

ORDINANCE NO.: 2024-__

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. ~~PURCHASING~~PROCUREMENT 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,

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

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

9 a. Reserved.

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

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

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

24 (4) Real property.

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

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

29 (7) Cybersecurity related items:

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

32 b. Critical infrastructure

33 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~~ 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 ~~of~~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 bids~~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 ~~offor~~ 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 (RFO)* means a solicitation ~~offor~~ 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 ~~offor~~ responses, 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~~ quote, 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~~quote, 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. SameChief 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 contractsprocurement 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. SameChief 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.

1 (b) The ~~director of central purchasing~~chief procurement officer is hereby authorized
2 to approve and execute contracts for the construction by non-county personnel of any
3 road, street, sidewalk, drainage facility, water distribution system, sewer collection
4 system, water or sewer treatment plant, or building, or the purchase and/or leasing of
5 goods, supplies, materials or nonprofessional services in an amount equal to or less than
6 ~~\$50,000.00~~the threshold amount provided in section 287.017, Florida Statutes, for
7 ~~Category Two, as it may be amended from time to time~~, and all contracts for professional
8 services in an amount less than the limits imposed by the "Consultants' Competitive
9 Negotiation Act", section 287.055, Florida Statutes, as it may be amended from time to
10 time.

11
12 **Sec. 2-110. Repeal of laws in conflict.**

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

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

19
20 **Sec. 2-111. Local bidder or procurement preference.**

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

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

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

31 b. ~~Three (3) percent if the cost differential does not exceed one~~
32 ~~thousand dollars (\$1,000.00) for procurement activities in amounts more than ten~~
33 ~~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.

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

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

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

9
10 DIVISION 2. - COMPETITIVE SOLICITATION PROTESTS

11
12 Sec. x.xx. Authority.

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

16
17 Sec. x.xx. Responsibility for promulgating protest procedures and policies.

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

24
25 Sec. x.xx. Requirement to follow protest procedures and policies.

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

30
31 Sec. x.xx. Applicability of Administrative Procedure Act.

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

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

3
4 **Sec. x-xx. Access to the Hernando County Procurement Manual.**

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

7
8 **Section 2. Severability.** It is declared to be the intent of the Board of County
9 Commissioners that if any section, subsection, clause, sentence, phrase, or provision of this
10 ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect
11 the validity of the remaining portions of this ordinance.

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

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

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

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

24 **HERNANDO COUNTY** in Regular Session this _____ day of _____ 2024.

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

27
28
29 Attest: _____
30 DOUGLAS CHORVAT, JR.
31 Clerk and Comptroller

By: _____
ELIZABETH NARVERUD
Chair

1 Approved for Form and Legal Sufficiency

2 *Melissa Tartaglia*

3 _____

4 County Attorney