaluation.

6. Being a party to any current or past litigation / lawsuit with or against the proposer being evaluated.
 7. Any other activity, interest, or relationship that could possibly be viewed as a conflict of interest or that is in conflict with section 112.313, Florida Statutes (Code of Ethics) must be disclosed in writing to the Finance Department prior to service on a Selection Committee. The Finance Department shall make the determination as to whether or not a conflict exists.
- D. Reasonable public notice shall be given before any Selection Committee meeting. All notices shall be posted in clear public view by the Finance Department and can also be included in the RFP, RFQ and/or ITB solicitation. The notice shall be posted at least one day before the meeting date. Such notice shall include:
1. Name and/or purpose of Selection Committee.
 2. Time and place of meeting.
 3. ADA requirements notification information.
- E. The Selection Committee shall comply with the Florida Government in the Sunshine Law in section 286.011 of the Florida Statutes, the Florida Public Records Law in chapter 119 of the Florida Statutes, and the Town's ordinances and policies governing public meetings.
- F. The minutes of any open public meetings shall be made available for public view. The original minutes shall be filed with the solicitation package in the Clerk Department.

II. SELECTION COMMITTEE PROCESS

- A. The requesting Department Head shall serve as chair to the Selection Committee and will coordinate all scheduling with the Clerk and Finance Department. It is the responsibility of the Clerk Department to ensure proper public notice is issued for the meeting(s).
- B. Selection Committee members shall refrain from any conversations with each other for the duration of the process except during properly noticed Committee meetings.
- C. Selection Committee members must attend all scheduled meetings including any oral presentations by bidders/proposers.
- D. Selection Committee members must evaluate bid/proposal submittals based upon the written response to the scope of work and other pertinent information required by the terms of the proposal only. Selection Committee members must refrain from inclusion of any assumptions gained prior to or outside the

evaluation process. Information entered into the record must be relevant fact based information.

- E. The Finance Department may be responsible for conducting reference checks of bidders / proposers if requested from the Selection Committee.
- F. The Clerk Department is responsible for ensuring written minutes are prepared and attendance is recorded for all meetings.
- G. Each Selection Committee member is responsible for completing their individual scoring sheets. The Selection Committee can, with a consensus, produce one final scoring sheet. However, all individual scoring sheets must also become part of the official bid / proposal file. If one final scoring sheet is produced, all Selection Committee members must sign the sheet to indicate agreement.
- H. The Selection Committee may also produce an evaluation summary at the Chairman's discretion. A summary may be necessary in order to provide a brief description of the project and/or basis for recommendation to the Town of Windermere Council.
- I. All scoring sheets and evaluation summaries must be provided to the Clerk Department for the official bid/proposal file and for agenda item preparation.
- J. If the Selection Committee desires product demonstrations or oral presentations, the Clerk Department shall coordinate the times and location. Only the bidders/proposers that are being considered for award should be asked to participate in the demonstration (unless the procurement is an RFP and the demonstration is a requirement of the solicitation). A representative from the Finance Department shall be present at all demonstrations.
- K. Any products left in the custody of the Town for further testing or review shall be the responsibility of the Clerk Department. Once the testing or review has been completed, the Clerk Department shall notify the bidder or proposer that the product is ready to be returned.
- L. Once an award has been made the original bid / proposal file will be sent to the Clerk Department for official record keeping.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 14
Title: REAL PROPERTY POLICY AND PROCEDURES		
Effective Date: 12/10/13	Amended:	

I. PURPOSE:

The purpose of this section is to identify proper policies and procedures relating to real property.

- A. All real property, which is purchased by the Town should normally be purchased at fair market value. This may require either an evaluation by a realtor or an appraiser as determined by the Town Council. The Town Council must approve any purchase of real property by the Town.
- B. The Town must comply with the Public Records law if it obtains an appraisal or written evaluation of the value of the property. Appraisals are exempt from disclosure until an option contract is executed or, if no option contract is executed, until 30 days before a contract for purchase is considered for approval by the Council. If no contract is to be considered by the Council, the exemption from disclosure ends 30 days after negotiations end.
- C. The Town may purchase property through a negotiation process approved by the Town Council as long as the Town complies with the requirements of the Florida Statutes.
- D. The Town may also seek to take real property by eminent domain.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 15
Title: PURCHASING CARD PROCESS		
Effective Date: 12/10/13	Amended:	

I. GENERAL:

The Town of Windermere Purchasing Card Program is designed to improve efficiency in processing low dollar purchases from any vendor that accepts the Town of Windermere's credit card.

This program will allow the cardholder to purchase approved commodities and services directly from vendors. Each purchasing card is issued in the cardholder's name and the Town of Windermere, Florida. The Finance Department will be responsible for the overall management of this program.

II. ISSUANCE:

The Department will recommend to whom the cards should be issued. The Town Manager will approve or disapprove the recommendations. The Finance Department will issue purchasing cards upon approval based upon the purchasing authority of each individual or work group, and in accordance with provisions established in the Town of Windermere's Purchasing Card Agreement.

III. TRANSACTION DOLLAR LIMIT:

The single per transaction dollar limit shall not exceed \$1,000.00. Departments with the approval of the Town Manager selected to participate in the program shall specify:

- A. Authorizations tied to budget limits
- B. Restrictions on the types of vendors with which the card may be used
- C. Any additional controls available
- D. Purchasing cards may be used to purchase commodities and a limited number of services. Cash advances are strictly prohibited.

IV. TAX EXEMPT NUMBER:

All Purchasing Card purchases are exempt from all state and local use tax. The Town of Windermere's Tax Exempt I.D. Number is to be given to all vendors to avoid payment of state and local use tax. The use of the Town's Tax Exempt I.D. Number for personal use is strictly prohibited. Any employee caught using the Town's Tax Exempt I.D. Number for personal use will receive disciplinary action to include, but not limited to, immediate termination of employment. Additionally, section 212.085, Florida Statutes, states that in addition to being liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, such person shall be liable for fine and punishment as provided by law for a conviction of a felony of the third degree, as provided in sections 775.082, 775.083, or 775.084, Florida Statutes.

V. RECEIPT OF GOODS:

To insure prompt and proper payment of receipts/invoices, the following procedure should be strictly adhered to, noting that timeliness and completeness are of utmost importance to the success of the process. Once a cardholder has submitted for processing transactions, all receipts and invoices should be attached to the Purchasing Card Expenditure Report Form. The appropriate department and account number indicating where the purchase is to be expended should be included on the Purchasing Card Expenditure Report Form. After receipts/invoices have been reconciled and attached to the Purchasing Card Expenditure Report Form, the cardholder must obtain the appropriate authorization on his/her report before forwarding to the Finance Department. Submission of all properly authorized documentation is due to the Finance Department no longer than five days after the department has received the monthly statement.

VI. INTEREST AND PENALTY:

Cardholders must send their Purchasing Card Expenditure Report Form and invoices to the Finance Department within five days after the department has received the monthly statement. If any interest is acquired due to late submission of the monthly payment to the Finance Department the violating department will be charged the interest payment.

VII. DISPUTED CHARGES AND ASSISTANCE:

In the event of a disputed charge, in which the cardholder is unable to resolve the disputed purchase with the vendor, the cardholder should promptly complete a Purchasing Card Dispute Form and notify his/her supervisor. The completed dispute form should then be forwarded to the Town Manager, who will forward the form to the Financial Institution and copy the Finance Department.

VIII. RETURNS:

In the event there are returns, the cardholder must check the subsequent invoice (statements) for the credit and attach the credit slip when processing for payment. If

the credit slip was not obtained, attach other documentation (i.e. memo) explaining the return.

IX. LOST OR STOLEN CARDS:

Each card holder is to report their lost or stolen purchasing card to the Finance Department immediately. If not reported immediately, the Town of Windermere may be liable for the fraudulent charges and, if liable, the cardholder's budget will be charged.

X. INAPPROPRIATE PURCHASES:

Neither the bank nor the merchant bears any responsibility for inappropriate purchases. If a purchase was made by the cardholder, the merchant will be paid and the department budget charged, unless the department returns the merchandise and the merchant agrees to take it back and issue a credit. Individual cardholders may be subject to disciplinary action up to and including termination if illegal and/or inappropriate purchases occur.

XI. PROHIBITED PURCHASES:

- A. Cash Advances
- B. Alcohol, tobacco products, or prescription drugs
- C. Meals and food (Only in accordance with policies adopted by the Town Council)
- D. Recreation or Entertainment
- E. Gas and oil products, except in conjunction with Town business travel in a Town vehicle
- F. Vehicle repair, other than a Town vehicle
- G. Capital Outlay
- H. Telephone Calls
- I. Travel expenses unless an authorization to travel request is approved
- J. Items for non-Town or personal use
- K. Items not budgeted or items that would cause the budget to be over expended
- L. Other items specifically prohibited by the Town of Windermere Town Council or a Department in writing

XII. CARDHOLDER PERFORMANCE:

A cardholder's responsible supervisor shall review their purchases, as they are responsible for the cardholder meeting all the requirements specified for the use of their purchasing card. The completion of the review will be documented by signing and dating by the cardholder and the supervisor on the Purchasing Card Expenditure Report Form.

XIII. CANCELLATION OF CARDS:

Whenever the employment of a cardholder is ended, the cardholder's supervisor is responsible for returning the card to the Finance Department for cancellation.

IXV. RECORD KEEPING:

Each Cardholder shall match their receipts to the purchasing card report and forward to their supervisor for their review. Purchasing cards will not be issued to employees designated as being in probation status with the exception of Senior Staff or Department Heads. All other exceptions require approval by the Town Manager.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 16
Title: STANDARDIZATION OF EQUIPMENT		
Effective Date: 12/10/13	Amended:	

I. Purpose

The purpose of standardization of equipment and supplies is to capitalize on purchasing economies and or other benefits such as maintenance efficiency, spare parts consolidation and interchangeability, etc., when the same type of equipment and supplies are purchased consistently. Examples could be radio equipment, telephone equipment, etc. for interchangeability, cross use, and maintenance.

II. Procedure

To obtain approval for standardization of supplies or equipment, the requesting department head must submit a memorandum to the Finance Department requesting the standardization and must include convincing justification. Justification could be based on issues such as, but not limited to, purchase economies, safety considerations, training, and/or maintenance economies. The Finance Department will either reject or concur with the request. If rejected, the normal procurement process will be followed. If the Finance Department concurs, he/she will submit a written request to the Town Manager for approval. If not approved, the normal procurement process will be followed. If approved, future purchases for the approved equipment or supplies will be purchased in accordance with the adopted standard specification. The standard specification(s) shall be used to obtain quotes or bids as appropriate.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 17
Title: LEASES, CONTRACTS AND AGREEMENTS		
Effective Date: 12/10/13	Amended:	

- I. All contracts, leases, and agreements shall be reviewed by the Town Manager. In determining the value of the contract, all proposed renewal clauses must be considered. The Town Manager will consult with the Town Attorney as appropriate prior to sending the contract, leases, or agreements to the Town Council for approval.
- II. Recurring Basis: Shall be those goods or services that are provided to the Town of Windermere on a continuing or repeat basis. One time purchase of goods by the Town of Windermere or the provision of services to the Town of Windermere on a one-time basis shall not be recurring.
- III. The authority to enter into contracts, leases, or agreements for the purchase of goods and services shall be presented to the Town of Windermere Town Council at a regularly scheduled Town Council Meeting for approval.
- IV. Exception: In an emergency as determined by the Town Manager and the Town Council of the Town of Windermere, authorization to contract in excess of \$2,500 is granted to the Town Manager with the provision that it will be brought to the attention of the Town Council at their next regularly scheduled meeting for "after-the-fact" approval. This authority will be capped at \$50,000; any requirements above that level will require that a special meeting of the Town Council be called.
- V. All original contracts will be forwarded to the Clerk Department. The Clerk Department is the designated Official Record Custodian of all Town contracts, leases and agreements.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 18
Title: WRITING SPECIFICATIONS – INVITATION TO BID		
Effective Date: 12/10/13	Amended:	

- I. Invitations for bids must describe the requirements of the Town of Windermere clearly, accurately, and completely. Unnecessarily restrictive specifications or requirements that might unduly limit the number of bidders are prohibited. The invitation includes all documents (whether attached or incorporated by reference) furnished to prospective bidders for the purpose of bidding. It is the duty of the Finance Department to assist Departments in writing specifications and the Finance Department is ultimately responsible for approving the specifications before going to bid.
- II. Specifications should contain the following elements:
 - A. Physical, chemical or electrical description of the item to be purchased.
 - B. Dimensions, tolerance and performance expected of the item shall be mentioned in the specifications although careful attention should be given to the need or justification for performance characteristics. For example, the specific wheelbase of a vehicle within 6 inches may be irrelevant and unduly eliminate a vendor without sufficient reason.
 - C. Reference to a sample, if any, furnished by local government or the vendor is a good technique to eliminate confusion. Be careful to avoid identifying a specific brand or manufacturer.
- III. Bid price is to include net delivered price or no separate charges for delivery or other hidden cost. This provision has a tendency to make bids from local vendors more competitive compared to out of state vendors.
- IV. Specifications must clearly identify the quantity or estimated quantity to be furnished by the vendor.
- V. Time and place of delivery should be included in specifications if possible. If the vendor cannot deliver within a specified time period, specifications should be written which allow the Town of Windermere to cancel the bid and select the next lowest vendor.
- VI. If alternative bids are to be considered, all details must be included in the specifications.

- VII. Official bid sheet and sample contract documents are to be included in the bid package.
- VIII. If Trade-in(s) is involved, the appropriate information must be included in the bid package.
- X. All contractors bidding on road projects are required to be pre-qualified with the Florida Department of Transportation as a pre-requisite to bid on Town road projects.
- XI. Performance bonds will not be required on projects of \$100,000 or less if the Town of Windermere is to pay the contractor in full upon completion of the project. If a payment schedule is involved, a Payment and Performance Bond will be required.
- XII. On projects of less than \$100,000 requiring Payment and Performance Bonds, will so state in the specifications under a section/provision entitled "Payment and Performance Bond". These bonds will be maintained and currency validated by the owning Department. Awardees will provide all applicable certifications/licensing requirements during the bid process.
- XIII. All Invitations for bids and requests for proposals should include the following solicitation provisions:
 - I. Qualified or conditional bids will not be accepted.
 - II. The Town of Windermere reserves the right to accept or reject any and all bids in whole or in part, to waive informalities in the bidding documents, to obtain new bids, or to postpone the bid opening pursuant to the Council's purchasing policies.
 - III. Bids shall be valid for a period of ninety (90) days after the date of the bid opening.
 - IV. A statement informing proposed vendors that a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, and may not transact business with the Town of Windermere for a period of 36 months following the date of being placed on the convicted vendor list.
 - V. The number, duration and condition of any intended renewal periods.
 - VI. If predictable, an estimated time for bid award.

- VII. The basis for award.
- VIII. Procedures to award when tie bids are received.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 19
Title: RFP OR RFI PROCEDURES		
Effective Date: 12/10/13	Amended:	

I. Purpose

Because price differentials may only be a minor consideration compared to the quality of the professional's work, professional services are exempted from the Town of Windermere's competitive bidding policy. Instead, professional services will be acquired through competitive negotiations, or such other procedure as approved by the Town Council.

II. Definitions

A professional service is assistance obtained in support of the Town of Windermere operations from an independent contractor in a professional field.

III. Use of this Procedure.

This procedure should be used if the Town is obtaining the professional service for:

- A. A project which exceeds the statutory amounts under Section 287.055, Florida Statutes, for architecture, professional engineering, landscape architecture, or a registered land surveying services.
- B. Any other professional service the Town Manager or the Town Council determines should use this procedure.

IV. Procedure for Request for Proposal Services.

- A. To initiate a request for professional services, a memo defining the scope of work must be prepared by the requestor and submitted to the Town Manager.
- B. The Town Manager will approve or deny the pursuit of professional services.

- C. Upon approval, the requesting Department shall submit to the Finance Department a complete RFP describing the services required, bonds, contracts, pre-proposal conference, etc., in an electronic format.
- D. The Finance Department will review the contents of the RFP document submitted and complete the specifications by adding items such as the day, date, time and place for the RFP opening as well as the Town of Windermere insurance requirements and any other forms or notices required by the Town of Windermere or Florida Statutes. The Finance Department will also post the RFP on the Town of Windermere's Website.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 20
Title: PURCHASE OVER \$10,000 FOR RFP		
Effective Date: 12/10/13	Amended:	

I. Purpose

The purpose of this RFP is for the procurement of all products and services, not previously covered, where the requirement cannot be defined in sufficient detail for an Invitation to Bid (ITB).

II. Procedure

- A. This procedure is a formal sealed proposal process. Departments requiring this procedure shall submit to the Finance Department a complete set of specifications detailing the products or services required, pre-bid conference, contract, and bonds if appropriate.
- B. The Clerk Department will review the contents of the ITB document submitted and complete the specifications by adding items such as the day, date, time and place for the RFP openings as well as the Town of Windermere insurance requirements and any other forms or notices required by the Town of Windermere or Florida Statutes. The Clerk Department will also prepare an "RFP" advertisement to be published in a newspaper of general circulation one time with a submittal due date not less than thirty (30) days from the first advertisement. The Clerk Department will also post and transmit on Demand Star to the appropriate registered vendors from the "Bidders List" and notify them of the RFP.
- C. When proposals are received at the specified time, date and place, the RFP opening will be held.
- D. Proposals will be opened and read aloud by the Clerk Department.
- E. After the RFP opening has been completed, the Finance Department and the requesting Department (plus any others at their discretion) shall select a vendor for recommendation based on the predetermined criteria.
- F. The bids will be officially tabulated by the Clerk Department indicating the recommended vendor. The tabulation will be submitted to the requesting Department for confirmation signature. The tabulation will then be approved by

signature of the Town Manager and submitted to the Town Council for final approval.

- G. After the Town Council has approved the vendor selection, the tabulation will be returned to the Clerk Department. A copy of the tabulation will be sent to the Department and to all bidders, denoting the selection of the successful vendor.
- H. If a contract is involved, it shall be reviewed by the Finance Department, and then submitted for consideration to the Town Manager. All contracts must then be approved and executed by the Town of Windermere Town Council.
- I. The requesting Department shall then prepare a request and submit it to the Finance Department to issue a Purchase Order number, noting the RFP number and vendor on the request.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 21
Title: PURCHASE OVER \$10,000 FOR RFQ		
Effective Date: 12/10/13	Amended:	

I. Purpose:

The purpose of this method of obtaining goods and services is intended for those situations where:

- A. Goods and services are expected to be required from time to time throughout the course of the year or other specific time frame (e.g. grant period);
- B. The Town is unable to accurately define ahead of time the specific quantities of goods and services expected;
- C. The Town is unable to compile detail specifications or detail specifications are not appropriate; and (c) the Town is unable to compile detail specifications or detail specifications are not appropriate; and
- D. The services are not a professional service as defined in Section 3, herein.

II. Objective

The objective of this method shall be to establish a list of pre-qualified vendors for the duration of the expected requirement that will be solicited for competitive quotations from time to time as the need for requirements arise.

III. Types of Services

The services for which this procedure is intended shall include but not be limited to the following:

- A. Medical Services - medicine, psychiatry, dental, hospital and other health fields;
- B. Clerk/Finance - bond counsel, rating and underwriting, financial advisor, and investment services;
- C. Appraisal Services - real and personal property appraiser;

- D. Consultants - planning, management, or scientific advisors; and
- E. Construction Contractor services - General, Builder, or Residential.

IV. NOTE:

Although this section is designed for the services listed above, specific projects or other circumstances may dictate an alternative approach for these services such as an Invitation to Bid (ITB) or RFP. Therefore, the Finance Department may at their discretion, follow the ITB or RFP procedure as outlined elsewhere within this Section for the above services when warranted.

V. Procedure

- A. Divisions/Departments requiring this process shall submit to the Finance Department general specifications describing the goods or services required, the duration of the expected requirement, the vendor qualification criteria, bonds, contracts, and pre-proposal conference, etc. The Finance Department will review the contents of the RFQ document submitted and complete the specifications by adding items such as the day, date, time and place for qualification proposal openings as well as the Town of Windermere insurance requirements and any other forms or notices required by the Town of Windermere or Florida Statutes.
- B. The Clerk Department will prepare an RFQ advertisement to be published in a newspaper of general circulation once per week for two consecutive weeks with the due date not less than thirty (30) days following the first advertisement. When the advertisements have been scheduled, the Finance Department will post and transmit on Demand Star to the appropriate registered vendors from the "Bidders List" for the goods or services required. All appropriate vendors, in good standing, will be notified of the RFQ.
- C. At the specified time, date and place, the RFQ proposals will be opened and read aloud by the Clerk Department.
- D. After the proposal opening has been completed, the Town Manager shall convene an ad hoc evaluation committee consisting of the Town Manager, the requesting Department, Town member designated by the Town Manager, and any other members at the discretion of the Committee or the Town Manager. The Committee shall review and evaluate all qualification proposals to determine qualified vendors in accordance with the specifications.

- E. A tabulation of qualified vendors will be compiled by the Finance Department. A copy of the tabulation will be signed by the Department and Town Manager. The tabulation will then be sent to the Town Council for final approval.
- F. The Finance Department will then send copies of the tabulation to the requesting Department and to all proposers.
- G. If a formal contract is involved, it will be reviewed by the Finance Department, and then submitted for consideration to the Town Manager. The contract shall then be reviewed by the Town Attorney prior to presentation to the Town Council. All contracts must then be approved and executed by the Town Council,
- H. As the need arises for the goods or services, the requesting Department shall prepare a Requisition or Purchase Order and submit it to the Finance Department.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 22
Title: REQUEST FOR INFORMATION (RFI)		
Effective Date: 12/10/13	Amended:	Page Number: 1 of 1

Request for Information (RFI)

An (RFI), while not a procurement category, is an important tool used to increase knowledge about products or services and their availability and capability and is a formal method of gathering information about a commodity or service. It should be used when the requestor for the commodity or service is not knowledgeable regarding the current "state-of-the-art" in the area under consideration.

The Finance Department will issue a RFI based on the requesting Department:

- (1) Providing a description of the commodity, service, or a narrative of the end goal that is desired by the Department;
- (2) Providing any recommended specifications that may be available; and
- (3) Identifying possible vendors.

Issuing the RFI

- (1) The Finance Department will advertise the RFI for at least two consecutive Sundays in a local newspaper;
- (2) Advertisement may also be made in professional or trade publications as determined by the Town Manager; and
- (3) Mail or Email a copy of the RFI to all known applicable vendors.

The RFI responses will be due and opened not less than thirty (30) days after the first public advertisement. If advertising in a professional or trade publication then the due date and opening shall be not less than thirty (30) days after the publication officially is circulated.

A response or lack there of to an RFI does not qualify or disqualify a vendor nor give future leverage to a vendor.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 23
Title: EXCEPTIONS AND EXCLUSIONS		
Effective Date: 12/10/13	Amended:	Page Number: 1 of 1

There are certain expenditures for which the processing of a Purchase Order/Requisition is unnecessary. The following should be made without Purchase Orders or Requisitions:

- I. Employee expenses such as conference expense, mileage and other reimbursable expenses
- II. Utility, telephone bills, or other monthly re-occurring bills
- III. Insurance premiums
- IV. Interdepartmental billing such as worker's compensation premiums and other insurance premiums
- V. In the event of a declared emergency by the Windermere Town Council, purchasing procedures are waived during the period of the emergency as specified by the Town Council,
- VI. Bulk Fuel
- VII. Legal Advertising
- VIII. Contracts for professional services, as defined by F.S. 287, any encumbering shall be on the basis of the contract.
- IX. Service contracts with a fixed monthly or annual amount will be encumbered on the basis of the contract.
- X. Contracts for a unit price with a specified time frame shall be encumbered bases on a quantity or dollar value estimated by the requesting Department with the Town Manager and, if necessary, The Town Council for approval.
- XI. Commodities and services that are procured from vendors holding state or federal contracts are exempt from the competitive bidding process.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 24
Title: AUDITING COMPLIANCE		
Effective Date: 12/10/13	Amended:	Page Number: 1 of 1

- I. An invoice submitted to the Finance Department for payment shall qualify for payment when the following conditions are met:
 - A. The invoice is accompanied by the Purchase Order, acknowledging the receipt of goods or services, or the Requisition that is signed by the individual with appropriate level of authority that coincides with the monetary amount of the goods or services.

In the event of a partial shipment, a photocopy of the Purchase Order or Requisition indicating the item(s) received may be forwarded to the Finance Department as long as it has been signed and dated by the proper purchasing authority.
 - B. The appropriate original documentation has been received by the Finance Department, as described under the Leases, Contracts and Agreements section of this document.
- II. An invoice submitted to the Finance Department, without a Purchase Order or Requisition must be covered under Exemptions and Exclusions within the Purchasing Procedures and Policies Manual.
- III. All invoices and supporting documentation may, at any time, be subject to internal audit review, thus delaying payment until completion of this procedure.
- IV. A Change Order will be processed to correct a discrepancy between the monetary amount on the invoice and the monetary amount of the processed Purchase Order, if the amount is larger than the approved Purchase Order, see Change Order Procedures, for amount and processing instructions.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 25
Title: FLORIDA PROMPT PAYMENT ACT		
Effective Date: 12/10/13	Amended: 3/12/2024	Page Number: 1 of 2

The Florida Prompt Payment Act was passed by the legislature in Special Session, to ensure that vendors who provide goods and services will receive payment for these goods and services on a timely basis. Invoices that remain unpaid after forty-five (45) days for goods or services and twenty-five (25) business days or as otherwise stated in 218.735, Fla. Stat. for construction services after are subject to an interest penalty payment at the rate of one percent (1%) per month that is accrued on unpaid balances, to vendors from the Town of Windermere. With respect to each past due payment, interest would cease to accrue after interest on the payment has accrued for twelve (12) months.

- I. An invoice must contain the same type of information necessary to initiate a Purchase Order/Requisition such as:
 - A. Name of Vendor
 - B. Address of Vendor
 - C. Date
 - D. Purchase Order or Requisition Number
 - E. Description
 - F. Quantity
 - G. Unit Price
 - H. Total Price
 - I. Contract or Proposal Number
 - J. Line-Item Account Numbers
 - K. Remarks, etc.

- II. Partial payments are to be handled in the manner as described in Section 24, Auditing Compliance, and Section 9, Purchase Order process.

- III. Each invoice received by the Department shall be marked as having been received (date stamped) on the date it is first received or delivered to the respective department.

- IV. The time at which payment is due under the Florida Prompt Payment Act is forty-five (45) days from:
 - A. The date a proper invoice is received by the Department.

- B. In those instances where a proper invoice is not received by the Department:
 - i. On which the rental or lease period begins
 - ii. On the date where the Town Council of the Town of Windermere and the vendor agree in a contract which provide dates relative to payment periods.

- V. In any case where an improper invoice is submitted by a vendor, the Department will notify the vendor within ten (10) days. The Department must notify the vendor that the invoice is improper, specify the reason or reasons, and indicate what corrective action is needed to make the invoice proper.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 26
Title: VENDOR DISPUTE RESOLUTION PROCEDURE		
Effective Date: 12/10/13	Amended:	Page Number: 1 of 1

- I. In the event a dispute occurs between a vendor and a Department, the following procedures shall apply:
 - A. The vendor shall submit a written statement via certified mail no later than forty-five (45) days from the time when the invoice was submitted to the Town of Windermere specifying the nature of the dispute regarding payment of the invoice. A copy shall be submitted to the Town Manager and the Finance Department.
 - B. Within five (5) days of the receipt of the written statement submitted by the vendor, the appropriate Department Manager shall investigate the dispute and submit a decision to the Town Manager's Office.
 - C. Within five (5) days of the receipt of the written decision, the Town Manager will review the dispute and will recommend a decision on the matter to the Department Manager. The Town Manager and the Department Manager will review the dispute and shall make a final decision on the matter. The Department Manager will notify the vendor in writing, via certified mail and within five days of the date of the final decision.

- II. In the event a dispute occurs between a Department and a vendor, the following procedures shall apply:
 - A. In the event a Department has a dispute with an invoice submitted by a vendor, the appropriate Department Manager will submit a written statement, via certified mail, no later than thirty (30) days of the receipt of the improper invoice, to the vendor specifying the reasons for the dispute. A copy shall be submitted to the Town Manager and the Clerk Department.
 - B. The vendor shall within fifteen (15) days of receipt of the written statement submit a written response indicating their agreement or disagreement with the statement.
 - C. Within ten (10) days of receipt of the written response from the vendor, the Town Manager will review the dispute and will recommend a decision on the matter to the Department Manager. The Town Manager and the Department Head will review the dispute and shall make a final decision on the matter.

The Department Head will notify the vendor in writing, via certified mail and within five (5) days of the date of the final decision.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 27
Title: TAX EXEMPT STATUS GRANTED TO CONTRACTOR		
Effective Date: 12/10/13	Amended:	Page Number: 1 of 1

TAX EXEMPT STATUS GRANTED TO CONTRACTOR

The Town of Windermere is exempt from payment of sales tax. As such, it is exempt from the payment of sales tax for the performance of work under construction contracts when it is determined to be in the best interest of the Town. Tax agreements, if applicable, will be identified in the bid documents.

TOWN OF WINDERMERE PURCHASING POLICIES AND PROCEDURES		SECTION NO: 28
Title: Grants		
Effective Date: 12/10/13	Amended: 3/12/2024	Page Number: 1 of 1

GRANTS

Expenditures from funds other than General Fund tax dollars may require special processing because of specific legal terms and conditions placed by the funding agency and as required by federal law. Grants often have certain purchasing requirements that are different or additional to the Town of Windermere Purchasing Policies and require special purchasing procedures. It is the responsibility of the using department to identify and to transmit to the Finance Department any special purchasing requirements or provisions and ensure that the requirements are followed.