

**From:** [County Ordinances](#)  
**To:** [Ordinances](#); [County Ordinances](#)  
**Cc:** [Heidi Kurppe](#); [Patricia Tapia](#)  
**Subject:** RE: Hernando County Ordinance No. 2024-02 - Adopted on February 27, 2024  
**Date:** Thursday, February 29, 2024 11:29:20 AM  
**Attachments:** [Hernando20240228 Ordinance 2024 02 Ack.pdf](#)

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Good morning,

Please find the attached acknowledgment letter for Hernando County Ordinance No. 2024-02, which was filed in this office on February 28, 2024.

Best,

County Ordinances  
Florida Administrative Code and Register  
Room 701 The Capitol | Tallahassee, Florida

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**From:** Ordinances <ord@hernandoclerk.org>  
**Sent:** Wednesday, February 28, 2024 2:23 PM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Heidi Kurppe <hkurppe@hernandoclerk.org>; Patricia Tapia <ptapia@hernandoclerk.org>  
**Subject:** Hernando County Ordinance No. 2024-02 - Adopted on February 27, 2024

EMAIL RECEIVED FROM EXTERNAL SOURCE

The attachments/links in this message have been scanned by Proofpoint.

Sender Full Name:	Heidi Kurppe
Sender Phone number:	352-754-4970
County Name:	Hernando
Ordinance Number:	2024-02

Thank You,

Heidi Kurppe  
Administrative Services | Administrative Services Supervisor  
Office of Doug Chorvat Jr., Clerk of Circuit Court and Comptroller  
Phone: (352)754-4201 | Email: [hkurppe@hernandoclerk.org](mailto:hkurppe@hernandoclerk.org)  
20 N Main Street, Brooksville, FL 34601

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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

February 29, 2024

Honorable Doug Chorvat, Jr.  
Hernando County Clerk's Office  
20 North Main Street, Rm. 362  
Brooksville, Florida 34601

Dear Honorable Doug Chorvat Jr.,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Hernando County Ordinance No. 2024-02, which was filed in this office on February 28, 2024.

Sincerely,

Matthew Hargreaves  
Administrative Code and Register Director

MJH/wlh

ORDINANCE NO.: 2024-02

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE V OF THE HERNANDO COUNTY CODE; PROVIDING FOR DIVIDING ARTICLE V INTO DIVISION 1 FOR PROCUREMENT AND DIVISION 2 FOR COMPETITIVE SOLICITATION PROTESTS; PROVIDING FOR THE ADDITION OF ARTICLE V, DIVISION 2, TITLED "COMPETITIVE SOLICITATION PROTESTS"; PROVIDING FOR RENUMBERING ARTICLE V TO ACCOMMODATE ARTICLE V, DIVISION 2; PROVIDING FOR THE EXCLUSION OF CYBERSECURITY-RELATED ITEMS FROM APPLICABILITY OF THE HERNANDO COUNTY PROCUREMENT ORDINANCE; PROVIDING FOR DEFINITIONS FOR COMPETITIVE SOLICITATION, ELECTRICAL UTILITY SERVICES, AND PROTEST; PROVIDING FOR MODIFICATION OF THRESHOLD AMOUNTS FOR APPROVAL AND EXECUTION OF CONTRACTS, AND LOCAL BIDDER OR PROCUREMENT PREFERENCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Hernando County (the County) desires to amend Chapter 2, Article V (Purchasing Regulations/Procurement) of the Hernando County Code to exclude cybersecurity-related items from applicability to the Hernando County Procurement

1 Ordinance, and to include procedures for protests of competitive solicitations, and to modify  
2 threshold amounts for the execution of contracts and local bidder procurement preference; and

3 **WHEREAS**, the County also desires that the Hernando County Procurement Manual be  
4 updated to comport with this amended ordinance; and

5 **WHEREAS**, it is in the best interests of the County to amend the Hernando County  
6 Procurement Ordinance and the Hernando County Procurement Manual as shown herein; and

7 **WHEREAS**, notice of the public hearing on the matter of amending this ordinance was  
8 properly and timely published; and

9 **WHEREAS**, the County held the public hearing as noticed, and has considered the record  
10 of the public hearing.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
12 **COMMISSIONERS OF HERNANDO COUNTY:**

13 **Section 1.** Chapter 2, Article V (Purchasing Regulations/Procurement) of the Hernando  
14 County Code is hereby amended as follows:

15 ***ARTICLE V. PURCHASINGPROCUREMENT REGULATIONS***

16  
17 **DIVISION 1. - PROCUREMENT**

18  
19 **Sec. 2-96. Authority.**

20 The provisions of this article are based upon the authority granted to the Board of  
21 County Commissioners of Hernando County, Florida, in Chapter 125, Florida Statutes.

1           **Sec. 2-97. Title.**

2           The provisions of this article shall be known and cited as the "Hernando County  
3           Procurement Ordinance".

4  
5           **Sec. 2-98. General purpose.**

6           The purpose of this article is to establish the county's purchasing function under a  
7           centralized system which will enable the county to:

- 8           (1)    Establish uniform policies and procedures governing purchases and  
9           contracts by the county;
- 10          (2)   Obtain goods and services of satisfactory quality and quantity at  
11          reasonable cost for the county;
- 12          (3)   Foster effective competition within the free enterprise system; and
- 13          (4)   Provide safeguards for the maintenance of a procurement system of quality  
14          and integrity.

15  
16          **Sec. 2-99. Supplementary general principles of law applicable.**

17          The county shall comply with all federal and state laws applicable to county  
18          purchases, procurements and contracts.

19          The principles of law and equity, including the Uniform Commercial Code of this  
20          state, laws relative to ethics, and laws relative to contract, agency, fraud,  
21          misrepresentation, duress, coercion, mistake, or bankruptcy shall supplement the  
22          provisions of this article.

23  
24          **Sec. 2-100. Requirement of good faith.**

25          The provisions of this article require all parties involved in the development,  
26          performance, or administration of purchasing contracts of the board of county  
27          commissioners to act in good faith.

28  
29          **Sec. 2-101. Application and exclusions.**

30          The provisions of this article shall apply to purchases ~~and~~ procurements and  
31          ~~contracts~~ of the board of county commissioners and its various agencies, authorities,  
32          boards, bureaus, commissions, committees, councils, departments, divisions, districts,

employees, institutions, legislative bodies, municipal service benefit units (msbu), officers, the county administrator, the county attorney, the county aviation authority, and the county port authority, any other ordinance or special act to the contrary ~~notwithstanding~~ notwithstanding, which are under the control of, or derive their authority from the board of county commissioners, irrespective of their funding source, including state and federal assistance monies, except as otherwise specified by law. They shall not apply to:

(1) Purchase/procurement of goods, construction and/or services by:

a. Reserved.

b. Constitutional officers meaning the sheriff, clerk of the circuit court, property appraiser, tax collector and supervisor of elections.

(2) Agreements between the board of county commissioners and nonprofit organizations or governmental entities, including the procurement, transfer, sale or exchange of goods and/or services.

(3) Procurement of dues and memberships in trade or professional organizations; subscriptions for periodicals; books and publications; advertisements; postage; medical and dental services; legal services; expert witnesses; abstracts of titles for real property; title insurance for real property; court reporter services; temporary labor services; accounting services; financial advisory services; insurance, including property, casualty, health and automobile coverages; water, sewer, telephone and electrical utility services; copyrighted materials (including proprietary computer software); patented materials; educational reimbursements and fees and costs of job-related seminars and training.

(4) Real property.

(5) Goods and/or services given or accepted by the county via grant, gift or bequest.

(6) Goods purchased with petty cash in accordance with policies and procedures approved by the board of county commissioners.

(7) Cybersecurity related items:

a. Insurance or other risk mitigation coverage acquired for the protection of information technology systems, operational technology systems, or data

b. Critical infrastructure

c. Cybersecurity incidents

1                   d.     Network schematics, hardware and software configurations, or  
2     encryption information or information that identifies detection, investigation, or response  
3     practices for suspected or confirmed cybersecurity incidents, including suspected or  
4     confirmed breaches, if the disclosure of such purchase information would facilitate  
5     unauthorized access to or unauthorized modification, disclosure, or destruction of: Data  
6     or information, whether physical or virtual; or information technology resources, which  
7     include an agency's existing or proposed information technology systems.

8                   e.     Other sensitive cybersecurity items as determined by the chief  
9     procurement officer and chief information officer.

## 10 11     **Sec. 2-102. Definitions.**

12             When used in this article, the following terms are to be defined and construed as  
13     follows:

14             *Administrator* means the county administrator, or county administrator's designee.

15             *Agreement* means the same as and is fully synonymous with "contract".

16             *Bid or bids* means a formal written price offer by a vendor to the county to furnish  
17     goods and/or services in response to a competitive solicitation for bids or request for  
18     proposals. The term bid or bids ~~shall include~~ apply to, but are not be limited to, invitations  
19     for bids, requests for proposal, request for qualifications and competitive negotiations.

20             *Board* means the Hernando County Board of County Commissioners.

21             *Business* means any corporation, partnership, individual, sole proprietorship, joint  
22     stock company, joint venture, or any other private legal entity.

23             *Competitive award* means ~~to an~~ an award of a contracts based on the submission of  
24     sealed bids, proposals submitted in response to a request for proposals, proposals  
25     submitted in response to a request for qualifications, or proposals submitted for  
26     competitive negotiation.

27             *Competitive negotiations* means a solicitation ~~offer~~ for responses for a good and/or  
28     service where the competitive award may be based on negotiations with competitors  
29     submitting bids ~~under~~ in response to a request for proposals or a request for qualifications.

30             *Competitive solicitation* means the process of requesting and receiving two or  
31     more sealed bids, proposals, or replies submitted by responsive bidders in accordance  
32     with the terms of a competitive process, regardless of the method of procurement, e.g.  
33     invitation to bid, request for proposals, request for qualifications, etc.



1           *Chief procurement officer* means the person holding the position created in  
2           Hernando County Code section 2-104 (creation of the office of the chief procurement  
3           officer) as the head of the central procurement office of the county.

4           *Construction* means the process of building, altering, repairing, improving, or  
5           demolishing any structure, building, road, bridge, sidewalk, drainage facility, water  
6           distribution system, sewer collection system, water or sewer treatment plant, or other  
7           improvements of any kind to any real property. It does not include the routine operation,  
8           repair or maintenance of existing structures, buildings or real property.

9           *Consultant services* means any narrow discipline wherein a known practitioner  
10          has, through education and experience, developed expert advisory and programming  
11          skills as a vocation; any service performed primarily by vocational personnel which  
12          requires the analysis or certification of a professional before the services are acceptable to  
13          the user of the services; or any other advisory, study, or programming activity. For the  
14          purposes of this article, the term "consultant services" does not include those services  
15          defined and prescribed under Florida Statute 287.055.

16          *Contract* is used in a legal sense and means a promissory agreement between two  
17          (2) or more parties that creates, modifies or destroys a legal relation. It includes all types  
18          of county agreements regardless of what they may be called, for the purchase or disposal  
19          of goods or services or performance of construction with the following exceptions:  
20          Salaries/employee benefits, taxes, judgements, travel, dues, pensions, utilities,  
21          subscriptions, debt service requirements, and postage. It includes contracts for a fixed  
22          price, cost, cost plus a fixed fee, or incentive contracts, contracts providing for issuance  
23          of job or task orders, leases, letter contracts and purchase orders.

24          *Contract modification* means any written alteration in specifications, delivery  
25          point, rate of delivery, period of performance, price, quantity, or other provisions of any  
26          contract or purchase order accomplished by mutual action of the parties to the contract.

27          *Data* means recorded information, regardless of form or characteristic.

28          *Designee* means a duly authorized representative of a person holding a superior  
29          position.

30          *Electronic* means electrical, digital, magnetic, optical, electromagnetic, or any  
31          other similar technology.

32          *Electrical utility services* means the generation, transmission, distribution  
33          (including the furnishing of labor, time and effort to provide same), and the sale of,  
34          electricity to customers by an electrical utility that owns, maintains, or operates an electric  
35          generation, transmission or distribution system and that is regulated by Chapter 366 of  
36          Florida Statutes.



1           *Emergency purchase* means a procurement of goods and/or services made in  
2 response to a requirement when the delay incident to complying with all governing rules,  
3 regulations, and/or procedures would be detrimental to the health, safety and welfare of  
4 the county and/or its citizens.

5           *Goods* means any tangible personal property other than services or real property.

6           ~~*Invitation for bid*~~*to bid* means all documents, whether attached or incorporated  
7 by reference, utilized for soliciting bids.

8           *Lease* means a contract where one party (lessee) has use and possession of an  
9 asset owned by another party (lessor) for a specified period of time for a monetary  
10 payment. Under a straight lease contract, title of the asset remains with the owner.

11           *Lease/purchase* means a lease contract where, upon completion of the specified  
12 lease period, in consideration of the monies paid during the term of the lease agreement  
13 or an additional buyout payment, title to the leased asset passes to the lessee.

14           *Local business* means a vendor or contractor who does business in Hernando  
15 County by providing goods, services, or construction; and maintains a physical business  
16 address located within the jurisdictional limits of Hernando County in an area zoned for  
17 the conduct of such business from which the vendor or contractor operates or performs  
18 business on a day-to-day basis, and has for at least twelve (12) months prior to bid or  
19 proposal opening date. Post office boxes shall not be used for the purpose of establishing  
20 said physical address.

21           *May* denotes the permissive.

22           *Must* denotes the imperative.

23           *Personal property* means all tangible property which is not real estate, land,  
24 buildings or fixtures on land or buildings. Personal property includes, without limitation,  
25 all goods, materials, supplies, equipment and vehicles owned, leased or used by the  
26 county.

27           *Procurement* means buying, purchasing, renting, leasing or otherwise acquiring  
28 any goods and/or services for public purposes in accordance with the laws, rules,  
29 regulations and procedures intended to provide for pertaining to the economic expenditure  
30 of public funds. It includes, but is not limited to, all functions which pertain to the  
31 obtaining of any supplies, materials, equipment and/or services, including construction  
32 projects, as defined herein, required by any department or agency of county government  
33 regardless of the source of funds or for which payment is made from county funds.

1           *Professional services* means architectural, engineering, landscape architectural,  
2           and registered land surveying services, as defined and prescribed under Florida Statute §  
3           287.055.

4           *Protest* means a challenge, lodged in accordance with the County's protest  
5           procedures and policies, to a competitive solicitation including the solicitation, notice of  
6           intent to award, or award of a contract.

7           *Public notice* means the distribution or dissemination of information to interested  
8           parties using methods that are reasonably available. Such methods will often include  
9           publication in newspapers of general circulation in the county, electronic or paper mailing  
10          lists, and web site(s) designated by the county and maintained for that purpose.

11          *Purchase order* means the county's contract document used to authorize the  
12          purchase of personal property or services.

13          *Purchasing agency* means any governmental employee or body other than the  
14          Chief Procurement Officer chief procurement officer which is authorized by this  
15          Ordinance or its implementing regulations, or by way of delegation from the Chief  
16          Procurement Officer chief procurement officer, to enter into contracts.

17          *Real property* means, generally, real estate, including land, the buildings and other  
18          fixed improvements on the land, all objects growing on the land, and all other objects  
19          which are reasonably considered to be affixed to the land.

20          *Request for proposals (RFP)* means a solicitation of responses for a good  
21          and/or service for which the scope of work, specifications or contractual conditions  
22          cannot reasonably be closely defined. Evaluation of a proposal is based on prior  
23          established criteria wherein the RFP shall state the relative importance of price and other  
24          evaluation factors.

25          *Request for qualifications (RFQ)* means a solicitation of responses for services  
26          for which the competitive award will be based on the qualifications of the responding  
27          bidders. Request for qualifications shall be used in the solicitation of, but not be  
28          limited to, professional services, design build services and construction management  
29          services.

30          *Regulation* means a government body's statement, having general or particular  
31          applicability and future effect, designed to implement, interpret, or prescribe law or  
32          policy, or describing organization, procedure, or practice requirements, which has been  
33          promulgated in accordance with applicable law.

34          *Responsible bid/bidder* means an individual, partnership, firm, association,  
35          corporation or business which has submitted a bid, offer, proposal, quotation, or

1 response, which has the capability, as determined by the county, in all respects to fully  
2 perform the contract requirements, and the integrity and reliability which give reasonable  
3 assurance of good faith and performance.

4 *Responsive bid/bidder* means an individual, partnership, firm, association,  
5 corporation or business which has submitted a bid, offer, proposal, quotation, or  
6 response, which, as determined by the county, conforms in all material respects to a  
7 competitive solicitation or request for proposals.

8 *Services* means the furnishing primarily of labor, time, and/or effort.

9 *Shall* denotes the imperative.

10 *Sole source* means the only existing source of the required item which meets the  
11 needs of the county, as determined by a reasonably thorough analysis of the marketplace.

12 *Specification(s)* means a concise statement of a set of requirements to be satisfied  
13 by a product, material, service or process used in a solicitation for bid or request for  
14 proposal to describe the goods and/or service to be purchased or otherwise acquired.

15 *State contract* means a current, valid, continuing or term contract or agreement  
16 which has been publicly bid or negotiated by a department, division or agency of the State  
17 of Florida.

18 *Supplies* means all property including, but not limited to, equipment, materials,  
19 printing, insurance, and leases, but excluding land or permanent interest in land.

20 *Vendor* means an actual or potential supplier of a good and/or service.

21 *Written or in writing* means the product of any method of forming characters on  
22 paper, other materials, or viewable screen, which can be read, retrieved, and reproduced,  
23 including information that is electronically transmitted and stored.

## 24 25 **Sec. 2-103. Organization; centralization of procurement authority.**

26 Except as otherwise provided in this article, all rights, powers, duties, and  
27 authority relating to the procurement and contracting for supplies, materials, equipment,  
28 contractual services, professional and consultant services, construction and/or  
29 combinations of goods and services governed by this article shall reside with the office of  
30 the chief procurement officer.

## 31 32 **Sec. 2-104. Chief procurement officer.**

1 (a) Creation of office. There is hereby created the office of the chief procurement  
2 officer.

3 (b) Appointment. Pursuant to a recommendation by the county administrator, the  
4 board shall designate a full-time employee of the county to serve as the chief procurement  
5 officer.

6  
7 **Sec. 2-105. Same~~Chief Procurement Officer~~-Duties.**

8 The chief procurement officer shall:

9 (1) Administer the central purchasing and contracting system for the county;

10 (2) Upon request of any constitutional officer of the county, make available to  
11 such officer the services provided herein subject to the terms of this article and any  
12 administrative policies and internal procedures of the purchasing and  
13 contracts~~procurement~~ department;

14 (3) Provide for the establishment/promulgation of administrative policies and  
15 procedures of purchasing and contracts which shall be forwarded through the county  
16 administrator for review and approval prior to adoption by the board of county  
17 commissioners;

18 (4) Provide the county administrator and/or the board of county  
19 commissioners, with data or information concerning county purchasing and contracting;

20 (5) Report to the county administrator and/or county attorney any violation or  
21 suspected violation of any federal, state, or local law, rule or regulation, as related to the  
22 procurement of goods and/or service subject to the county purchasing ordinance,  
23 committed by an employee or agent of the county or an independent contractor which  
24 creates or presents a substantial or specific threat to the integrity of the county purchasing  
25 and contracting practices;

26 (6) Standardize, to the extent possible, contract clauses, terms, conditions and  
27 documents; and,

28 (7) Perform other duties as directed by the administrator of the county.  
29

30 **Sec. 2-106. Same~~Chief Procurement Officer~~-Authority.**

31 All rights, powers, duties and authority relating to the procurement and  
32 contracting of goods and/or services for the board of county commissioners, including the  
33 authority to approve purchases and sign those agreements, contracts, and purchase orders

1 for the purchase of goods and/or services in accordance with the provisions of section  
2 2-109 below, provided they are in conformance with the law and applicable rules and  
3 regulations, are vested in the chief procurement officer.

4  
5 **Sec. 2-107. Same-Delegation of authority by.**

6 The chief procurement officer may delegate rights, powers, and authority vested in  
7 him/her to subordinate purchasing and contracts staff, or other county staff, when deemed  
8 necessary and prudent, provided such staff shall comply with all applicable laws,  
9 regulations, rules and procedures established by the county.

10  
11 **Sec. 2-108. Bidding procedures.**

12 (a) *Soliciting bids for construction, purchase and leasing.* By advertisement at least  
13 once in ~~some~~a newspaper of general circulation in the county no later than two (2) weeks  
14 prior to opening of bids, or as ~~stipulated~~required by law, the board of county  
15 commissioners shall solicit competitive bids for the construction by non-county personnel  
16 of any road, street, sidewalk, drainage facility, water distribution system, sewer collection  
17 system, water or sewer treatment plant, or building, or the purchase and/or leasing of  
18 goods, supplies, materials or nonprofessional services for county use, when the amount to  
19 be paid for such construction, purchase or lease is reasonably expected to exceed the  
20 ~~threshold amount provided in section 287.017, Florida Statutes, for Category Two, as it~~  
21 ~~may be amended from time to time~~ \$50,000.00, exclusive of freight or other delivery  
22 charges.

23 (b) *Acceptance, rejection and competitive award of bids and proposals.* The board  
24 shall accept the best and lowest responsible and responsive bid for the award of a  
25 competitively solicited bid contract but the board may, at its discretion, reject all bids or  
26 accept bid item(s) covering less than the entire solicitation if the items bid upon are  
27 reasonably severable from the remainder of the contract. The board may reject any bidder  
28 found by the board not to be responsible or otherwise unable to perform satisfactorily all  
29 provisions of the contract. Where the board rejects any bidder, such finding is presumed  
30 to have been made by the board prior to the rejection.

31 (c) *Exceptions to bidding requirements.* Competitive solicitation~~Solicitation of bids~~ is  
32 not required in the following instances:

33 (1) Where the board declares by a majority vote of the board of county  
34 commissioners that an emergency exists.

1           (2)     The purchase and/or leasing of goods, supplies, materials or services for  
2 county use from a valid current continuing state contract or from other valid current  
3 continuing contracts with the State of Florida or other local governments or similar  
4 entities, including but not limited to associations acting on behalf of state, county or  
5 municipal officials.

6           (3)     Where the board finds that there is a reasonable certainty that bids for the  
7 contemplated construction or purchase will be offered by only one (1) bidder. The board  
8 may use as a basis for this finding a recommendation of the county administrator through  
9 the consent agenda, or otherwise as may be determined, that the particular contract is  
10 expected to draw bids from only one (1) bidder.

11           (4)     Where, in the business judgment of the board as declared by majority vote  
12 plus one (1) of the board of county commissioners, the particular circumstances or time  
13 constraints surrounding the construction or purchase make it impractical or inadvisable to  
14 solicit bids.

15           (5)     Where the contract to be bid upon is one for the purposes authorized by  
16 section 336.41, Florida Statutes, as amended from time to time. Such contracts to be bid  
17 upon shall be subject to any bidding requirements imposed by general law.

18           (6)     Where the board by majority vote plus one of the board of county  
19 commissioners has by resolution waived competitive bidding when it finds this to be in  
20 the best interest of the county.

21           (7)     Where there has previously been a request for bids and no responsive,  
22 responsible bids have been received.

23  
24     **Sec. 2-109. Approval and execution of contracts.**

25     (a)     All contracts for the construction by non-county personnel of any road, street,  
26 sidewalk, drainage facility, water distribution system, sewer collection system, water or  
27 sewer treatment plant, or building, or the purchase, lease or lease-purchase of goods,  
28 supplies, materials or nonprofessional services in an amount exceeding \$50,000.00 the  
29 threshold amount provided in section 287.017, Florida Statutes, for Category Two, as it  
30 may be amended from time to time, and all contracts for professional services equal to or  
31 exceeding the limits imposed by the "Consultants' Competitive Negotiation Act", section  
32 287.055, Florida Statutes, as it may be amended from time to time, shall be approved by  
33 the board at a public meeting. Any contract approved by the board may be executed by  
34 the chairman of the board of county commissioners or by any other county official,  
35 department head, or employee so designated by resolution of the board to execute the  
36 contract approved by the board.



(b) ~~The director of central purchasing~~chief procurement officer is hereby authorized to approve and execute contracts for the construction by non-county personnel of any road, street, sidewalk, drainage facility, water distribution system, sewer collection system, water or sewer treatment plant, or building, or the purchase and/or leasing of goods, supplies, materials or nonprofessional services in an amount equal to or less than \$50,000.00~~the threshold amount provided in section 287.017, Florida Statutes, for Category Two, as it may be amended from time to time,~~ and all contracts for professional services in an amount less than the limits imposed by the "Consultants' Competitive Negotiation Act", section 287.055, Florida Statutes, as it may be amended from time to time.

**Sec. 2-110. Repeal of laws in conflict.**

(a) All purchases of goods, supplies, materials, equipment, machinery, construction or services by the county, any county official, board, department head or employee, made during the period of time from the repeal of Ordinance No. 82-3, until the effective date of this article, be and the same hereby are ratified, validated and confirmed.

(b) All resolutions, ordinance and special acts of the legislature pertaining to the county, contrary to the provisions of this article, are hereby repealed.

**Sec. 2-111. Local bidder or procurement preference.**

(a) *Local preference in purchasing and contracting.*

(1) In bidding for, or letting contracts for procurement of, supplies, materials, equipment, and services, as described in the purchasing policies of the county, the board of county commissioners may give a preference to local businesses in making purchases or awarding contracts in an amount not to exceed: five (5) percent of the local business' total bid price if the cost differential does not exceed ten thousand dollars (\$10,000.00) for procurement activities in amounts over fifty thousand dollars (\$50,000.00).

a. ~~Five (5) percent of the local business' total bid price if the cost differential does not exceed ten thousand dollars (\$10,000.00) for procurement activities in amounts over thirty-five thousand dollars (\$35,000.00); or~~

b. ~~Three (3) percent if the cost differential does not exceed one thousand dollars (\$1,000.00) for procurement activities in amounts more than ten thousand dollars (\$10,000.00) but less than thirty-five thousand dollars (\$35,000.00).~~



1 (2) The total bid price shall include not only the base bid price, but also all  
2 alterations to the base bid price resulting from alternates which were both part of the bid  
3 and actually purchased or awarded by the board of county commissioners.

4 (3) In the case of requests for proposals or qualification, letters of interest, or  
5 other solicitations and competitive negotiations and selections in which objective factors  
6 are used to evaluate the responses, local businesses shall be assigned five (5) percent of  
7 the total points of the total evaluation points.

8 (b) *Exceptions to local preference policy.*

9 (1) The procurement preference set forth in this article shall not apply to any  
10 of the following purchases or contracts:

11 a. Goods or services provided under a cooperative purchasing  
12 agreement or interlocal agreement;

13 b. Contracts of professional services, the procurement of which is  
14 subject to the Consultants' Competitive Negotiation Act or subject to any competitive  
15 consultant selection policy or procedure adopted or utilized by the board of county  
16 commissioners;

17 c. Purchases or contracts which are funded, in whole or in part, by a  
18 governmental entity and the laws, regulations, or policies governing such funding prohibit  
19 application of that preference;

20 d. Purchases made or contracts let under emergency or  
21 noncompetitive situations, or for litigation related legal services, etc.; or

22 e. Purchases with an estimated cost of less than ten thousand dollars  
23 (\$10,000.00) or less.

24 (2) Application of local preference to a particular purchase, contract, or  
25 category of contracts for which the board is the awarding authority may be waived upon  
26 written justification and recommendation by the county administrator, and approval of the  
27 board.

28 (3) The preference established in this section does not prohibit the right of the  
29 board to compare quality or fitness for use of supplies, materials, equipment and services  
30 proposed for purchase and compare qualifications, character, responsibility and fitness of  
31 all persons, firms, or corporations submitting bids or proposals.

32 (4) The bid preference established in this section does not prohibit the board  
33 from giving any other preference permitted by law in addition to the preference  
34 authorized in this section.

(c) *Application and enforcement of preference policy.* The local preference policy established in this section shall apply to new contracts and procurements solicited after the effective date of this section.

(d) *Promulgation of rules.* The county administrator is hereby authorized to adopt administrative rules supplemental to the provisions of this section as deemed necessary and appropriate to implement the provisions of this section.

(e) *Conflicts.* If provisions of other ordinances conflict with any of the provisions of this section, the provisions of this section control as the prevailing provisions.

## DIVISION 2. - COMPETITIVE SOLICITATION PROTESTS

### Sec. x.xx. Authority.

The provisions of this article are based upon the authority granted to the Board of County Commissioners of Hernando County, Florida, in Chapters 125 and 287, Florida Statutes.

### Sec. x-xx. Responsibility for promulgating protest procedures and policies.

The chief procurement officer shall promulgate the administrative procedures and policies for protests lodged by bidders or potential bidders. The chief procurement officer shall forward the proposed protest procedures and policies to the County Administrator for review and approval. If approved, the County Administrator shall present same to the Board for approval and adoption. If adopted, the protest policies and procedures shall be incorporated in the Hernando County Procurement Manual.

### Sec. x-xx. Requirement to follow protest procedures and policies.

Protests of Hernando County competitive solicitations are governed by this ordinance. A bidder or potential bidder that lodges a protest shall follow the protest procedures and policies provided in the Hernando County Procurement Manual. Failure to follow said protest procedures and policies constitutes a waiver of protest proceedings.

### Sec. x-xx. Applicability of Administrative Procedure Act.

The chief procurement officer may, at his or her discretion subject to approval by the County Administrator and the Board, incorporate in the protest procedures and

policies any sections of the Administrative Procedure Act that comport with this ordinance and the best interests of the County.

**Sec. x-xx. Access to the Hernando County Procurement Manual.**

The chief procurement officer shall ensure that the up-to-date version of the Hernando County Procurement Manual is available to the public on the County's website.

**Section 2. Severability.** It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this ordinance.

**Section 3. Inclusion in the Code.** It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section," "article," or any other appropriate designation.

**Section 4. Conflicting Provisions Repealed.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 5. Effective Date.** This ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this ordinance has been filed with said office.

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF**

**HERNANDO COUNTY** in Regular Session this 27<sup>th</sup> day of February 2024.



**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

Attest:

Heidi Kuyper, Deputy Clerk  
DOUGLAS CHORVAT, JR.  
Clerk and Comptroller

By:

Elizabeth Narverud  
ELIZABETH NARVERUD  
Chair

1 Approved for Form and Legal Sufficiency

2 *Melissa Tartaglia*

3 \_\_\_\_\_  
4 County Attorney