

PROCEDURE

Series:	Procurement	COA: FIN 7.04, ETH 33 CFOP: N/A
Policy Name:	Non-Competitive Procurement	
Policy Number:	PR-905	
Reviewed Date:	1/14/13, 6/17/16, 3/1/17, 3/22/19	
Revision #/Date:	(7) 10/1/11 (Originally part of PR-901), (8) 6/27/21	
Effective Date:	12/15/2008	
Applicable to:	All BFP Family of Agencies Staff, Subrecipients and Vendors	

SUBJECT: Non-Competitive Procurements of Commodities or Contractual Services

PURPOSE: This operating procedure provides guidance for an efficient and effective commodity and/or service procurement program. Products and/or services must be purchased as economically and expeditiously as possible, consistent with good purchasing practices. As stewards of public funds, employees who are authorized to procure services must develop clear, concise conditions and specifications; keep competition fair and open; and remain free from obligations to vendors.

PROCEDURE:

Scope

Brevard Family Partnership (BFP) procures commodities and/or services that are responsive to the needs of the children and families in care. Procurement of these items is in accordance with state and federal laws, and Department of Children and Families contract requirements and BFP policies and procedures as applicable.

BFP plans and coordinates purchases to ensure that quality products and/or services are obtained in a timely manner from responsible agencies on a competitive basis. BFP recognizes that fair and open competition is a basic tenet of public procurement, and that competition reduces the appearance and opportunity for favoritism and inspires public confidence.

All procurements must be allowable and necessary for BFP operations. BFP avoids purchasing unnecessary or duplicative commodities or services.

Reference

BFP Policies/Procedures: AP-432, GOV-201, GOV-202, GOV-203, PR-901, PR-902, PR-903, PR-904 and RQ-505
2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
FAC 2005-44 (Federal Acquisition Regulation-Subpart 13, Simplified Acquisition Procedures)
Department of Children & Families Contract with BFP
Florida Statutes: 403.7065, 946



Definitions

Administrative Services: Goods and/or services that are incurred for common or joint objectives and cannot be readily identified with a particular objective for a child or family being served by BFP.

Applicant/Bidder: A vendor, provider, or contractor which provides information to BFP to be selected to fulfill a procurement.

BFP Provider Network: Vendors, providers and/or contractors residing in Brevard County that are approved to supply child and family services to clients of BFP.

Child and Family Services: Goods or services that are incurred for a specific purpose or to meet a specific objective identified for a child or family being served by BFP.

Commodity/Good/Product: A tangible article of trade or commerce; a product as distinguished from a service.

Contract: A written agreement between BFP and a vendor/provider/contractor for the doing or not doing of something specified which is enforceable by law.

Cost Analysis: The process of examining each element of the estimated or actual cost of a contract performance to determine the probable cost to the vendor.

Large Purchase: Any procurement greater than \$250,000.00.

Micro-Purchase: The purchase of goods or services which does not exceed \$10,000.00.

Price Analysis: The process of deciding if the asking price for a good or service is fair and reasonable, without using the specific cost and profit calculations of the provider used in arriving at the price.

Service: The performance of any duties or work for another; helpful or professional activity.

Small Purchase: Any procurement of value within the Small Purchase Threshold.

Small Purchase Threshold: Any procurement with a value between \$10,000.01 and \$250,000.00.

Subrecipient and/or Vendor: An individual or organization that sells goods or services. Formally defined in PR-902.

General Consideration for Emergency or Single Source Procurements

All provisions of procedure number PR-901: Procurements of Commodities or Services – General, are applicable to emergency or single source procurements unless otherwise stated.

Single Source Procurement

If purchasing commodities and/or services is infeasible as instructed in the procedures for large or small procurements and the item is available from only one source and one of the following exists:

1. the item is available only from a single source.
2. the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
3. DCF expressly authorizes noncompetitive proposals in response to a written request from BFP.
4. or after solicitation of sources, competition is determined inadequate), the following requirements will be used for a single source procurement:
 - Written justification for using only a single source for purchasing goods or services must be thorough and complete.
 - Posting Description of Services – A description of the commodity or service sought must be posted for at least seven (7) business days on the BFP website. This posting should include the statement that BFP is aware of only one source for the services sought and a request that prospective suppliers provide information regarding their ability to supply the commodities or services described.
 - After reviewing any information from prospective vendors, including price quotes, BFP makes a determination in writing that the commodities or contractual services are available only from a single source and its intended decision to enter a single-source purchase contract will be posted on the BFP website.
 - Documentation of a single source purchase must be maintained as cited in procedure PR-901: Procurements of Commodities or Services – General.
 - Any single source procurement must only be for a specific item or service initially determined and can not be combined with other procurements.
 - A single source procurement can also **“not”** be eligible for **automatic** renewal.

Emergency Procurement

If the BFP Board of Directors or CEO determines **“in writing”** that an immediate danger to the public health, safety, or welfare or other substantial loss to the State requires emergency action, BFP may proceed with the procurement of commodities or services necessitated by the immediate danger, without receiving competitive proposals. In such a situation, the procurement will follow the documentation requirements listed under the Single Source Procurement as cited above with the following exceptions:

- No posting will be required for the Description of Services desired by BFP.
- Any emergency procurement must only be for a specific item or service initially determined and can not be combined with other procurements.
- An emergency procurement is **“not”** eligible for **automatic** renewal.

Awarding Agency Authorizes

For instances where the funding agency authorizes a specific service or Provider.

Competition Deemed Inadequate (1 or No Responsive Bids)

For instances of inadequate competition due to 1 or no responsive bids, proposals, or replies for information are received, BFP may negotiate on the best terms and conditions and shall document the reasons that such action is in the best interest of BFP in lieu of resoliciting competitive sealed bids, proposals, or replies.

Exemptions

The following contractual services and commodities are not subject to the competitive solicitation requirements and will not constitute creation of a procurement file, however, it is the obligation of the BFP staff member to make a good faith effort to acquire the items at the lowest price possible with no favoritism to any vendor and to ensure reasonableness of price:

1. Artistic services.
2. Academic program reviews.
3. Lectures by individuals.
4. Auditing services.
5. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services.
6. Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration.
7. Vendors that apply and are accepted to become a member of the vendor network by way of the Request for Qualifications (RFQ) process, as defined in PR-903. The RFQ process is used to identify and pre-qualify vendors that can offer a continuum of mental health, drug abuse prevention, and child abuse prevention services. This process includes a price analysis to current Medicaid rates and/or rates of local area competitors. All that qualify can be listed on the vendor listing without a need for a separate procurement file.
8. Residential Child Caring Agencies (Emergency Shelter or Residential Group Care facilities) licensed by the Department of Children and Families.
9. Continuing education events or programs that are offered to the public and for which fees have been collected that pay all expenses associated with the event or program.

BY DIRECTION OF THE CHIEF EXECUTIVE OFFICER:



PHILIP J. SCARPELLI
Chief Executive Officer
Brevard Family Partnership / Family of Agencies

APPROVAL DATE: 6/30/21