

**Putnam County
Community Development Block Grant — Disaster
Recovery Infrastructure Program Policies and
Procedures**

October 10, 2023



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SUMMARY

The U.S. Department of Housing and Urban Development (HUD) allocated Community Development Block Grant Disaster Recovery (CDBG-DR) funds to FloridaCommerce (formerly the Department of Economic Opportunity, DEO). This funding is being distributed in federally-declared disaster counties impacted by Hurricane Matthew including Putnam County for activities authorized under Title I of the Housing and Community Development Act of 1974 (42 United States Code (U.S.C) 5301 et seq.) and described in the State of Florida CDBG-DR Action Plan. FloridaCommerce has initially provided \$3,569,507 in CDBG-DR funding to Putnam County to provide flood and drainage improvements to St. Johns Avenue in the incorporated area of the City of Palatka. Since the original agreement, FloridaCommerce has provided additional funds to a total amount of \$6,914,576.70.

The County entered into a subrecipient agreement with FloridaCommerce to administer the infrastructure recovery program including the following projects:

- St. Johns Avenue Drainage Infrastructure Improvements

This document describes policies and procedures for the Infrastructure Program.

Of the \$6,914,576.70 allocated to Putnam, all \$6,914,576.70 has been set aside for the infrastructure project listed above. Budget allocation for the project was determined based on estimations when the project was initially identified. Project costs are not anticipated to change significantly based on the existing project cost estimations.

VERSION HISTORY

Putnam County CDBG-DR General Policies and Procedures

Version	Date	Page	Description
1.0	11/1/2020	All	
2.0	10/10/2023	All	Updates of policies following FloridaCommerce audit conducted in April 2023
3.0			

VERSION POLICY

Version history is tracked in the table above, with notes regarding version changes. The dates of each publication are also tracked in this table. The first version of this document is 1.0.

Substantive changes within this document that reflect a policy change will result in the issuance of a new version 2.0, an increase in the primary version number. Future policy changes will result in additional revision and issuance of a new primary version number.

Non-substantive changes within this document such as minor wording and editing, or clarification of existing policy, that do not affect the interpretation or applicability of the policy will be included in minor version updates denoted by a sequential number increase after the primary version number. Such changes would result in a version number such as 2.1, 2.2, etc.

POLICY CHANGE CONTROL

Policy review and changes for the Putnam County Infrastructure Program are considered through a change control process. When policy clarifications, additions, or deletions are needed to more precisely define the rules by which the Program will operate, Program staff will discuss potential changes with the Board of County Commissioners for their review and consideration. Their consideration will include a determination as to whether the action is a policy or process issue. Actions identified as policy issues will require review and determination by the Board of County Commissioners. The issue will be discussed by the Board at a workshop meeting.

The Board will make a decision to approve the change, deny the change, or defer action on the request. If the change is approved, the Program Manager will disseminate the new policy in a communication via email to all Program staff. If the Board decides to deny a change, no further action is taken. If a change is deferred, the Board will request additional supporting information as necessary and place the item on the next workshop agenda for consideration.

The Board of County Commissioners meets bi-weekly, as needed, to consider all pending requests but may meet as frequently as necessary to consider critical policy decisions. The Board has authority to review and approve policy changes, render decisions on individual case appeals, and review waiver requests to the existing program cap to be submitted to FloridaCommerce for review and consideration.

INFRASTRUCTURE PROGRAM

Program Overview

The primary focus of the Program is to provide CDBG-DR funding assistance for infrastructure rehabilitation and improvement projects. Infrastructure projects must have been impacted by Hurricane Matthew and must be an eligible activity as defined by HUD. This program supplements other funds which may be available to conduct these projects. In some cases no additional funds are available and therefore the CDBG-DR funds are the sole source of funding for the project.

Putnam County will utilize CDBG-DR funds to add a piped conveyance system from the primary outfall to Kay Larkin Road and reshape the open channel conveyance system west of the primary outfall. The solution also includes the addition of more storm water pond storage and an improved overall structure. The proposed improvements include:

- Utilize the existing large ditches north of St. Johns Avenue from Kay Larkin Road to the primary outfall.
- Avenue for additional storage. Connect these large ditches to the main proposed storm trunk line by a series of pipes North of St. Johns Avenue from Kay Larkin Road to the primary outfall for additional storage.
- Install a large storm trunk line at center of St. Johns Avenue
- Center location within St. Johns Avenue is optimal location due to conflicts with existing major utilities, proposed utilities, and location of proposed 10' bike path.
- Proposed trunk line will be 43"x68" ERCP or equivalent/greater than in capacity from Key Larkin Road to the primary outfall.
- Proposed trunk line will be 4'x8' box culvert or equivalent/greater than in capacity from the outfall to Kay Larkin Road.
- Drainage from St. Johns Avenue roadside ditches and ditches from side roads will be connected to the main trunk line via smaller pipes.
- Proposed construction includes milling and resurfacing of portions of the existing road.
- Also includes reconstruction and pavement addition in other portions of the road.
- Includes sidewalk repair and total sidewalk replacement of the south side of the road where impacts will occur.
- From CR 309C to the primary outfall, minor improvements are proposed in the form of reshaping roadside ditches.
- Relocation of conflicting utilities as needed.
- Reconstruction/Construction of proposed bike path to facilitate changes encountered from improvement.

Proposed improvements have been broken down into the following segments that reflect the priority work phases due to threat of flooding to critical facilities fronting St. Johns Avenue.

Segment I Off-Site Storm Ponds (necessary storm water outfall facilities)

Segment II from Outfall to Kay Larkin Drive (healthcare facilities)

The \$6,914,576.70 of CDBG-DR funding provided by the FloridaCommerce will be utilized to design and construct the improvements of Segments I and II. For Segment I, (retention ponds and drainage outfall from St. Johns Ave) design and construction will involve relocating an existing retention pond, constructing an estimated 1,900 linear foot of drainage outfall, building a new road way cross culvert, and modifying and increasing the capacity of an existing retention pond. For Segment II (from Key Larking Dr. to the drainage outfall) design and construction will involve relocating utilities, installing a large trunk line at center of St. Johns Ave, roadway modifications, swale adjustments, and termination of segments such that the system is functional for segment II until future Segments commence. The downstream improvements will benefit a demographic of 59.59% Low-Mod Households that equate to 6,180 Low and Moderate Income Households.

CDBG-DR funds are intended to principally benefit low and moderate income (LMI) persons. Funds are allocated to programs in a manner that ensures that at least 70 percent of the grant amount awarded is expended for activities that benefit such persons. Funds will be used to address remaining unmet infrastructure needs and to support the long-term recovery and restoration of infrastructure in the most impacted and distressed areas.

The primary objective of this Program is to address the unmet infrastructure recovery needs in (LMI) qualified service areas. LMI qualified areas are those areas where 59.59% of the households or greater are LMI qualified.

National Objective

The Program will meet one of the following National Objectives:

- Benefit to Low and Moderate Income Persons

The County's CDBG-DR Programs are designed to ensure that 70% of CDBG-DR grant amount awarded is expended for activities that benefit low and moderate income persons. To that end, the Program prioritizes assistance to projects with LMI qualified service areas.

Eligible Activities

The eligible and ineligible categories of activities are determined by HUD. All activities and potential projects must be compliant with CDBG National Objectives per 24 CFR 570.208 and CDBG Eligible Activities per 24 CFR 570.201 through 570.207. The following activities under the Housing and Community Development Act of 1974 (HCDA) are eligible for public facilities and improvements:

- Acquisition
- Construction,
- Reconstruction
- Rehabilitation (including removal of architectural barriers to accessibility), or
- Installation

All infrastructure projects will be compliant with these activities. All infrastructure projects must be public projects, with privately owned projects not being eligible for program funding. Under the Infrastructure Recovery Program, infrastructure will be defined to include:

- Roads
- Bridges
- Stormwater management systems
 - Conveyance systems (swales, storm sewers)
 - Curbs/gutters
 - Outfall areas
 - Retention/detention ponds
 - Facilities utilized to manage, clean and convey stormwater include storm/septic combined systems
 - Stabilization materials and structures for stormwater conveyance
 - Berms
 - Dams
 - Other facilities or structures intended for the handling and conveyance of storm water
 - Other Low Impact Development stormwater management systems
- Sidewalks
- Potable water lines
- Potable water pumping, handling, cleaning facilities and structures
- Sanitary sewer lines
- Sanitary sewer pumping, handling, cleaning facilities and structures
- Other infrastructure facilities and structures as determined by County staff.

ELIGIBILITY REQUIREMENTS FOR INFRASTRUCTURE PROGRAM

All activities to be funded in whole or in part with CDBG-DR funds must be found to be eligible under Title I of the Housing and Community Development Act.

Geographic Location

Any infrastructure project to receive funding under the infrastructure recovery program must be located within the legally recognized boundaries of Putnam County, Florida. This includes all municipalities which may be located within the County boundaries and all unincorporated areas within the County.

Meeting a National Objective

All projects in the Infrastructure Recovery Program must meet the LMI National Objective. Infrastructure projects are anticipated to have to meet the LMI Area Benefit criteria. Other LMI benefit criteria may be identified as needed based on the nature and purpose of the project.

LMI area benefit projects must identify the potential service area of the activity. This can be defined using Census designated boundaries, direct service area if known (i.e. waterline which serves a specific municipality or neighborhood) or an estimated service area. It must be proven that the area is primarily residential to utilize the LMI area benefit. Where specific data can't be utilized such as Census data or other existing income information, a survey may need to be conducted.

Census data – Service areas may be able to be defined by Census geographic designations such as Census Tracts or Block Groups. When this data is used the most recent HUD provided data defined by Census geography designation must be used. The LMI information for these geographies must cumulatively meet the County Exception Criteria percentage.

Survey data – If a service area can't be reasonably defined by a Census designated geographic identifier (census tract, block group) then a survey may need to be conducted. If a survey needs to be conducted, the County will develop a survey methodology based on HUDs guidance for developing and conducting income surveys. The methodology will be presented to FloridaCommerce for review and approval. Upon approval by FloridaCommerce the County will develop a notification letter, survey and information form as part of the survey process. The County will mail the notification letter and the survey to all potential residential households identified in the service area. This will be conducted a minimum of one week (approximately 7 days) prior to conducting door-to-door surveys and will notify residents of the upcoming survey. It will also inform individuals of the purpose of the survey and describe the project in question which may be undertaken in the service area. Staff to conduct the door-to-door surveys will be identified at least one week before the door-to-door surveys are to occur. Areas identified for survey may be evaluated by a site visit and evaluation ahead of time to determine the survey route and identify any potential dangers or other issues. Surveys will be conducted in a team of at least two program and/or county staff members. While conducting the survey staff will provide residents with the survey along with the information form describing the purpose of the survey and a project description. Residences which don't wish to complete the survey or who are not available will be noted for later evaluation of survey results. Residents who refuse to complete the survey

will be assumed to **not** be income eligible and noted as such. Residents who were not available at the time of the survey will have the information form and survey mailed to them again along with a self-addressed envelope for them to complete and return to the County. A determination will be made based the response to the mailed surveys as to whether or not additional efforts need to be made. Once the County determines that no other efforts should be made the surveys will be evaluated to determine potential LMI eligibility of the area.

Maps and related service area information, such as a written determination and justification of the service area, will be included in the specific project folder.

Tie-Back

Any project identified under the County's Infrastructure Program must respond to a direct or indirect impact from the Hurricane Matthew (DR-4283) disaster event. All projects will be evaluated to determine whether the infrastructure involved in the project and subject to CDBG-DR funding was impacted by the associated storm event. Evidence of tie back which the County will utilize include:

- Photographic evidence from the storm event
- Reports or other notification from federal, state, county, or municipal officials indicating impacts from the storm event
- Federal, state, county, or municipal storm damage summary reports, road closure listings or other storm related reporting
- Verified reporting by residents or witnesses. Must be documented and signed by residents providing information
- Newspaper or other media reporting indicating impacts from the storm event
- Flood modeling which indicates inundation/flooding at the site of specific infrastructure projects, particularly for stormwater management systems.

Evidence of tie back such as reports, staff documentation or maps will be included in the specific project folder.

Expenditure of Funds

All projects will be evaluated to determine if the project can be completed and CDBG-DR funds fully expended within the expenditure period for those funds. Project construction must be able to be completed and finalized within the required period of time to be eligible for consideration. Projects utilizing funds described in Federal Register Volume 82, Number 150 must have their funds fully expended within 6 years of HUD's execution of the grant agreement unless otherwise revised by HUD or FloridaCommerce. All projects require an estimated work schedule indicating a time schedule for project completion. This schedule will be refined once a contractor is selected and a construction schedule is provided by the contractor. In order for the project to be initially eligible it must be determined or confirmed, by County staff, that an estimated project schedule will meet the expenditure of funds time requirement. All work/construction schedules must indicate completion within the expenditure time period. In order to ensure the timely expenditure of funds projects will also be evaluated for scale, complexity and cost. Complications with factors such as these may inadvertently put expenditure time requirements at risk.

Funding of Last Resort

The Infrastructure Program will evaluate each project to ensure that CDBG-DR funds are used only as the recovery funding source of last resort. Projects developed and/or funded by Putnam County will be reviewed for applicability and eligibility against other Federal disaster recovery funding before being considered for CDBG-DR funding. All other potential funding sources must be confirmed and documented, in accordance with FloridaCommerce provided policy and procedures for duplication of benefits recordation, before a CDBG-DR funding amount will be determined. CDBG-DR funds will not be used as repayment for other funding expenditures but may be used as match for infrastructure recovery projects.

Duplication of Benefits

All infrastructure projects must be evaluated to determine potential duplication of benefits issues. A Duplication of Benefits occurs when financial assistance received from one source is provided for the same purpose for which CDBG-DR funds are provided (in accordance with Section 312 of the Stafford Act and HUD guidance in the November 16, 2011 Federal Register Notice (FR-5582-N- 01)). As part of the Funding of Last Resort analysis, all infrastructure projects will also be evaluated to identify any and all other funding which may warrant a duplication of benefits. This includes both funds currently available and funds which may be made available in the future for the same project. Some of these funding sources include but are not limited to:

- FEMA National Flood Insurance Program (“NFIP”);
- U.S. Army Corps of Engineers (“USACE”);
- U.S. Department of Transportation, including the Federal Highway Administration (“FHWA”)
- Federal Transit Administration (“FTA”);
- Federal and state Department of Transportation (“CDOT”)
- Federal Economic Development Agency (“FEDA”);
- Federal Emergency Management Agency (“FEMA”)
- U.S. Food and Drug Administration (“FDA”)
- Private Insurance;
- Increased Cost of Compliance (“ICC”);
- State of Florida state grants/loans;
- Philanthropic funds;
- Any other funding source that may duplicate assistance

ENVIRONMENTAL REVIEW

All infrastructure projects must undergo an environmental review as required and described in 24 CFR Part 58. Once a project is identified and funding is confirmed the project will be forwarded to the designated ER vendor. The ER process is conducted in accordance with the protocols set forth by FloridaCommerce which are outlined on their website (<http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/florida-small-cities-community-development-block-grant-program/environmental-review-process>). Please reference that document for ER process. All necessary ERs must be completed before construction or acquisition funds are expended and before any “choice limiting actions”, as defined by HUD, are made. This includes the signing of any required documents by authorized County staff, accommodation and inclusion of requests or requirements by any agencies or groups as part of the consultation process, posting and submittal of any necessary Finding of No Significant Impact (FONSI), Notice of Intent/Request for Release of Funds (NOI/RROF) documents, submittal of ER documents to FloridaCommerce (as may be requested) and

receipt of RROF approval from FloridaCommerce. Any additional environmental actions that may be required which substantially change expenditure timeline or increase the cost of the project may make the project ineligible for funding.

CONTRACTOR PROCUREMENT

The County will procure architecture and engineering services, as needed, for infrastructure projects. Procurement of architecture and engineering services may occur through the publication of a Request for Qualifications. The County will also publish a Request for Proposal for construction for each infrastructure project identified by the County. Procurement for all infrastructure recovery program projects are subject to the procurement regulations established under 2 CFR Part 200 (See Appendix A, Putnam County Procurement Ordinance). Procurement will be conducted so as to comply with federal, state and local requirements. Procurement must meet public procurement requirements and occur in a fair and open process. All RFQs/RFPs will be conducted in conformity with HUD requirements for public procurement. This will include publication of the RFQ/RFP through the Vendor Link online advertising systems as well as in a paper of local circulation. The County's contractor will distribute the RFQ/RFP for distribution to contractors for additional services. The County will also solicit potential contractor employees from the Palatka Housing Authority by requesting resumes of potential applicants and providing them to the contractor. The details of the County's procurement process are provided in the County's procurement ordinance (see Appendix A).

Projects will be awarded to vendors/contractors based on the criteria established in the County's procurement ordinance (see Appendix A) and the requirements set forth in 2 CFR 200.318- 200.326. Vendors must be registered in the System for Award Management (SAM.gov) prior to being awarded contract. Vendors/contractors who are awarded an infrastructure project will be required to read and sign a contract with the County providing specific requirements, obligations and responsibilities of both the County and the contractor. Refusal to sign the contract will result in termination of award and the next eligible contractor will be selected for award.

CONSTRUCTION SERVICES

Construction services consist of three primary components. The preconstruction, construction and close-out. This includes all activities which occur after the bid has been awarded and contracts between the County and the contractor have been signed. All projects will be evaluated before the preconstruction phase begins to ensure that the project is prepared to proceed. This evaluation will include a final review of any plans or specifications, confirmation of environmental clearance, verification that all land ownership and right-of-way issues are resolved and confirmation that all other programmatic requirements are met. Any issues pertaining to these items must be resolved before construction begins.

Preconstruction

All infrastructure projects will require a mandatory preconstruction meeting. This meeting will include the contractor, CDBG-DR staff, architect/engineer and any County or municipal staff engaged in the project. The meeting will take place at the project site if possible and reasonable. During the preconstruction meeting the following items will be addressed:

- Labor compliance (Davis-Bacon wages)
- Payroll reporting

- Section 3 requirements
- Project signage
- Site safety
- Work schedule
- Payment/invoicing procedures
- Change orders
- Inspection reporting
- Permitting
- Discuss any issues identified as part of the project evaluation before preconstruction

Any issues or concerns regarding the project before construction should be raised and addressed at this meeting.

Construction

This phase of the project begins after the issuance of the proceed order and after the preconstruction meeting. Both of these items had to have occurred to move to the construction phase. This phase will include all construction related activity and the required monitoring and compliance oversight associated with those activities. Disaster recovery staff will be responsible for monitoring each project to ensure it conforms to the provisions of the contract established between the County and the contractor. Disaster recovery staff will also monitor each project to ensure compliance with any federal requirements associated with construction of the project and the utilization of CDBG-DR funds. Projects which have other funding sources secured by other entities such as local municipalities will require that those entities assume responsibility for compliance with their associated funding sources. The Infrastructure Program Manager or designee and/or Construction Inspectors provided by the County's CDBG-DR vendors will conduct site visits, confirm work completion for invoices, review change orders, assist with technical consultation, and coordinate with construction contractors hired by the County to help ensure the timely completion of the project. The Infrastructure Program Manager or designee and/or Construction Inspectors ensure that contractors act in accordance with program policies and procedures, adhere to standards of performance, and follow safety policies. The County CDBG-DR vendor will also provide assistance with overall compliance and monitoring of the projects.

Invoicing – All project invoicing and change orders will take place during the construction phase. Invoicing may occur in one of two methods depending on the estimated time schedule for completion of the project. Contractors will submit invoices to the Infrastructure Program either on a monthly basis or at the 30%, 60% and 90% completion points with 10% being held in reserve to be paid upon project completion. The 10% to be held in reserve will be applicable to both invoicing methods. The County will make a determination as to the necessary invoicing method to be agreed upon and secured in the construction contract between the County and the selected contractor. Invoices will be submitted to the Project Manager for review and confirmation of work completed. The Project Manager will review the invoice with the County's technical service provider to ensure compliance and to verify completion of work as needed. Upon approval of the invoice by the Project Manager as well as the technical service provider, the invoice will be sent to Finance for processing and payment.

Change Orders – All change orders must be submitted to the Project Manager for review. Change order may then be submitted to the County's CDBG-DR technical

service provider for review. Change orders must be approved in accordance with the Putnam County Procurement Ordinance (see Appendix A)

The construction phase will conclude after final payment has occurred, all County inspections have been conducted and passed and the disaster recovery program staff inspect and certify the project as complete.

Contractor Payment Schedule - The Program will release award proceeds directly to the construction contractor either on a monthly basis or at 30%, 60%, and 100% of construction completion as per the scope of work and the contract between the County and the contractor.

Close Out

Close out will occur once the construction is complete and all draw-downs of CDBG-DR funds have occurred. Both the County and disaster recovery staff must have conducted all necessary inspections and these inspections must have passed in order for close out to occur. This phase will include the completion and submittal of any required close out or reporting documentation required by FloridaCommerce. Official close out will have occurred upon FloridaCommerce's confirmation that all reporting is complete and that all funds for the project are expended.

FEDERAL REQUIREMENTS

Davis Bacon Act -

The Davis-Bacon Act (DBA) applies to all construction contracts greater than \$2,000 unless the program's authorizing legislation contains exceptions. It requires that all workers or mechanics working on projects covered by the act be paid minimum hourly wages and fringe benefits according to the wage decision(s) applicable to that contract. If any portion of a contract requires DBA, then all work performed under the contract is subject to DBA. In the CDBG-DR program, only rehabilitation of residential property containing less than eight housing units is exempt from DBA. Work done by a local government's employees (force account) is not subject to DBA.

Additionally, contractors must comply with the Contract Hours and Safety Standards Act (CWHSSA) and the Copeland Anti-Kickback Act (Copeland Act). CWHSSA requires that, for any project in which the prime contract exceeds \$100,000, workers be paid one-and-one-half times their normal hourly rate for any hours worked in excess of 40 hours weekly, based on a work week of seven (7) consecutive days. The Copeland Act prohibits any person from inducing a worker on a federally funded project to give up any part of the compensation to which the worker is entitled. No payroll deductions are permitted that are not specifically listed in the Copeland Act unless the contractor has obtained written permission from the employee as specified in 29 CFR 3.5 for otherwise permissible payroll deductions.

Davis-Bacon does not apply to single-family scattered site rehabilitation and reconstruction programs.

The County is responsible for enforcement of the DBRA requirements, such as on-site interview of workers, review of the contractor's payrolls, and conducting a pre-construction conference. In order to meet these requirements, the county will have construction monitors that are responsible for end-to-end management of the process to include the following:

- Developing pre-bidding requirements and contractual templates to meet all CDBG-DR Construction and Labor Standards (which include Davis Bacon Wage Rates)
- Conducting pre-bid conferences with potential contractors to review Davis-Bacon wage rates, payroll and reporting requirements. The pre-bid conference will also outline all job site posters related to labor standards, safety, and applicable wage rates in English, Spanish, and any other language deemed necessary to communicate information to all potential workers. The “Contractor Guide to Davis Bacon Wage Requirements and Certified Payroll Reports” will also be provided to potential bidders.
- Coordinating the collection of weekly contractor payrolls and conducting worker interviews shortly after the start and during the construction process. Failure of contractor to provide payroll weekly can result in punitive damages as proscribed in this manual and/or in the contract agreement.
- Tracking the payment and/or waiver of any assessed liquidated damages penalties.
- Section 3 outreach and reporting.
- Creating, maintaining, and preserving a Labor file for each project.
- Review all Contractor requests for payment and draw request preparation.
- Ensuring the restitution of laborers not properly compensated on a project, if applicable.
- Imposition of penalties assessed to contractors if certified payroll reports are not submitted weekly.

Under DBA, construction work is categorized as residential, building, heavy or highway work. Wage decisions are based on the category (or categories) of work to be performed. Each construction contract to which DBA applies must contain the wage decision(s) for the appropriate category (or categories) of work. A separate wage decision for a category is not required if the value of work (as bid) in that category does not exceed 20 percent of the total “as bid” construction cost. The actual bid cost, not the estimated project cost, determines whether a separate wage decision is used. If more than one wage decision is used, payrolls must reflect which wage decision is applicable unless all workers are paid at least the highest hourly rate possible under either wage decision.

After determining the proper labor categories, the local government should request a wage decision by submitting a wage decision request form to the FloridaCommerce disaster recovery grant manager. A copy of this form is available on the FloridaCommerce disaster recovery website. Since wage decisions are subject to modification, the wage decision request should not be submitted earlier than 45 days prior to advertisement of the project.

If more than one wage decision is used, bidding instructions must identify portions of the work are covered by each wage decision. It is not the responsibility of the contractor to make this determination. Lack of guidance or improper guidance may result in the local government being liable for any wage restitution.

The FloridaCommerce disaster recovery program tracks wage decisions through the bidding and contract award phase to determine if a modification of a wage decision occurs. FloridaCommerce will advise the local government if a modified wage decision may be required. The applicability of a wage decision modification is dependent on the bid opening date and the date the local government accepts the bid (i.e., the date the local government awarded the bid). Ten days prior to bid opening, the subrecipient must check to determine if the wage decision has been modified. If it has been modified, all potential bidders must be notified. If a contract has been awarded but construction has not been initiated within 90 days of the award, the subrecipient must determine if any modifications have been issued. If so, the

contractor must be notified and adhere to the modified wage decisions as documented in the individual project's Labor File.

The Bidding Information and Contractor Eligibility form advises FloridaCommerce of the bid date for review of wage decision validity. A contract should not be awarded prior to FloridaCommerce's verification that the contractor is eligible to participate in a federally funded contract. After contract execution and issuance of a notice to proceed, the local government should submit a copy of the notice and the minutes of the meeting at which the contract was awarded. A copy of the Bidding Information and Contractor Eligibility form is included on the FloridaCommerce disaster recovery website.

During project construction, the local government must monitor compliance with DBA, CWHSSA and the Copeland Act by reviewing contractor and subcontractor payrolls. DBA applies to laborers and mechanics working on any project when the primary contract exceeds \$2,000. It does not apply to supervisory staff if 80 percent of their time during the work week is spent performing supervisory duties. Supervisory personnel who fall below the 80 percent threshold are subject to DBA for non-supervisory hours worked during that particular work week.

"Self-employed owners" are not exempt from DBA and must submit a payroll reflecting the hours worked on the project, the type of work performed and that they are the owner of their business. Hourly rates need not be reported if this information is not known, but the amount of the subcontract should be indicated.

Supply contracts are not subject to DBA. A supply contract is one that furnishes equipment, materials or supplies, with no (or only "incidental") construction activities performed at the project site. Construction is "incidental" if it does not exceed 13 percent of the contract or subcontract price. There must be documentation to support this percentage.

During project construction, the local government must also conduct interviews with the contractors' and subcontractors' workers to verify the accuracy of payroll information. Interviews must cover a representative sample of each classification used by the contractor/subcontractor. On-site interviews should be conducted whenever possible, but mail interviews are acceptable if on-site interviews cannot be performed. Discrepancies between information gained in the interviews and payroll data must be resolved in a timely manner. Additionally, interviews and resolution of discrepancies should be conducted in such a manner as to shield the identity of the worker(s).

If a contractor or subcontractor is required to pay a cumulative total of more than \$100 in back wages during the contract period, the local government must submit an enforcement report to the FloridaCommerce Disaster Recovery Unit. Any corrective actions by a contractor must be documented in the project files. For back wages over \$10, there must be a copy of the front of the wage restitution check and a signed acknowledgement from the worker stating the amount of the check and that it was received. If there are overtime violations, the local government must assess the contractor liquidated damages of \$31 per day/per worker for those who should have received overtime. Restitution is also required. The contractor may request waiver of liquidated damages through FloridaCommerce.

FloridaCommerce will monitor compliance with labor standards until the project is complete. A Labor Standards Monitoring Checklist is available on the FloridaCommerce Disaster Recovery website. During monitoring visits, special attention will be given to the following:

- Ensuring payroll information is being submitted and reviewed in a timely manner.

- Ensuring all labor classifications are included in the wage decision or have been conformed and/or added with FloridaCommerce approval.
- Ensuring trainee and apprentice labor classifications are applied in accordance with regulations for those titles.
- The helper, trainee or apprentice program must be certified by the Florida Office of Apprenticeship and Training. If trainees or apprentices are used, the contractor must provide a copy of the state certification to the subrecipient and the FloridaCommerce disaster recovery grant manager.
- Ensuring signed authorizations are on file for any employees with “other” payroll deductions.
- Ensuring interviews have been conducted with the prime contractor’s and any subcontractor’s employees. HUD Form 11 can be used for interviews.
- In the case of multiple wage decisions, investigating payrolls to ensure that they distinguish which was applied to each worker.
- Posting the wage-rate decision in a conspicuous location at the project site and posting a copy of “Notice to All Employees Working on Federal or Federally Financed Construction Projects” (a copy of this poster and other required posters are available at <http://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>)

The Wage Request Process may begin before or after the environmental review of the project.

- The subrecipient submits the Wage Decision Request(s) to FloridaCommerce
- Program staff gets the wage decision(s) from the U.S. Department of Labor website
- Program staff prepares and signs the letter to the chief elected official informing the subrecipient of the wage decision(s)
- Program staff routes the wage decision letter to supervisory staff for their review and approval.
- After approval of the letter, program staff provide a copy for the grant file and mails the original letter to the subrecipient.
- The program staff enters a comment in the SERA system acknowledging the approval of the wage decision and includes the date the letter was mailed.
- If the wage decision changes, the program staff sends a letter to the subrecipient notifying the subrecipient of the change in the wage decision.
- The subrecipient must notify all potential bidders of a wage determination that occurs 10 days prior to bid opening. If a contract has been awarded but construction has not been initiated within 90 days of the award, the contractor must be notified and adhere to the modified wage decision.

Section 3 - The Project Manager or designee will conduct activities and provide oversight to ensure compliance with Section 3 requirements. Section 3 is a provision of the Housing and Urban Development Act of 1968 whose purpose is to ensure that employment and contracting opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low income persons. Section 3 is intended to ensure that when employment or contracting opportunities are generated from CDBG-DR funds, preference should be given to low- and very low-income persons or business concerns residing in the community where the project is located. In order to help ensure compliance with Section 3 requirements the Project Manager or designee will provide information and guidance to contractors awarded CDBG-DR funded projects. This will include potential hiring of Section 3 qualified employees and subcontractors as may be needed by the prime contractor. Staff will

also provide contractors with a link to the Section 3 Business Registry to assist in the identification of Section 3 qualified firms (detailed policy see Putnam County Section 3 Policy).

Contract Work Hours & Safety Standards Act - The Project Manager or designee will conduct activities and provide oversight to ensure compliance with the Contract Work Hours & Safety Standards Act. Workers shall not work more than 40 hours/week unless they get overtime and projects must comply with federal safety standards. *Reference: 40 U.S.C. Chapter 47.*

Copeland Anti-Kickback Act - The Project Manager or designee will conduct activities and provide oversight to ensure compliance with the Copeland Anti-Kickback Act. Compliance will include ensuring that labor payments occur once a week and that only permissible payroll deductions will occur. The weekly payroll requirement applies to all contractors and subcontractors on construction projects that are over \$2,000. The weekly payroll requirement does not apply to any County employees (they are considered "force account" labor and this does not apply). *Reference: 40 U.S.C. §3145 and 18 U.S.C. §874.*

Fair Labor Standards Act - The Project Manager or designee will conduct activities and provide oversight to ensure compliance with the Fair Labor Standards Act which requires compliance with federal minimum wage and overtime requirements. *Reference: 29 CFR Parts 510 to 794.*

Architectural Barriers Act: The Architectural Barriers Act ("ABA") requires that buildings and facilities that are designed, constructed, or altered with federal funds, or leased by a federal agency, comply with federal standards for physical accessibility. ABA requirements are limited to architectural standards in new and altered buildings and in newly leased facilities. *Reference: 42U.S.C. §§ 4151 et seq.*

Americans with Disabilities Act: The Americans with Disabilities Act ("ADA") prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress. *Reference: 42 U.S.C. 12101 et seq.*

Section 504: Section 504 states that "no qualified individual with a disability in the United States shall be excluded from, denied the benefits of, or be subjected to discrimination under" any program, service, or activity that either receives federal financial assistance or under any program or activity conducted by any Executive agency. *Reference: 29 U.S.C. §794*

Flood Disaster Protection Act of 1973: Any projects identified as being located in a FEMA recognized special flood hazard area can only occur if the community in which the project is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than one year has passed since the FEMA notification regarding such hazards. If a project is located in one of these areas the County must obtain flood insurance protection as a condition of the approval of financial assistance. The Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) as amended by the National Flood Insurance Reform Act of 1994 (Pub.L. 103-325, 108 Stat. 2160) prescribes the duration and dollar amount of flood insurance under Sections 3 and 102 of the Act. Section 582(c) of the Community Development and Regulatory Improvement Act of 1994 mandates that "...The requirement of maintaining flood insurance shall apply during the life of the property, regardless of transfer of ownership of such property" (42 U.S.C. 5154a).

MONITORING AND COMPLIANCE

Putnam County will conduct ongoing compliance and monitoring oversight through the life of the Infrastructure Recovery Program. Disaster recovery staff will provide technical assistance to contractors through the life of each infrastructure project. Monitoring and technical assistance will be focused on the following objectives:

- Reviewing and monitoring funded projects for compliance with Federal regulations, funding requirements, and program policies and procedures.
 - Providing guidance for continuous improvement of program delivery.
 - Assistance in identifying and preventing issues.
 - Setting program performance standards.
-
- Completing and providing necessary reporting for FloridaCommerce.
-
- Ensure the quality of the financial management process

Ongoing compliance will be conducted by the Project Manager and/or their designee as well as any other assigned County staff.

Reviewing and monitoring funded projects for compliance with Federal regulations, funding requirements, and program policies and procedures.

During project construction, the local government must also conduct interviews with the contractors' and subcontractors' workers to verify the accuracy of payroll information. Interviews must cover a representative sample of each classification used by the contractor/subcontractor. On-site interviews should be conducted whenever possible, but mail interviews are acceptable if on-site interviews cannot be performed. Discrepancies between information gained in the interviews and payroll data must be resolved in a timely manner. Additionally, interviews and resolution of discrepancies should be conducted in such a manner as to shield the identity of the worker(s). If a contractor or subcontractor is required to pay a cumulative total of more than \$100 in back wages during the contract period, the local government must submit an enforcement report to the FloridaCommerce Disaster Recovery Unit. Any corrective actions by a contractor must be documented in the project files. For back wages over \$10, there must be a copy of the front of the wage restitution check and a signed acknowledgment from the worker stating the amount of the check and that it was received. If there are overtime violations, the local government must assess the contractor liquidated damages of \$10 per day/per worker for those who should have received overtime. Restitution is also required. The contractor may request waiver of liquidated damages through FloridaCommerce.

FloridaCommerce will monitor compliance with labor standards until the project is complete. A Labor Standards Monitoring Checklist is available on the FloridaCommerce Disaster Recovery website. During monitoring visits, special attention will be given to the following:

- Ensuring payroll information is being submitted and reviewed in a timely manner.
- Ensuring all labor classifications are included in the wage decision or have been conformed and/or added with FloridaCommerce approval.
- Ensuring trainee and apprentice labor classifications are applied in accordance with regulations for those titles.

- The helper, trainee or apprentice program must be certified by the Florida Office of Apprenticeship and Training. If trainees or apprentices are used, the contractor must provide a copy of the state certification to the subrecipient and the FloridaCommerce disaster recovery grant manager.
- Ensuring signed authorizations are on file for any employees with “other” payroll deductions.
- Ensuring interviews have been conducted with the prime contractor’s and any subcontractor’s employees. HUD Form 11 can be used for interviews.
- In the case of multiple wage decisions, investigating payrolls to ensure that they distinguish which was applied to each worker.
- Posting the wage-rate decision in a conspicuous location at the project site and posting a copy of “Notice to All Employees Working on Federal or Federally Financed Construction Projects” (a copy of this poster and other required posters are available at <http://www.dol.gov/whd/regs/compliance/posters/fedprojc.pdf>).

E-Verify is an Internet-based system that compares information entered by an employer from an employee’s Form I-9, Employment Eligibility Verification, to records available to the U.S. Department of Homeland Security and the Social Security Administration to confirm employment eligibility. County, or its designated agent, shall utilize this system to initially and continuously verify that all persons working on the project are eligible to work in the United States.

Their monitoring responsibilities will include but not be limited to:

- Review the program’s fiscal controls and accounting procedures for compliance with County, State, and federal regulations.
- Policy & Compliance - Examining the infrastructure program’s compliance with HUD, FloridaCommerce and County regulations.
- Crosscutting Requirements - Investigating the infrastructure program’s compliance with crosscutting federal rules and regulations such as Davis-Bacon, labor standards, the Architectural Barriers Act, the Americans with Disabilities Act, and other federal requirements.

The Project Manager will be responsible for addressing any inconsistencies and discrepancies identified.

PROGRAM INCOME

Any funds which may be recaptured through subrogation of DOB will be recorded as program income. This may occur when other funding assistance for the same infrastructure project is provided to the County for an infrastructure project after CDBG-DR funds have been allocated to the project. In this case the additional funding is considered duplicative and must be accounted for as part of the DOB process. These funds will be collected by the County and designated as program income for the disaster recovery program. Program income collected under the infrastructure program will be returned to FloridaCommerce for processing.

Appendix A: Putnam County Procurement Ordinance

Sec. 2-95. - Purpose.

The purpose of the Putnam County Procurement Code is to simplify, clarify, centralize, and modernize the policies governing procurement by the county. The procurement code goals are:

- (1) To ensure the fair and equitable treatment of all persons who do business with the county and to maintain a high ethical standard for all officers and employees.
- (2) To promote effective broad-based competition within the free enterprise system so as to ensure the county obtains the quality goods, services, and construction as required by the county to better serve its citizens in a cost-effective and timely manner.
- (3) To provide guidance for handling surplus stock and the sale or lease of real property.
- (4) To assist department personnel in learning and executing more effectively all department objectives, duties, and professional responsibilities with regard to the purchase of products and services required by Putnam County.
- (5) To provide a standard outline of the principles, policies, and practices to be used in performing all purchasing procedures as agents of the county.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-96. - General provisions.

(a) Applicability and exclusions.

- (1) *Applicability.* The purchasing code shall apply to every purchase by the board of county commissioners ("BOCC") to be paid from county funds, including those purchases made by the county with state moneys, federal moneys and grant moneys from any source. Expenditures of federal or state assistance funds and grants will be conducted in accordance with the applicable mandatory laws and regulations, which may not be reflected in this Code.
- (2) *Exclusions.* The following are exempt, except as regulated by state statute as amended, from the competitive solicitation (formal and open market) provisions of this Code but do not preclude the county from competitive selection. Though exempt from competitive solicitation, procurement of the following where noted with an asterisk (*) must adhere to the required board and county administrator or designee approval dollar threshold established in this Code.

Full Exemption (quotes & authority)	Exempt from Quotes NOT from authority Levels
Advertisements and Public Notices	Books, periodicals, audio-books and other published Library materials and subscriptions

<p>Legal services, including attorneys, paralegals, expert witnesses, interpreters, translation services, mediators, and court reporters</p>	<p>Contracted Commodities or Services awarded through a competitive solicitation process by other governmental agencies including, but not limited to: federal, states, counties, cities, school boards, community colleges, and state university systems (piggyback)</p>
<p>Medical or health services, including but not limited to, Veterinarian services, Indigent medical care and burial as required by State Statute, Inmate medical care, services mandated through the court system involving examinations, diagnosis, treatment, prevention, medical consultation, counseling and outside providers administering the program, including but not limited to substance abuse and mental health services.</p>	<p>Emergency Purchases - (retroactive approval)</p>
<p>Bond related expenses</p>	<p>General Services Administration (GSA) contracted vendors - purchases made directly from vendors awarded a GSA Schedule Contract at prices equal to the vendor's current GSA price</p>
<p>Charitable contributions</p>	
<p>Court ordered payments</p>	
<p>Debt service payments</p>	
<p>Dues, memberships, certifications, subscriptions, workshop, conference, class and seminar registration fees and accommodations, training, and costs of job-related travel</p>	<p>Heavy equipment diagnostic and repair. Heavy equipment shall be defined as follows: (1) Public Safety, Construction and Material Handling Equipment with a rating of more than 85 horsepower (2) Transportation Equipment with a GVWR (Gross Vehicle Weight Rating) of more than 10,000 pounds (3) Fire and Rescue Vehicles with a GVWR (Gross Vehicle Weight Rating) of more than 10,000 pounds</p>
<p>Employee reimbursements</p>	
<p>Employment Services, including pre-approved interview and or moving expenses (personnel only)</p>	
<p>Expenses related to tourism promotion services and/or activities</p>	
<p>Grant Services - Grant opportunity, research, application development, administration, reporting & monitoring</p>	<p>Insurance renewals (as allowed by law)</p>

Instructor fees	Maintenance of Information Technology equipment/systems, including replacement/expansion parts that maintain system compatibility and integrity
Insurance related costs, fees, etc.	Railroad signal and crossing maintenance
Lobbying services	Services or Commodities exempted by Florida Statute (ex. RESPECT, PRIDE, etc.)
Medical Director	Services or commodities purchased from other governmental entities or non-profit organizations, including government surplus/auction items
Owner Direct Purchases	
Payments to o"-duty public safety personnel	
Payments to other government agencies	Single/Sole Source Goods or Services
Postage (U.S. Post Office only, no invoice required)	Software license renewal and maintenance agreements for existing systems
Real estate expense (Rental or lease of real property, real estate transactions and related costs, including title searches, title insurance and other related title services)	Used or pre-owned equipment purchases greater than 65,000.00 - requires pre-approval
Refunds on overpayments	
Risk Management claims settlements	
SHIP Payment Assistance	
Statutory Required payments	
Transfers and Exchanges between Constitutional Officers	
Tuition, lab fees, books and required course materials to approved schools	
Utilities and telecommunications, such as natural gas, electricity, water, garbage, phone, internet	

- (b) *Waiver of requirements.* The Putnam County Board of County Commissioners (or the county administrator or designee consent of the board chairman and when within the authorized purchasing threshold(s) may, when deemed to be in the interest of the county and not inconsistent with law, waive any or all requirements or provisions set forth in this section administrative code and proceed thereafter to take whatever action is deemed to be in the best interest of the county. requirements are waived, it must be expressly stated in the applicable public document. A public purpose statement s written to support the waiver and be entered into the public record.
- (c) *Changes in laws and regulations.* In the event an applicable law or regulation is modified or eliminated, or a new law or regulation is adopted, the revised law or regulation shall, to the extent inconsistent with this Code, automatically supersede this Code.
- (d) *Requirement of good faith.* This Code requires all parties involved in the solicitation, negotiation, performance, or administration of county procurement and contracts to act in good faith. All procurement of goods and services must in good faith be to serve a public purpose.
- (e) *Confidential information.* Confidential information shall be administered in accordance with the Public Records Act,

F.S. ch. 119, as amended. Such information furnished by a bidder or respondent shall not be disclosed by the county outside of the general services department and appropriate staff without prior written consent by the bidder or respondent. All other information submitted by a bidder or respondent shall be subject to public records right of access requirements as stated in F.S. ch. 119.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-97. - Authority.

- (a) *Board of county commissioners.* F.S. ch. 125 grants authority to the board of county commissioners of Putnam County, Florida to enact the provisions of this Code.
 - (1) All contracts, agreements (including renewals) and other purchases whose value exceeds \$65,000.00 annually shall be awarded by the board prior to execution or purchase. For contracts and agreements, the threshold amount for board approval shall be based on the annual cost or annual not-to-exceed cost (i.e. not cumulative, multi-year costs).
 - (2) The board shall approve any amendments, change orders and renewals to a contract originally executed by the county administrator or designees, which would increase the annual amount or annual not-to-exceed amount of the contract above the threshold limit as identified in section 2-97.1(a)(1). However, once approved by the board, the county administrator or designees shall have authority to execute 1) agreement renewals which do not increase the annual amount or not-to-exceed amount and 2) contract amendments which do not increase the annual amount or annual not-to-exceed amount or the scope of services as approved by the board.
 - (3) The board shall award contracts involving public construction and improvements, which must adhere to the formal bid and contract policy contained herein.
- (b) *County administrator.* The county administrator is responsible for the day-to-day administration of the county and to administer and carry out the policies of the board.
 - (1) The county administrator, or designee, shall have the authority to award, sign and execute agreements, contracts, and/or amendments that do not exceed an aggregate total of \$25,000.00. For those agreements, contracts and/or amendments with an aggregate total of \$25,000.00—\$65,000.00, the county administrator and board chairman shall award, sign and execute. For contracts, amendments and agreements, the threshold amount shall be based on the annual contract cost or annual not-to-exceed cost. No other employee, except as delegated by the county administrator, has the authority to sign contracts, agreements, lease agreements or any other form of contractual commitment, regardless of dollar value.
 - (2) When the best interests of the county would be served, the county administrator shall have the authority to

increase the dollar value of board approved contracts by an amount not to exceed \$25,000.00 over the original contract amount. When the best interests of the county would be served, the county administrator and board chairman shall have the authority to increase the dollar value of board approved contracts by an amount not to exceed \$65,000.00 over the original contract amount.

- (3) The county administrator or designee shall have authority to approve and execute task orders for continuing service contracts up to \$25,000.00. The county administrator and board chairman shall have authority to approve and execute task orders for continuing service contracts \$25,000.00—\$65,000.00. Any other county administrator authority, and/or delegation of authority, to approve and execute task orders may be included in agenda requests and/or agreements approved by the board when applicable.
 - (4) The county administrator or designee shall have the authority to adopt operational procedures consistent with this Code, Florida Statutes and best practices governing the procurement and management of all goods, services, and construction by the county.
- (c) *County attorney.* The county attorney serves as legal counsel and represents the board and county departments, including procurement.
- (1) All contract, agreement and amendment templates, including terms and conditions, may be reviewed by the county attorney for legal sufficiency.
 - (2) The board, county administrator or designee may request individual legal review and approval of specific agreements, contracts, and/or amendments, or other procurement-related documents on a case-by-case basis.
- (d) *General services department and director.* There is hereby established a general services department of the county. The general services director shall supervise the purchasing functions of the county, perform all duties required by law and such other duties as assigned by the board and shall have the powers and duties prescribed by this Code.

The general services director shall have the power and it shall be his/her duty:

- (1) Supervise the procurement of all goods, services, and construction required by the county.
- (2) Oversee the execution and issuance of purchase orders for goods, services and construction associated with agreements, contracts, task orders, amendments and open market purchases.
- (3) Manage the county's procurement card (P-Card) program.
- (4) Assist the county administrator in the development, implementation and administration of procurement procedures and processes in the best interest of the county and in accordance with this Code, state statutes, best practices and any other applicable laws. Develop and maintain a standard purchasing manual for the county.
- (5) Act to procure for the county the highest quality in supplies and contractual services at the least expense to the county.
- (6) Maintain and enhance vendor file.

(Ord. No. 2018-20 , 9-25-2018; Ord. No. 2019-15 , § 1, 12-10-2019)

Sec. 2-98. - Ethics in public contracting.

- (a) *Standards of conduct.* Public employment is a public trust. Public employees must discharge their duties impartially so as to assure fair competitive access to governmental procurement by responsible contractors. Employees should conduct themselves in such a manner as to foster public confidence in the integrity of the county's procurement process.

Failure of a county employee to adhere to this Code or the procurement procedures as established by the county administrator shall constitute insubordination and shall subject that employee to disciplinary action.

(b) *Conflicts of interest.* County employees and officers involved in the selection, award or administration of contractor purchase orders for the acquisition of goods or services shall comply with the restrictions of F.S. §§ 112.313 and 112.3148.

- (1) Bidders, respondents, members of an evaluation committee, vendors, awarded contractors, county employees and agents shall not engage in any action that would create a conflict of interest in the performance, or possible performance, of their obligation with the county or would violate, or cause others to violate, the applicable provisions of the Florida Statutes and federal laws relating to ethics in government.
- (2) Except as allowed by Florida Statutes, no procurement of goods, services, or construction in which a conflict of interest occurs between the county and the vendor shall be made with any person. A conflict of interest with a respondent, contractor, vendor, subcontractor or person may occur under the following situations:
 - An employee of Putnam County or an individual chosen by the county to serve as a member of an evaluation committee has a material interest as defined in the Florida Statutes.
 - A member of the board, the county administrator, or a spouse, or child thereof, has an employment relationship or a material or financial interest, as defined in the Florida Statutes.
- (3) For contracts funded in whole or in part by federal monies, no county employee, officer or agent involved in the selection, award or administration of such contracts, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the foregoing parties, may have a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
- (4) No public officer or employee of the county shall solicit or accept anything of value including a gift, loan, reward, promise of future employment, favor or service based upon the understanding that a procurement recommendation or decision would be thereby influenced.
- (5) In addition to the prohibitions concerning gifts and gratuities as stated in F.S. §§ 112.313(2) and 112.3148, employees within the general services department shall not accept any gift from a lobbyist, as that term is defined in F.S. § 112.3148(2)(b), regardless of the dollar value.
- (6) Any violation of any provision of this section shall be subject to the sanctions contained in the F.S. ch. 112, and/or any other applicable state or federal law.

(c) *Lobbying.*

- (1) The lobbying black-out period commences upon the issuance of the formal solicitation document.

The lobbying black-out period for awards requiring board approval concludes at the beginning of the meeting at which the board will be presented the award(s) for approval or a request to provide authorization to negotiate a contract(s). However, if the board refers the item back to the county administrator for further review or otherwise does not take action on the item, the lobbying black-out period will be reinstated until such time as the board meets to consider the item for action.

- (2) The lobbying black-out period for awards requiring county administrator or designee approval concludes upon issuance of a notice of intent to award.
- (3) Bidders, respondents, potential vendors, service providers, lobbyists, consultants, or vendor representatives shall not contact any board member, the county administrator, any requesting or evaluating department/division/office personnel, and/or any member of the evaluation committee concerning an active formal solicitation during the lobbying black-out period.
- (4) All questions and inquiries concerning procedural matters shall be directed to the general services department.
- (5) Except in response to communications initiated by authorized county representatives, contact or communications by bidders or respondents to any board member, the county administrator, any requesting or evaluating county personnel, or any member of the evaluation committee, initiated during the black-out

period, may result in disqualification from the formal solicitation process.

- (d) *Prohibition against contingent fees.* Contractors and vendors wanting to do business with the county must not hire a person to solicit or secure a contract for a commission, percentage, brokerage, or contingent fee.
- (e) *Unauthorized purchases.*
 - (1) No county employee shall make any procurement in the name of the county for personal use.
 - (2) No county employee shall obligate the funds of the county, except in the case of emergency procurements, authorized procurement card (P-Card) transactions, and/or purchase order requests handled through the department of general services.
 - (3) Every purchase requisition, procurement card (P-Card) transactions and contract shall be properly financed and budgeted prior to issuance of a purchase order by the general services office.
 - (4) Dividing or breaking up procurements into two or more small purchases to avoid or circumvent the required competition, authorized limits, or approval process is expressly prohibited.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-99. - Procurement methods and solicitation.

- (a) *Open market procedures.* All open market purchases shall only be made by a purchase order or by a purchasing card. Unless otherwise exempt from competition, open market purchases shall be made as follows:

The following thresholds apply unless otherwise directed by funding source.

TOTAL PURCHASE PRICE	MINIMUM REQUIREMENTS
\$0.01 to \$5,000.00	No formal quote or competition is required. The requesting department shall identify the best value for the required commodity or service. Note, a statement of work must be provided if services are requested. Good judgment shall be exercised that no purchase is made at an unreasonable price.
\$5,000.01 to \$10,000.00	A minimum of two (2) written or documented telephone (verbal) solicitations to be submitted to Purchasing at requisition entry.
\$10,000.01 to \$65,000.00	A minimum of three (3) written quotes to be submitted to Purchasing at requisition entry.
\$65,000 to unlimited	Formal Solicitation issued by Purchasing and award approved by the BOCC.

- (1) Exempt items listed in subsection 2-96(a)(2) do not require quotes/formal solicitation. However, board or county administrator or designee approval based on purchasing threshold authority is required if noted in subsection 2-96(a)(2).

- (2) For individual purchases, dollar limits shall be based on the total order value, not on an individual item nor line-item volume of similar purchases of like items from one vendor by an individual department shall be considered in de open market procedures apply. Departments must anticipate their expected expenditures based on past use and
- (3) For purchases more than \$5,000.01, either the individual department or general services shall obtain the quotes, however the general services department shall keep a record of the quotes.
- (4) The general services department shall ensure that a current list of vendors and suppliers is maintained and utilized.

(b) Procurement methods and solicitations.

- (1) *Cooperative purchasing.* The county may participate in, sponsor, conduct or administer a solicitation for the procurement of any goods, services, or construction through a cooperative purchasing venture. The county may execute purchases at the unit or contracted prices established through competitive solicitations by any unit of government established by law or non-profit buying cooperatives.
- (2) *Sole source procurement.* This refers to the purchases of equipment and other commodities and services that are unique and available from only one source. The commodity may be identified by a brand, model, catalog number or similar identification for which no substitute is acceptable in these circumstances.
- (3) *Single source procurement.* This refers to the purchase of equipment and other commodities and services which may be available from multiple sources; however, it is in the county's best interest to purchase the item from a single source.
- (4) *Emergency procurements.* Notwithstanding any other provisions of this Code, the county administrator or designee may make or authorize others to make emergency procurements of goods, services, or construction when there is an unexpected turn of events beyond the control of the agency in the normal conduct of its business, involving health, welfare, safety, loss or significant operational delay or disruption to the county that can only be rectified by the immediate purchase of supplies and/or contractual services. This stipulation is provided that such emergency procurements shall be made utilizing any existing contracts or whatever competition as is practicable under the circumstances.

A written determination of the basis for the emergency and for the selection of the particular vendor shall be maintained by the general services department as a public record in the procurement file. Any emergency purchase more than \$25,000.00 shall be reported to the county administrator or designee as soon as practicable. Any emergency purchase more than \$25,000.00 shall be reported to the board at its next scheduled meeting.

In the event an official state of emergency affecting Putnam County has been declared by the governor, the county administrator in collaboration with the board chair or vice chair, or designee, is expressly authorized to execute contracts with the State of Florida, FEMA and/or other applicable emergency relief entities on behalf of the county in order to accomplish all necessary relief efforts, provided that the requirements of this section have been met.

- (5) *Procurement card (P-Card) program.* The county recognizes that certain procurements are more efficiently processed via a P-Card than through a purchase order. All P-Card transactions must comply with this Code. Single and monthly transaction limits shall be established for all users. P-Cards may only be used for authorized purposes. The program shall include the establishment, communication, and maintenance of procedures for the use and control of the utilization of a P-Card to purchase goods and services on behalf of the county.
- (6) *Purchase of used equipment, commodities or items purchased at auction.* The purchase of used equipment shall not be competitive unless it is possible to compare like attributes for a fair and open competitive process. A written explanation as to the advantage to the county of having made a purchase of used and/or auction

items which exceed the \$100,00.00 threshold shall be approved by the board.

The county administrator and board chair have the authority to make purchases of used equipment greater than \$25,000.00 but less than \$65,000.00.

The county administrator has the authority to make purchases of used equipment up to \$25,000.00.

If the estimated purchase cost exceeds \$65,000.00, the department must get prior approval from the board authorizing negotiations up to a maximum purchase price.

- (c) *Formal procurement.* Unless exempt as stated in subsection 2-96(a)(2) or procured via one of the methods listed in subsection 2-99(b), formal competitive solicitation is required for goods, services and construction with an estimated cost above \$65,000.00, and as otherwise required by state and federal laws and grant agreements. Formal procurement types include invitations to bid, requests for qualifications, invitations to negotiate, and requests for proposals. The formal process shall be conducted to ensure a fair and equitable solicitation, and include all contractual terms and conditions applicable to the procurement, including the criteria to be used in determining acceptability and relative merit of the bid, proposal or reply. In addition to bids and proposals, the county may require respondents to provide presentations to a selection committee, county administrator and/or board during the selection process as stated in the solicitation document. All respondents selected for presentation shall be accorded fair and equal treatment.

The using agency/department shall be responsible for developing all technical specifications and bid requirements. The general services department shall be responsible for developing bid templates and for reviewing all bids before they are finalized for advertising.

- (1) *Public notice.* Public notices shall be given to prospective vendors for a reasonable period of time as determined by the director of purchasing, which shall, at a minimum include:
- U.S. mailing or emailing public notice to prospective vendors on an applicable bidders list maintained by the purchasing department, and
 - Posting public notice on the general services department website.

For the purchase of capital construction valued in excess of \$200,000.00 advertisement of the public notice will be either in a newspaper of general circulation in the county, trade journal, bulletin or other publication that will inform prospective vendors of the proposed purchase, as determined to be appropriate by the director of purchasing.

The advertisement inviting bids for construction projects expected to cost between \$200,000.00—\$500,000.00 shall be published in at least one newspaper of general circulation within the county at least 21 calendar days prior to the scheduled bid opening. The advertisement inviting bids for construction projects expected to cost more than \$500,000.00 shall be published in at least one newspaper of general circulation within the county at least 28 calendar days prior to the scheduled bid opening. The director of purchasing reserves the right to modify the time frame for bid advertisement based on need and/or urgency.

The public notice shall briefly describe the goods or services sought, and shall state the place, date and time that bids or proposals must be received.

- (2) *Pre-qualification.* A pre-qualification process may be conducted by the general services department prior to the issuance of a solicitation in order to establish a list of qualified bidders or respondents.
- (3) *Procurement of construction services.* The county administrator, or designee, shall have the discretion to select the appropriate delivery method for a construction project. In determining which method to use, consideration shall be given to the county's requirements and resources. Contracts for construction services

shall be procured in accordance with Florida Statutes and/or applicable funding requirements and pursuant to any applicable county policies and procedures established by the board and county administrator, or designee.

- (4) *Owner direct purchase program.* When a construction project is proposed, the general services department, in conjunction with the end user department, will determine, prior to the solicitation process, whether the owner direct purchase program will be utilized for that particular project. The county may, if not prohibited by law, exercise a right to purchase directly various materials, goods, and/or equipment to be used in the construction project pursuant to F.S. § 212.08(6), as amended. The general services director is authorized to execute owner direct purchase program purchase orders if the associated contract approved by the board or county. Administrator includes clauses allowing the owner direct purchase program. Nothing herein shall prohibit the county from deleting items within the solicitation and purchasing said items directly from a supplier, without further bidding, in an effort to benefit from the county's tax exempt status, in accordance with the proper authorization.
- (5) *Cancellation or rejection of solicitations.* Solicitations may be cancelled, or any or all submittals in response to solicitations issued by the county may be rejected, in whole or in part, without recourse, when it is in the best interest of the county. Confidentiality will be maintained according to Florida Statutes.
- (6) *Value engineering.* The county reserves the right to engage in value engineering discussions in the pre-award period based on the following conditions:
 - a. Bid responses exceed project budget.
 - b. The county administrator deems it is in the best interest of the county to explore value engineering options and assembles a committee, comprising of not less than three individuals with direct project knowledge.
 - c. The lowest qualified bidder, is given the opportunity to meet with the "value engineering committee" to determine if viable options exist to meet the budget threshold without substantially reducing the scope of the project as designed and solicited. Local preference, if applicable, applies in determination of lowest qualified bidder.
 - d. The lowest qualified bidder will be given seven days to submit deductive modifications/options, prior to submission to the value engineering committee, bidder must gain approval of deductive modifications/options by the architect/engineer of record for the project that the deductive modifications/options do not violate county or state building code. Timeline extensions may be approved circumstantially with written approval from the county administrator.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-100. - Bids/proposals.

(a) Bid/proposal acceptance and evaluation.

- (1) *Opening.* Competitive sealed bids/proposals received in the location stated in the solicitation document no later than the precise date and time set for the opening shall be accepted without alteration or correction. The county reserves the right to accept and/or reject any or all bids/proposals or to waive any formalities, technicalities or irregularities.
- (2) *Correction or withdrawal of bids.* After bid opening, no changes in bid prices or other bid provisions shall be permitted. In the event of mathematical mistakes in extended pricing, the unit price shall prevail. Mistakes discovered before opening may be modified or withdrawn via written notice from the bidder if received in the general services department prior to the time set for bid opening, as deemed appropriate by the general services director.

- (3) *Evaluation.* Bids/proposals shall be evaluated based on the requirements set forth in the solicitation document. be used in evaluation that is not set forth in the solicitation document. With the exception of solicitations procure
- F.S. § 287.055 (CCNA), evaluation of bids shall include consideration of the total cost for each year of the contract renewal years, as submitted by the vendor.**
- (4) *Award to other than low bidder.* When the award is not given to the lowest and best bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared and signed by the general services director and filed with the other papers relating to the transaction.
- (5) *Exceeding allocated funds.* In some circumstances the lowest acceptable bid for a project exceeds allocated/budgeted funds; however, the projects' scope, time or economic considerations preclude the solicitation of work of a reduced scope. The general services department and the end user department are authorized, to negotiate an adjustment of the bid price with the lowest responsive and responsible bidder so long as the adjusted bid price does not exceed allocated funds and the county administrator, or designee, has approved such adjustment.
- (6) *Tie bids.* If there are two or more bid submittals that are identical in price and meet all the requirements and criteria set forth in the solicitation, the award may be made by the board or county administrator or designee pursuant to the approval limitations as stated in this Code. In making the tie-breaker decision, the following may be considered, including, but not limited to: bidder's location, and/or the bidder's past performance with the county.
- (7) *Determination of non-responsibility.* If a bidder or respondent, who otherwise could have been awarded a contract, is found non-responsible, a written finding of non-responsibility, setting forth the basis of the finding, shall be prepared by the general services department. The written finding shall be maintained as part of the county's procurement file.
- (8) *Right to inspect.* The county may inspect the plant or place of business of, or equipment to be utilized by a proposed bidder or respondent or any subcontractor of an awarded contractor a contract to be awarded by the county to assist in determination of bidder/respondent responsibility.
- (b) *Local preference.* This section shall apply to the purchase of all items subject to this Code including, but not limited to, supplies, contractual services and public improvement contracts, unless its application is prohibited by state or federal law, or is funded in whole or in part by assistance from any federal, state, or local agency that disallows local preference. This section shall not apply to purchases subject to F.S. § 287.055, the Consultants' Competitive Negotiation Act, as amended. Procurements subject to formal proposal where price is not the primary factor and/or is not part of the criterion are not subject to local preference. However, a firm's location may be considered in the evaluation criterion. Purchases made through "piggybacking" off other government contracts, cooperative procurement contracts and open market procurement are not subject to local preference.

The county strives to use local vendors whenever practicable and possible. When applicable, preference will be given to the lowest qualified bidder who:

- (1) Holds a current Florida business license and submits a bid under the name on such license; and
- (2) Submits a bid that is within 15 percent of the price submitted by the lowest qualified non-local bidder; and
- (3) Has maintained a place of business within Putnam County staffed by the bidder, or an employee of the bidder, for a period of one year immediately preceding the date of the bid; and
- (4) Is incorporated under Florida law, or is a sole proprietorship whose proprietor is a resident of the county; or is a partnership, all of whose partners are residents of the county; or
- (5) Is a joint venture, all of whose venturers qualify under the relevant portion of subsection (4) above; or
- (6) Is a limited liability company whose manager is a resident of the county.

The lowest priced local bidder (bidder who meets the above criteria) shall be entitled to match the lowest qualified bid and be considered the lowest bidder by giving written notice to that effect to the county by 4:00 p.m. on the third business day after the bid opening.

(c) *Minority/women business enterprises (M/WBE), veteran-owned enterprises and small business enterprises.*

Minority/women business enterprises (M/WBE), veteran-owned enterprises and small business enterprises are encouraged to participate in the procurement process, and as such the county shall use its best effort to encourage participation and award contracts to eligible M/WBE and veteran-owned vendors for all goods, services, and construction. All entities performing work for the county, including subcontractors, shall take all necessary and reasonable steps to ensure that M/WBEs, veteran-owned enterprises and small business enterprises have the maximum opportunity to participate in the performance of contracts without discrimination on the basis of race, color, national origin, or sex.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-101. - Bonds and security requirements.

- (a) *Bid security.*** The county may require the submission of a bid bond or other form of security to guarantee full bid compliance. When the solicitation requires a bid bond or security, failure of the bidder to supply same, in the amount and type required, shall automatically render the bidder as non-responsive to the requirements of the solicitation. Unsuccessful bidders shall be entitled to a return of their deposit. A successful bidder shall forfeit its deposit upon failure on his/her part to enter a contract within the limits established by the bid.
- (b) *Contract payment and performance bonds.*** When a contract is awarded the county may require the successful bidder to supply a payment and performance bond as required by state statute. When a payment and performance bond is required, it shall be in the amount and type satisfactory to the county and executed by a surety company authorized to do business in Florida that is acceptable to the county. The bonds shall guarantee the full and faithful performance of the contract obligations and the payment of labor and material expended pursuant to the contract.

The bonds shall be recorded in the public records of the county, be held by the clerk of the board, and shall become binding on the parties upon the execution of the contract. Nothing in this section shall be construed to limit the authority of the board, the county administrator, or the general services director to require or accept other security in addition to, or in lieu of, those bonds or in circumstances other than those specified in this Code, when in the best interest of the county.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-102. - Bid protests.

The department of general services shall distribute at the bid opening, a bid tabulation sheet documenting all bids received. Immediately following the bid opening, the bid tabulation sheet will be posted to the general services department section on the county's website.

Any contractor/vendor that has submitted a bid to the county who wishes to challenge an intended recommendation with respect, to the award of such bid shall file with the general services director a written notice of intent to file a protest not later than 4:00 p.m. on the third business day after the posting of the bid notice from the county of the intended recommendation.

The notice of intent to file a bid protest shall state all grounds claimed for the protest. Failure to list a ground for protest in this notice shall constitute a waiver with respect to that ground.

If the contractor then wishes to pursue a formal written protest, it must be filed within five calendar days after the date of filing of the notice of intent to file a protest.

The formal written protest shall contain the following:

- (1) County bid/proposal identification number and title.
- (2) The name and address of the protesting party, and the title or position of the person submitting the protest.
- (3) A statement of disputed issues of material fact. If there are no disputed material facts, the protest must so indicate.
- (4) A concise statement of the facts alleged and of the rules, regulations, statutes, and constitutional provisions entitling the party to relief.
- (5) A statement indicating the relief sought by the party.
- (6) Such other information deemed material.

Upon receipt of a timely filed notice of intent to protest, the general services director shall delay the award process until the protest is resolved pursuant to fundamental principles of due process, except and unless the general services director sets forth in writing particular facts and circumstances which would require the continuation of the award process for the purpose of avoiding an immediate and serious danger to the public health, safety or welfare.

The general services director shall conduct a meeting with the protesting party to attempt an amicable resolution of the protest.

If such resolution does not occur, the general services director shall forward to the county administrator a recommendation, which shall include background information related to the bid.

The county administrator or designee shall attempt to resolve the protest.

If such resolution does not occur, the county administrator shall forward to the board a recommendation, which shall include background information related to the bid.

The board shall thereafter conduct an informal hearing at a regularly scheduled meeting or at such other time as may be arranged. Following presentations by all involved parties, the board shall render its decision on the merits of the protest.

All bid/proposal solicitations shall set forth the following statement:

"Failure to follow the bid protest procedures prescribed by the Putnam County Purchasing Ordinance shall constitute a waiver of your protest and any resulting claims."

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-103. - Contracts.

In addition to the contract authority outlined in section 2-97, all procurement contracts/agreements shall be approved for legal sufficiency by the county attorney and signed by the board chairman, county administrator or designee. All county contracts shall include provisions necessary to define the responsibilities and rights of the parties to the contract.

When applicable, purchases shall be based on valid, written contracts. contracts will be executed in accordance with this Code, will be managed by the end user department to ensure legal compliance and will be renewed, or goods/services re-procured, in a timely manner.

- (1) *Multi-year contracts and appropriation of funds* . A contract for goods, services, or construction may be entered into for more than one fiscal year if it is deemed to be in the best interest of the county, if the term of the contract and conditions of renewal or extension are included in the solicitation, and funds are available for the current fiscal year. Obligations for succeeding fiscal years may be subject to the availability and

appropriation of funds by the board. Renewal of a contract must be in writing and is subject to the same terms and conditions as set forth in the initial contract and any written amendments/change orders signed by the parties.

(2) Administration and compliance .

- a.** After a contract has been awarded, the end user department will conduct contract administration and compliance activities. This encompasses all interaction between the county and the vendor from the time the contract is awarded until the work has been completed and accepted or the contract terminated, payment has been made, and disputes have been resolved.
- b.** The end user department will ensure all contracts are signed and paperwork is completed; renewals are handled properly; agenda items and/or change orders approved and/or executed by the board, county administrator or designee.
- c.** The end user department's project administrator is responsible for the contract administration and compliance functions to ensure compliance with the contract, county codes, Florida Statutes and federal regulations, as applicable, county procedures and other applicable requirements.
- d.** The end user department will request purchase orders, for goods, services and construction, including owner direct purchases, that are associated with agreements, contracts, task orders, and amendments. Blanket purchase orders shall be allowed for contracts, based on the annual contract allowances.

(3) Right to audit records. The county may, at reasonable times and places, audit the books, records, and accounts of any person, to the extent that the books, records, and accounts relate to the performance of services in accordance with a county contract. Any person that is awarded a contract or granted a contract amendment shall maintain all books, records, and accounts in compliance with generally accepted accounting procedures; and shall retain all books, records, and accounts for three years, or a longer term as required by the funding source and designated in the solicitation and contract documents, from the date of final payment, termination, or until a full county audit is complete, whichever comes last. All books, records, and accounts related to the performance of a county contract shall be subject to the applicable provisions of the Florida Public Records Act, F.S. ch. 119, as amended.

(4) Settlement of a contract dispute. The county attorney, is authorized to settle disputes arising out of the performance of a county contract, provided the settlement amount does not cause the total contract amount, including the settlement amount, to exceed the authority of the county administrator as established in this Code. Any settlement exceeding the authority of the county administrator must be approved by the board.

(5) If it is determined that termination is in the best interest of the county, the end user departments shall present a proposed letter of termination for board or county administrator approval, pursuant to original agreement approval.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-104. - Suspension and debarment.

(a) Authority to debar or temporarily suspend.

- (1)** The board has the authority to debar a person or business, for cause, from doing business with the county.
- (2)** The county administrator or designee has the authority to suspend a person or business from doing business with the county during an investigation and pendency of debarment action.
- (3)** The debarment shall be for a period not to exceed three years from the date of the final debarment determination by the board. However, if the debarment is based solely upon a previous debarment by another governmental agency, the period of debarment may run concurrently with the period established by that other agency.

(4) The temporary suspension shall be for a period not to exceed six months from the date of the final suspension and the county administrator.

(b) Causes for debarment.

- (1) Conviction of any person, under any statute of the federal government, this state, or any other state, for embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a county contractor/vendor within the last 36 months;
- (2) Conviction for commission of a criminal offense as an incident to obtaining, or attempting to obtain, a public or private contract or sub-contract, or in the performance of such contract or sub-contract within the last 36 months;
- (3) Conviction or civil judgment against any person based on a violation of a state or federal antitrust statute, relating to a response to a solicitation within the last 36 months;
- (4) Violations of contract provisions within three years of current debarment action, of a character which are reasonably deemed to be serious as to justify the current debarment or suspension action;
- (5) Abandonment of a contract;
- (6) Knowing failure, without good cause, to perform in accordance with the terms and conditions as stated in an awarded contract;
- (7) Failure to perform or unsatisfactory performance of any of the terms of a contract with the county. However, failure to perform or unsatisfactory performance caused by acts beyond the control of the person shall not be considered to be a basis for debarment or suspension;
- (8) Failure to pay a contractor, subcontractor, or materials provider as required;
- (9) A determination by a court, the Florida department of business and professional regulation or the federal government that the person has violated the provisions of any Florida Statute, federal regulation or local law and/or has been placed on the State of Florida or federal government list of debarred contractors; and/or
- (10) Any other cause that the board reasonably considers to be as serious and compelling enough to support a determination for debarment.

(c) Initiation of debarment, temporary suspension and final determination.

- (1) The county general services director shall investigate any information received concerning a possible cause for debarment.
- (2) The county administrator may determine that the person shall be temporarily suspended from doing business with the county during the investigation, and pendency of a debarment action.
- (3) In the event of temporary suspension by the county administrator, the general services director shall provide written notification to the person, regarding the temporary suspension, by certified mail, return receipt requested or by any other method that provides evidence of receipt, to the address provided to the general services department by the person. The notice of suspension shall state:
 - a. The basis for the investigation;
 - b. That no solicitation response shall be accepted from the person and, if received, will not be considered during the temporary suspension period; and
 - c. The date and time that the final debarment determination hearing will be held in front of the board.
- (4) The basis and documentation for the debarment of a person shall be reviewed by the county administrator.
- (5) If the county administrator determines that there is no reasonable basis for a cause for debarment, he/she may reinstate the suspended person.
- (6) If the county administrator determines that there exists a reasonable basis for a cause for further debarment

actions, the county administrator, after review by the county attorney, shall request a hearing before the board for a final determination regarding debarment.

- (7) If the board determines that a person should be debarred, the general services director shall provide written notification to the person, regarding the debarment, by certified mail, return receipt requested or by any other method that provides evidence of receipt, to the address provided to the general services department by the person. The notice of debarment shall state:
- a. The basis for the debarment;
 - b. That any current contract with the county shall be terminated per the conditions in the contract;
 - c. That no solicitation response shall be accepted from the person and, if received, will not be considered during the debarment period; and
 - d. The period of debarment, including the specific date that the debarment ends.
- (d) *Imputed knowledge.*
- (1) Improper conduct by a person may be imputed to an affiliate for purposes of debarment where the impropriety occurred in connection with the affiliate's duties for, or on behalf of, and/or with the knowledge or approval of the person.
 - (2) The improper conduct of a person or its affiliate having a current county contract with a contractor/vendor may be imputed to the contractor/vendor for purposes of debarment where the impropriety occurred in connection with the person/affiliate's duties for, or on behalf of, and/or with the knowledge or approval of the contractor/vendor.
- (e) *Master list of debarred or suspended persons.* The general services department shall maintain a master list of debarments and suspensions, which will include, at a minimum, the names of those persons debarred or suspended, the basis for such action, the period including expiration date and the name of the debarring agency, if the county's debarment is based on debarment by another governmental entity.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-105. - Grants.

- (a) Generally, expenditures from funds other than county tax or special assessment revenues may require special processes because of specific legal terms and conditions placed by the funding agency. Grants often have certain purchasing requirements that are different or additional to the county's procurement code and they require special purchasing procedures. It is the responsibility of the user department to identify any special purchasing requirements or provisions, notify the general services director of them, and to ensure that all requirements are followed. Unless otherwise specified in the grant, all grant procurements shall follow the general standards set forth in this Code.
- (b) *Projects funded with federal monies.* For projects funded in whole or in part with federal funds, the county will follow the procurement standards set forth in this Code, plus the additional standards set forth hereinafter. In the event of a conflict, the following standards will govern.

County personnel from the user department shall maintain oversight of contracts and purchase orders to ensure contractors perform in accordance with the terms, conditions and specifications.

- (1) *General procurement standards.*
 - a. The county must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

- b.** The county will award contracts only to responsible contractors possessing the ability to perform successful and conditions of a proposed procurement. Consideration will be given to such matters as contractor integr public policy, record of past performance, and financial and technical resources.
- c.** The county will maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.
- d.** The county may use a time and material type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract means a contract whose cost to the county is the sum of:
 - The actual cost of materials; and
 - Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the county must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

- e.** The county will promote cost-effective use of shared services by entering into inter-local and other types of partnering agency agreements where appropriate for procurement or use of common or shared goods and services.
- f.** When feasible, the county will use federal excess and surplus property in lieu of purchasing new equipment and property to reduce project costs.
- g.** The county will be responsible, in accordance with good administrative practice and sound business judgement for the settlement of all contractual and administrative issues arising out of procurements.

(2) Competition .

- a.** All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:
 - Placing unreasonable requirements on firms in order for them to qualify to do business;
 - Requiring unnecessary experience and excessive bonding;
 - Noncompetitive pricing practices between firms or between affiliated companies;
 - Noncompetitive contracts to consultants that are on retainer contracts;
 - Organizational conflicts of interest;
 - Specifying only a "brandname" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - Any arbitrary action in the procurement process.
- b.** The county will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals,

except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

- c. The county will adhere to the following procedures for procurement transactions. All solicitations will:
- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
 - Identify all requirements which the respondents must fulfill and all other factors to be used in evaluating bids or proposals.
- d. The county will ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the county will not preclude potential bidders from qualifying during the solicitation period.
- (3) *Methods of procurement to be followed*. The county will use one of the following methods of procurement.
- a. *Procurement by micro-purchases*. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (2 CFR **200.67 micro-purchase**). **To the extent practicable, the county will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the county considers the price to be reasonable.**
- b. *Procurement by small purchase procedures*. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold (2 CFR 200.88). If small purchase procedures are used, price or rate quotations will be obtained from an adequate number of qualified sources.
- c. *Procurement by sealed bids (formal advertising)*. Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming to all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in paragraph c. 1 of this section apply.
1. In order for sealed bidding to be feasible, the following conditions should be present:
 - A complete, adequate, and realistic specification or purchase description is available;
 - Two or more responsible bidders are willing and able to compete effectively for the business; and
 - The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 2. If sealed bids are used, the following requirements apply:

- Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids and the invitation for bids must be publicly advertised;
 - The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - All bids will be opened at the time and place prescribed in the invitation for bids, and the bids will be opened publicly;
 - A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
 - Any or all bids may be rejected if there is a sound documented reason.
- d. *Procurement by competitive proposals.*** The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
1. Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 2. Proposals will be solicited from an adequate number of qualified sources;
 3. The county will have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
 4. Contracts will be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and
 5. The county may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.
- e. *Procurement by noncompetitive proposals.*** Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
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. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the county; or
 4. After solicitation of a number of sources, competition is determined inadequate.
- (4) Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**
- a.** The county will take all necessary affirmative steps to assure that minority businesses, women's business

enterprises, and labor surplus area firms are used when possible.

- b.** Affirmative steps will include:
- 1.** Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - 2.** Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - 3.** Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - 4.** Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - 5.** Using the services and assistance, as appropriate, of such organizations as the small business administration and the minority business development agency of the department of commerce; and
 - 6.** Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1 through 5 of this section.
- (5) Procurement of recovered materials.** The county and its contractors will comply with section 6002 of the solid waste disposal act, as amended by the resource conservation and recovery act. The requirements of section 6002 include procuring only items designated in guidelines of the environmental protection agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000.00 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000.00; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
- (6) Contract cost and price .**
- a.** The county will perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold (2 CFR 200.88) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the county will make independent estimates before receiving bids or proposals.
 - b.** The county will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
 - c.** Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the county under Title 2, Part 200, Subpart E—Cost Principles. The county will rely on its own cost principles that comply with the federal cost principles.
 - d.** The cost plus a percentage of cost and percentage of construction cost methods of contracting will not be used.
- (7) Federal awarding agency or pass-through entity review.** The county will comply with all requests by federal awarding agencies or pass-through entities for documentation or other review of the county's procurement processes.
- (8) Bonding requirements .** For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold (2 CFR 200.88), the county will follow its standard bonding requirements set

forth in this Code if the federal awarding agency or pass-through entity has made a determination that the federal interest is adequately protected. If such a determination has not been made, the minimum bonding requirements will be as follows:

- a.** A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
 - b.** A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
 - c.** A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.
- (9) Contract provisions.** When applicable and feasible, the county will use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions.

The county's contracts will contain the applicable provisions described in Appendix II to Part 200—contract provisions for non-federal entity contracts under federal awards.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-106. - Surplus stock.

All using agencies shall submit to the general services director, at such times and in such form as he/she shall prescribe, reports showing fixed assets and capital assets which are no longer used or which have become obsolete, worn out or scrapped ("surplus stock"). The board shall have the authority to approve the surplus of fixed and capital assets.

- (1) Transfer.** The board shall have the authority to transfer surplus stock to other using agencies, governmental entities, or any other entity not for profit which is organized to promote community interest and welfare.
- (2) Sale.** The general services director shall have the authority to sell surplus, or to exchange the same for, or trade in the same on, new supplies. Sales under this section shall be made to the highest responsible bidder in conformance with competitive conditions.

(Ord. No. 2018-20, 9-25-2018; Ord. No. 2019-15, § 1, 12-10-2019)

Sec. 2-107. - Sale or lease of real property.

The board is hereby authorized to sell or lease real property belonging to the county whenever the board determines that it is in the best interest of the county to do so. Requests to initiate the sale or lease of real property shall be presented to the board by the county administrator.

Upon a determination by the board that it is in the best interest of the county to sell or lease a parcel or parcels of real property and, unless specifically directed by the board to effect the disposition through the use of a particular method, the county administrator or designee is hereby authorized, in his/her discretion, to exercise all rights, powers, and duties to effect such transaction through one of the following methods:

- (1)** In accordance with procedures set out in F.S. § 125.35(1), the sale or lease of real property may be made to the highest bidder who has complied with terms and conditions established for bids for such property after notice of such proposed transaction has been published once a week for at least two weeks in a newspaper of

general circulation published in Putnam County. The county administrator or designee may require that a deposit be made or a surety bond be given with each bid submitted.

- (2) In accordance with procedures set out in F.S. § 125.35(2), a private sale of property may be made when the parcel is of insufficient size and shape to be issued a building permit or when the value is \$15,000.00 or less and when, due to size, shape, location and value, it is of use only to one or more adjacent property owners.
- (3) Pursuant to the authority granted in F.S. § 125.35(3), the sale or lease of real property may be made to the highest bidder at a public auction under the following conditions:
- The county administrator or designee is hereby authorized to market, advertise and otherwise promote the parcel or parcels to be offered for sale or lease.
 - The board shall establish minimum bids.
 - A notice setting out the date, time and location of the public auction shall be published in a newspaper of general circulation published in Putnam County once a week for at least two weeks prior to the date set for the auction. The notice shall contain a legal description of the parcel or parcels of real property to be sold or leased, the existing land use designation for the property as established by the Putnam County Comprehensive Plan and the Putnam County Land Development Code, the minimum bid and a statement that copies of documentation and information relating to the properties to be auctioned and procedures for the auction shall be available at the county during normal business hours.
 - The successful bidder at auction shall make a cash payment of ten per cent (10 percent) of the successful bid on the date of the auction and shall pay the balance at a closing to be held no later than 30 days from the date of the auction.
- (4) Sales of real property shall be "as is", and shall convey only the interest of the county in the property. The county shall not warrant the title or otherwise represent any state of facts concerning the property and conveyance shall be made by a county deed pursuant to F.S. § 125.411.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-108. - Conflict and severability.

Should this ordinance conflict with any other ordinance of Putnam County, this ordinance shall control. Should any section, subsection or provision of this ordinance be declared unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the parts declared to be unconstitutional or invalid.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-109. - Effective date.

This ordinance shall become effective upon receipt of official acknowledgement of filing by the Secretary of State.

(Ord. No. 2018-20, 9-25-2018)

Sec. 2-110. - Appendix A—Definitions.

Unless the context otherwise requires, the following terms shall have the meanings set forth below whenever they appear in the procurement code:

Advertisement: **Public notice in a newspaper of general circulation in the county and/or posted on the county's website listing of formal solicitations; notice should state the place, date and time that bids or proposals must be received.**

Affiliate: **A corporation that is related to another corporation by one owning shares of the other, by common ownership, or by other means of control.**

Agenda items/requests: **A written form of communication presented to the board for consideration. The agenda item/request includes a summary of the requested action along with supporting documentation.**

Agreement: **Written agreement between two or more competent parties that includes provisions necessary to define the responsibilities and rights of the parties to perform a specific act(s); any type of agreement, regardless of what it is called, for the procurement or disposal of goods, services or construction, usually an exchange of goods or services for money or other consideration. The term agreement may be used interchangeably with the term "contract" or "contract acceptance letter."**

Amendment/contract amendment: **Written modification, which revises specifications, price, quantity, or other terms of the agreement, upon mutual consent and with a formally executed document signed by both parties.**

Bid: **A formal written price offer by a vendor to the county to furnish specific goods, services, and/or construction in response to an Invitation for bids or a multistep bidding procedure.**

Bid award: **Award of a bid for goods or services by the appropriate level of authority after receipt of competitive quotes or bids, and determination of fund availability.**

Bid bond/security: **An insurance agreement, accompanied by a monetary commitment, by which a third party (the surety) accepts liability and guarantees that the bidder will not withdraw the bid. The bidder will furnish bonds in the required amount and if the contract awarded to the bonded bidder, the bidder will accept the contract as bid, or else the surety will pay a specific amount.**

Bidder: **Any person, firm, business or other group of individuals that submits a response to a solicitation. The term bidder may be used interchangeably with the term respondent.**

Black-out period: **The period that begins upon the issuance of a solicitation and concludes upon the final execution of the contract by the appropriate approval authority during which bidders and respondents are prohibited from contacting any board member, the county administrator, any requesting or evaluating department personnel and/or any member of the evaluation committee.**

Board/BOCC: **The Putnam County Board of County Commissioners.**

Business: **Corporation, firm, association, syndicate, partnership, sole proprietorship, joint stock company, joint venture, or any other legal entity.**

Capital Improvement Project (CIP): **Any public improvement which the county undertakes, including the construction or reconstruction in whole or in part, of any building, road, highway, street improvements, physical plant, structure, or facility.**

Certificate of contract completion acceptance: **A form which indicates that a project has been satisfactorily completed and the contractor has paid all labor, materials and other charges against the project in accordance with the terms of the contract.**

Certificate of insurance: **A document which is provided by the contractor/consultant to show proof of insurance according to the requirements stated by the county.**

Change order: **Modification, deletion or addition to an authorized purchase order or contract.**

Communications: **Services used by the county such as cellular telephone providers, cable television, and long distance services carriers.**

Competitive solicitation/competition: **Process of requesting and receiving sealed bids, proposals, or replies submitted by responsive Vendors in accordance with the terms of a competitive process, regardless of the method of procurement.**

Conflict of interest: **A clash between the public interest and the private pecuniary interest of the individual concerned. (Black's Law Dictionary, 299, 1990.) The term identifies those situations where contractors or public officials may obtain a benefit from a public contract. Conflicts of interest may result in a breach of ethics or an ethical code. Actual or perceived conflict of interest: Any action, decision or recommendation by an agent or public official acting in an official capacity, the effect of which could be to the private pecuniary benefit or detriment of the person or person's relative.**

Construction: **The process of constructing a building, structure, road or drainage utilities; altering, repairing, improving, or demolishing any structure or building; or other improvements of any kind.**

Construction services: **All labor, services, and materials provided in connection with the construction, repair, replacement, renovation, or demolition, or any other improvement of any kind, to any real property.**

Consultant: **A person that possesses unique qualifications which allow them to serve and/or perform specialized and/or advisory services, usually for a fee.**

Consultants Competitive Negotiation Act (CCNA): **Guidelines for the acquisition of professional architectural, engineering, landscape architecture, or surveying and mapping services, including definitions, procedures and prohibitions as defined in F.S. § 287.055, as amended.**

Contract: **Obligation, such as an accepted offer, between competent parties upon a legal consideration, to abstain from or to do some act or acts. The term contract may be used interchangeably with "agreement."**

Contractor: **Any individual, firm, partnership, corporation, association or other legal entity having a contract with the board of county commissioners to furnish goods, services, or construction for an agreed upon price.**

Cooperative purchasing: procurement conducted by, or on behalf of, more than one public procurement unit.

Debar/debarment: **An action taken by the board under this Code to prohibit a person or firm from participating in county procurements for an extended period of time.**

Department/end user department/end user/division/office: An administrative department, division, or office of the county which utilizes any goods, services, or construction procured under the administrative code and correlating procedures. The terms may be used interchangeably.

Designee: **A person who has been given the authority to act on the behalf of another person of authority.**

Discussion: **Communication between a bidder or respondent and the general services department for the purpose of: eliminating minor irregularities, informalities, or apparent clerical mistakes in the offer or response; clarifying any offer or response to assure full understanding of, and responsiveness to, solicitation requirements; resolving minor variations in contract terms and conditions; and/or establishing the competency or financial stability of any bidder or respondent.**

Emergency procurement: **procurement that is made when there is an unexpected turn of events beyond the control of the agency in the normal conduct of its business, involving health, welfare, safety, loss or significant operational delay or disruption to the county that can only be rectified by the immediate purchase of supplies and/or contractual services.**

Employment services: Employee recruitment services, employee leasing, temporary employment services.

Ethics: **Pertaining to or relative to moral action, conduct, motive or character; as ethical emotion; professionally right or benefitting; conforming to professional standards of conduct.**

Evaluation committee (EC): **An evaluation group established for the sole purpose of evaluating responses received from a county solicitation.**

Filed: The delivery of applicable document(s) to the general services department. A time and date of receipt shall be documented by the general services department in a verifiable manner for purposes of filing.

Firm: Any business, individual, union, committee, club, organization or group of individuals.

General services administration (GSA) contract: Program established by the federal government for products and services procured from pre-vetted vendors. procurement from vendors offering GSA schedule pricing results in reduced costs and maximized efficiency due to federal volume procurement.

Goods: Any tangible property other than services or real property.

Grant: The furnishing by the county of assistance, whether financial or otherwise, to any person or organization; or the receipt by the county of assistance, whether financial or otherwise, from any governmental or private entity. Grant does not include an agreement whose primary purpose is to procure a specific end product, whether in the form of goods, services, or construction.

Gratuity: A payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value, present or promised, unless given without consideration.

Intent to recommend: End user department's written recommendation of bid award to the board or county administrator or designee depending upon approval thresholds.

Interlocal agreement: Permits local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Invitation to bid (ITB): Solicitation documents, written or electronic, whether attached or incorporated by reference, which are used for competitive sealed bidding for the procurement of goods, services and/or construction. The invitation to bid is used when the county is capable of clearly defining the scope of work for which a contractual service or precise specification defining actual commodities that are being procured.

Lobbying: Any action taken by a person to influence the decision of a board member, the county administrator, any user department/division/office personnel, and/or any individual serving on an evaluation committee during the black-out period.

Lobbyist: An individual or group whose efforts are intended influence public and governmental policy.

Local preference: Preference given to a bidder during certain formal bid processes as described in section 2-100(b) of this Code.

Material Interest: Direct or indirect ownership of more than five percent of the total assets or capital stock of any business entity as set forth in F.S. ch. 112.

Materials: Items that are incorporated into or attached to an end item or consumed in performing a contract. Materials do not include land, a permanent interest in land, or leases of real property.

Minority Owned Business Enterprise: A Florida domiciled Small Business entity or firm:

- That is at least 51-percent-owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group in an underrepresentation of commercial enterprises under the group's control;
- For which the minority/women ownership exercises control and management over the daily business operations;

- That has been awarded certification as a valid minority business enterprise certified by the state, other government entity within the State of Florida, or the county, for meeting statutory criteria in certification; and
- That is legally organized to perform a specific line of business, or practice of profession; and
- Ownership by a minority person does not include ownership which is the result of a transfer from a non-minority person to a minority person within a related immediate family group if the combined total net asset value of all members of such family group exceeds \$1,000,000.00. For purposes of this subsection, the term related immediate family group means one or more children under 16 years of age and a parent of such children or the spouse of such parent residing in the same house or living unit.

Minority person: A lawful, permanent resident of Florida who is:

- African American - a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin;
- Hispanic American - a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race;
- Asian American - a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778;
- Native American - a person who has origins in any of the Indian Tribes of North America prior to 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; or
- American woman.

Minority/Women Business Enterprise (M/WBE): A business that is either a minority-owned business enterprise or a women-owned business enterprise, or both.

Must: Denotes the imperative.

Negotiation: **Legitimate, arm's length discussion and conferences to reach an agreement on terms or price.**

Non-responsive: **Refers to a bidder who does not have the capability to fully perform the contract requirements, or who does not have the experience, reputation, and/or reliability to assure performance.**

Non-responsive: **Refers to a bidder whose submittal does not conform to the mandatory or essential requirements of the solicitation.**

Opening: **Date and time set for opening of bids, receipt of statements of qualifications or receipt of proposals in competitive sealed proposals, or in the case of a reverse auction, the date and time set for the auction close.**

Owner direct purchase program: **Materials and commodities that will be purchased and paid for directly by the county that are incorporated into any public work project, which is under the direction or management of a contract administrator.**

Person: **Any consultant, business, individual, union, committee, club, representative, other organization, or group of individuals.**

Procurement: **Buying, purchasing, renting, leasing, or otherwise acquiring of any goods and/or services for public purposes in accordance with the laws, rules, regulations and procedures intended to provide for the economic expenditure of public funds. It includes but is not limited to all functions which pertain to the obtaining of any supplies, materials, equipment and/or services**

including construction projects and capital improvement projects, as defined herein, required by any division/department/office or agency of county government regardless of the source of funds.

Procurement card (P-Card): An instrument used to purchase goods/services in accordance with established procedures.

Procurement card (P-Card) program: **A program designed to improve efficiency in processing low dollar purchases of commodities or services from any provider that accepts a credit card.**

Professional services (PS): **Any architectural, engineering, landscape architectural, registered land surveying, or planning activity as defined and prescribed under F.S. § 287.055, as amended.**

Proposal: **An executed formal document submitted by an offeror to the county stating the good(s) and/or service(s) offered in response to a request for proposal or request for information.**

Public notice: **Written announcement made by the county concerning a solicitation or other information of general public interest.**

Purchase: **The same as procurement, as defined herein.**

Purchase order: **The county's document used to authorize a purchase transaction with a vendor; contains provisions for construction, goods and/or services ordered; applicable terms as to payments, discounts, date of performance and transportation; and other factors or conditions relating to the transaction.**

Quotation: **An oral or written informal offer to the county by a vendor for furnishing specific goods and/or services at a stated price.**

Receipt: **Actual receipt of an item being delivered or the first attempted delivery by certified mail, or by any other means that provides conclusive evidence of the attempt to deliver to the last known address of party.**

Request for letters of interest (LOI): A non-binding solicitation method used to obtain information for services or projects that cannot be quantified.

Request for proposals/competitive proposal solicitation (RFP): A solicitation method used to solicit proposals from potential providers of goods, services, and construction. Price is not the only determining factor in an RFP and an award of a contract may be accomplished in a single step or multi-step process.

Request for qualifications/qualifications based solicitation or professional services (PS): Solicitation method used to solicit proposals from potential providers of specific services where price is not an evaluation factor.

Request for quotations (RFQ): **An informal solicitation where oral or written quotes are obtained from the required number of providers, without formal advertising or receipt of sealed bids.**

Respondent: **A person, business, firm or other group of individuals that submits a response to a solicitation. The term respondent may be used interchangeably with the term bidder.**

Responsible bidder/offeror/responsible respondent: **An individual or business which has submitted a bid, offer, proposal, quotation or response, which has the capability, as determined by the county, in all respects, to fully perform solicitation requirements with the integrity and reliability which give reasonable assurance of good faith and performance.**

Responsive bidder/offeror/responsive respondent: An individual or business which has submitted a bid, offer, proposal, quotation or response, which conforms to all material aspects of the solicitation, as determined by the county.

Services: **The furnishing of labor, time, and/or effort by professionals or contractor, wherein the submission of goods or other specific end products other than reports, studies, plans, advisories, contractual documents or other documents relating to the required performance is incidental or secondary.**

Shall: **Used to denote the imperative.**

Single source: **Single source is procurement in which, although two or more vendors supply the commodities or**

services, there is only one reasonable source for the required goods or services. "Reasonable source" may be based on geographic distribution areas, vendor location, delivery schedule, maintenance requirements, etc.

Small business enterprise: **Any person, sole proprietor, self-employed individual, independent contractor, firm, corporation, partnership, or association that is actively engaged in business, has its principal place of business in this state, employed an average of at least one but not more than 50 employees on business days during the preceding calendar year, the majority of whom were employed in this state, and employs at least one employee on the first day of the current calendar year.**

Sole source: **The only existing source of the item which meets the needs of the user department/division/office as determined by a reasonably thorough analysis of the marketplace.**

Solicitation: **An invitation or request by which the county invites participation in the procurement process.**

Suspend/suspension: **Action taken by the county administrator under the administrative code to temporarily disqualify or exclude a person from participating in county procurements for a definite period of time.**

Threshold: **The dollar value which determines the methods for the purchase or solicitation of goods and services and authorization approval.**

Used or pre-owned: Used to identify an item or equipment that is not new.

Vendor: **A supplier/seller of goods, services, and/or construction. The term vendor may be used interchangeably with provider or supplier.**

**(Ord. No. 2018-20
, 9-25-2018)**

Appendix B- Forms

**PUTNAM COUNTY, FLORIDA
AUTHORIZATION TO MAKE OTHER DEDUCTIONS**

I, _____, hereby authorize my
employer, _____ to make deductions,
not otherwise listed as permissible deductions in 29 CFR, on wages earned while employed on the
following project:

PROJECT NUMBER:

PROJECT NAME:

PROJECT LOCATION:

These deductions are voluntary and appear in the column entitled "Total Deduction (Sheet Attached)"
on the project(s) official Wage and Hour Record (Project Payroll Report). These deductions are voluntary
authorized by the employee for the purpose of:

Not to exceed \$ _____
*(Employee may provide total deduction amount shown on payroll so long as that amount remains
consistent.)

Employee Signature

Typed or Written Employee Name

Date

**Record of Employee
Interview Instructions**U.S. Department of Housing
and Urban Development
Office of Davis-Bacon and Labor StandardsOMB Approval No. 2501-0009
(exp. 12/31/2024)InstructionsGeneral:

This form is to be used by HUD and local agency staff for recording information gathered during on-site interviews with laborers and mechanics employed on projects subject to Federal prevailing wage requirements. Typically, the staff that will conduct on-site interviews and use this form are HUD staff and fee construction inspectors, HUD Labor Standards staff, and local agency labor standards contract monitors.

Information recorded on the form HUD-11 is evaluated for general compliance and compared to certified payroll reports submitted by the respective employer. The comparison tests the veracity of the payroll reports and may be critical to the successful conclusion of enforcement actions in the event of labor standards violations. The thoroughness and accuracy of the information gathered during interviews is crucial.

Note that the interview itself and the information collected on the form HUD-11 are considered confidential. Interviews should be conducted individually and privately. All laborers and mechanics employed on the job site must be made available for interview at the interviewer's request. The employee's participation, however, is voluntary. Interviews shall be conducted in a manner and place that are conducive to the purposes of the interview and that cause the least inconvenience to the employer(s) and the employee(s).

Completing the form HUD-11:

Items 1a - 1c: Self-explanatory

Items 2a - 2d: Enter the employee's full name, a telephone number where the employee can be reached, and the employee's home address. Many construction workers use a temporary address in the locality of the project and have a more permanent address elsewhere from which mail may be forwarded to them. Obtain a more permanent address, if available. Ask the employee for a form of identification (e.g., driver's license) to verify their name.

Items 3a - 4c: Enter the employee's responses. Ask the employee whether they have a pay stub with them; if so, determine whether the pay stub is consistent with the information provided by the employee.

Items 5 - 7: Be certain that the employee's responses are specific. For example, job classification (#5) must identify the trade involved (e.g., Carpenter, Electrician, Plumber) - responses such as "journeyman" or "mechanic" are not helpful for our purposes.

Items 8 - 12b: Self-explanatory

Items 13 - 15c: These items represent some of the most important information that can be gathered while conducting on-site interviews. Please be specific about the duties you observed the employee performing. It may be easiest to make these observations before initiating the interview. Please record any comments or remarks that may be helpful. For example, if the employee interviewed was working with a crew, how many workers were in the crew? Was the employee evasive?

The level of specificity that is warranted is directly related to the extent to which interview(s) or other observations indicate that there may be violations present. If interviews indicate that there may be underpayments involving a particular trade(s), the interviewer is encouraged to interview as many workers in that trade(s) that are available.

Items 16 - 17b: The information on the form HUD-11 may be reviewed for general compliance, initially. For example, are the job classification and wage rate stated by the employee compatible with the classifications and wage rates on the applicable wage decision? Are the duties observed by the interviewer consistent with the job classification?

Item 18: Please place here any additional information you may want to document or continuing information from other lines that do not fit in their block space.

Once the corresponding certified payroll reports are received, the information on the HUD-11 shall be compared to the payroll reports. Any discrepancies noted between the HUD-11 information and that on the payroll report shall be noted in Item 16, Remarks. If discrepancies are noted, follow-up actions to resolve the discrepancies must be taken.

Historial de Entrevista del Empleado

Departamento de Vivienda y
Desarrollo Urbano de EE.UU.
Oficina de Davis-Bacon y Normas Laborales

Aprobación de OMB No. 2501-0009
(exp.12/31/2024)

Instrucciones

Generalidades:

Este formulario será utilizado por personal de HUD y agencias locales a fin de anotar toda información recopilada durante las entrevistas en sitio con obreros y mecánicos empleados en proyectos sujetos a requisitos de pago de salario vigente federal. Por lo general, el personal que efectúe entrevistas en sitio y use este formulario será personal de HUD e inspectores de construcción con comisión, personal de la Oficina de Relaciones Laborales de HUD, e inspectores de contratos de la agencia de normas laborales local.

La información recopilada en este formulario HUD-11 es evaluada para su conformidad general y comparada con informes de nóminas certificados presentados por el empleador correspondiente. La comparación examina la veracidad de los informes de nómina y puede ser crítica para la exitosa conclusión de gestiones de cumplimiento en caso de existir violaciones a las normas laborales. La meticulosidad y exactitud de la información recopilada durante las entrevistas es trascendental.

Tenga en cuenta que tanto la entrevista misma y la información recopilada en el formulario HUD-11 se consideran ser de carácter confidencial. Las entrevistas se deberán efectuar en forma individual y en privado. Todos los trabajadores y mecánicos empleados en el sitio de trabajo deben ser puestos a disposición para las entrevistas a petición del entrevistador. Sin embargo, la participación del empleado es voluntaria. Las entrevistas serán conducidas en una manera y lugar que sean conducentes a los objetivos de la entrevista y ocasionen el menor inconveniente al patrón(nes) y empleado(s).

Instrucciones para rellenar el formulario HUD-11

Líneas 1a - 1c: Auto aclaratorio

Líneas 2a – 2d: Anote el nombre completo del empleado, un número telefónico donde se le pueda contactar, y su dirección residencial. Muchos trabajadores de construcción usan una dirección temporal en la localidad del proyecto y tienen una dirección más permanente en algún otro lugar a donde se les puede enviar correspondencia. Si puede, obtenga una dirección más permanente. Pida al empleado algún tipo de identificación (por ej., licencia de conducir) para verificar su nombre.

Líneas 3a – 4c: Anote las respuestas del empleado. Pregunte a los empleados si tienen un talonario de paga con ellos; si no, determine si el talonario de paga concuerda con la información provista por el empleado.

Líneas 5 – 7: Asegúrese de que las respuestas del empleado sean específicas. Por ejemplo, la clasificación de trabajo (#5) debe identificar el tipo de oficio que desempeña (por ej., carpintero, electricista, plomero) – respuestas tales como "jornalero" o "mecánico" no ayudan para nuestros propósitos.

Líneas 8 – 12b: Auto explicatorio

Líneas 13 – 15c: Estos asuntos representan alguna de la información más importante que se puede recopilar durante una entrevista en sitio. Por favor sea específico en cuanto a los deberes que según su observación desempeñó el empleado. Quizás sea más fácil hacer estas observaciones antes de iniciar la entrevista. Por favor anote cualquier comentario que pueda ser de importancia. Por ejemplo, si el empleado entrevistado estaba trabajando con un equipo, ¿cuántos trabajadores tenía el equipo? ¿Se mostraba el empleado evasivo?

El nivel de precisión garantizado está directamente relacionado al grado que la(s) entrevista(s) u otras observaciones pueden indicar que existen posibles violaciones. Si las entrevistas indican que puede haber paga de salario insuficiente relacionado a algún particular oficio (s), se recomienda al entrevistador conducir entrevistas con tantos trabajadores en ese oficio(s) estén disponibles.

Líneas 16 – 17b: Inicialmente, la información en el formulario HUD-11 puede ser examinada para conformidad general. Por ejemplo, ¿está la clasificación de trabajo y el salario declarado por el empleado compatible con las clasificaciones y tasas de salario en la decisión de salario aplicable? ¿Concuerdan los deberes observados por el entrevistador con la clasificación de trabajo?

Línea 18: coloque aquí cualquier información adicional que desee documentar o información continua de otras líneas que no quepan en su espacio de bloque.

Una vez se reciben los informes de nómina certificados correspondientes, se hará una comparación de la información anotada en el formulario HUD-11 con los informes de nómina. Cualquier discrepancia entre la información del formulario HUD-11 y la del informe de nómina será anotada en la línea 18, Comentarios. Si se hacen observaciones de discrepancias se deberán tomar pasos de seguimiento para resolver las discrepancias.

Semi-Annual Labor Standards Enforcement Report - Local Contracting Agencies (HUD Programs)	U.S. Department of Housing and Urban Development Office of Davis-Bacon and Labor Standards	HUD FORM 4710 OMB Approval Number 2501-0019 (Exp. 09/30/2024)
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Agency Name:	Agency Type: <small>(e.g., CDBG, PHA, TDHE/RHA)</small>	State:	LR2000 Agency ID #: <small>(HUD Use Only)</small>
Period Covered: Check One and Enter Year(s)			
<input type="checkbox"/> Period 1: October 1, _____ to March 31, _____		<input type="checkbox"/> Period 2: April 1, _____ to September 30, _____	
Agency Contact Person:		Agency Contact Phone/E-mail:	

PART I – NEW CONTRACTING ACTIVITY*
Pertains ONLY to contracts awarded during the reporting period.

1. Number of prime contracts subject to the Davis-Bacon and Related Acts (DBRA) and/or the Contract Work Hours and Safety Standards Act (CWHSSA) awarded this period
 Note: Do not include contracts included in previous semi-annual reports

2. Total dollar amount of prime contracts reported in item 1 above \$

3. List for each contract awarded this period:

Contract Name/Number	Contract Amount	Wage Decision Number	Wage Decision Lock-In Date
EXAMPLE: "Boy's Club Renovation # CD64005-85"	"\$0,000,000.00"	"FL040001/Mod 3, 6/25/04, Building"	"07/02/04 bid open date" ◀ Lock

*Use additional pages if necessary



WHAT IS THE LOCK-IN DATE? For contracts entered into pursuant to competitive bidding procedures, the bid opening date "locks-in" the wage decision provided that the contract is awarded within 90 days. If the contract is awarded more than 90 days after bid opening, the contract award date "locks-in" the wage decision. For contracts, purchase orders or other agreements for which there is no bid opening or award date, use the construction start date as the lock-in date. However, for contracts receiving assistance under Section 8 of the U.S. Housing Act of 1937 or contracts involving a contract wage determination, the lock-in rules may vary from above. See Department of Labor Regulations, 29 CFR, Part 1, Section 1.6 and/or HUD Handbook 1344.1, or consult the HUD Davis-Bacon and Labor Standards (DBLS) staff.

WHAT IT ISN'T: Do not use the wage decision publication date, unless that happens to correspond to one of the trigger events described above. If you are not sure about any of this, please feel free to contact the DBLS staff in your state or region.

Semi-Annual Labor Standards Enforcement Report - Local Contracting Agencies (HUD Programs)	U.S. Department of Housing and Urban Development Office of Davis-Bacon and Labor Standards	HUD FORM 4710i OMB Approval Number 2501-0019 (Exp. 06/30/2024)
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Public reporting burden for this collection of information is estimated to average 2.5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining data needed, and completing and reviewing the collection of information. The information is considered non-sensitive and does not require special protection. This information is required to obtain benefits. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

All Federal agencies administering programs subject to Davis-Bacon wage provisions are required by Department of Labor (DOL) regulations (29 CFR 5.7(b)) to submit a report of all new covered contracts and all enforcement activities each six months. In order for HUD to comply with this requirement, it must collect contract and enforcement information from local agencies that administer HUD-assisted programs subject to Davis-Bacon requirements. HUD requests that local agencies complete and submit a Semi-annual Enforcement Report each six months.

Local agencies and HUD must retain a copy of the Semi-Annual Enforcement Report in its files.

Please follow these instructions while compiling the Semi-Annual Labor Standards Enforcement Report for Local Contracting Agencies (HUD Programs) (form HUD-4710).

Introduction

Department of Labor (DOL) Regulations 29 CFR §5.7(b) require Federal agencies administering programs subject to Davis-Bacon and Related Act (DBRA) and Contract Work Hours and Safety Standards Act (CWHSSA) labor standards to furnish a Semi-Annual Labor Standards Enforcement Report to the Administrator of the Wage and Hour Division. Some HUD programs are administered by state and local agencies for labor standards compliance. HUD must collect information from such agencies in order to capture enforcement activities for all HUD programs in its reports to DOL.

Reporting Periods: Period 1 October 1 through March 31
Period 2 April 1 through September 30

Report Format: Each agency report consists of two parts:

Part I concerns contracting activity for work awarded during the reporting period;
Part II concerns enforcement activity for all contracts, regardless of the award date.

The HUD Davis-Bacon and Labor Standards (DBLS) staff for your area will send a courtesy reminder shortly before the due date about preparing the report and will remind you of the date your report is due. However, you should maintain accurate records throughout the year of relevant contract information so that you can submit the report timely.

Definitions and Guidance

Part I - Contracting Activity - This part concerns only contracts that were *awarded* during this period. *Do not* include contracts that were awarded prior to this period even though the contracts may still be underway. *Do* include work subject to purchase order or other form of agreement, even if there is no formal contract award.

Item 1. Enter the total number of prime contracts subject to DBRA/CWHSSA *awarded* during this period. Track contracts by award or start of construction - do not track by bid opening date. Public Housing Authorities (PHAs), Tribally-designated Housing Entities (TDHEs)/Indian Housing Authorities (IHAs): Include force account work that is subject to DBRA/CWHSSA.

Item 2. Enter the total dollar amount of the contracts and/or PHA/TDHE/IHA force account work reported in Item 1.

PAYROLL

(For Contractor's Optional Use; See Instructions at www.dol.gov/whd/forms/wh347instr.htm)



Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

OMB No.: 1215-0149
Expires: 12/31/2011

NAME OF CONTRACTOR OR SUBCONTRACTOR	ADDRESS	PROJECT OR CONTRACT NO.
PAYROLL NO.	FOR WEEK ENDING	PROJECT AND LOCATION

(1) NAME AND INDIVIDUAL IDENTIFYING NUMBER (e.g., LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER) OF WORKER	(2) NO. OF WITH-HOLDING EXEMPTIONS	(3) WORK CLASSIFICATION	OF	(4) DAY AND DATE							(5) TOTAL HOURS	(6) RATE OF PAY	(7) GROSS AMOUNT EARNED	(8) DEDUCTIONS					(9) NET WAGES PAID FOR WEEK	
				O	M	T	W	T	F	S				FICA	WITH- HOLDING TAX	OTHER	TOTAL DEDUCTIONS			
																		HOURS WORKED EACH DAY		
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While completion of Form WH-347 is optional, it is mandatory for covered contractors and subcontractors performing work on Federally financed or assisted construction contracts to respond to the information collection contained in 29 C.F.R. §§ 3.3, 5.5(a). The Copeland Act (40 U.S.C. § 3146) contractors and subcontractors performing work on Federally financed or assisted construction contracts to "furnish weekly a statement with respect to the wages paid each employee during the preceding week." U.S. Department of Labor (DOL) regulations at 29 C.F.R. § 5.5(a)(3)(i) require contractors to submit weekly a copy of all payrolls to the Federal agency contracting for or financing the construction project, accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper Davis-Bacon prevailing wage rate for the work performed. DOL and federal contracting agencies receiving this information review the information to determine that employees have received legally required wages and fringe benefits.

Public Burden Statement

We estimate that it will take an average of 55 minutes to complete this collection, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room 93502, 200 Constitution Avenue, N.W. Washington, D.C. 20210

(over)

VERIFICATION OF WAGE DECISION

PROJECT NAME	BID OPENING DATE	WAGE DECISION(S) AND MODIFICATION NUMBER	WAGE DECISION(S) VERIFICATION DATE AND SIGNATURE

Appendix C- Posters

EMPLOYEE RIGHTS

UNDER THE DAVIS-BACON ACT

FOR LABORERS AND MECHANICS EMPLOYED ON FEDERAL OR FEDERALLY ASSISTED CONSTRUCTION PROJECTS

PREVAILING WAGES

You must be paid not less than the wage rate listed in the Davis-Bacon Wage Decision posted with this Notice for the work you perform.

OVERTIME

You must be paid not less than one and one-half times your basic rate of pay for all hours worked over 40 in a work week. There are few exceptions.

ENFORCEMENT

Contract payments can be withheld to ensure workers receive wages and overtime pay due, and liquidated damages may apply if overtime pay requirements are not met. Davis-Bacon contract clauses allow contract termination and debarment of contractors from future federal contracts for up to three years. A contractor who falsifies certified payroll records or induces wage kickbacks may be subject to civil or criminal prosecution, fines and/or imprisonment.

APPRENTICES

Apprentice rates apply only to apprentices properly registered under approved Federal or State apprenticeship programs.

PROPER PAY

If you do not receive proper pay, or require further information on the applicable wages, contact the Contracting Officer listed below:

or contact the U.S. Department of Labor's Wage and Hour Division.



WAGE AND HOUR DIVISION
UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



WH1321 REV 10/17

DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON

PARA OBREROS Y MECÁNICOS EMPLEADOS EN PROYECTOS DE CONSTRUCCIÓN FEDERAL O CON ASISTENCIA FEDERAL

SALARIOS PREVALECIENTES

No se le puede pagar menos de la tasa de pago indicada en la Decisión de Salarios Davis-Bacon fijada con este Aviso para el trabajo que Ud. desempeña.

SOBRETIENTO

Se le ha de pagar no menos de tiempo y medio de su tasa básica de pago por todas las horas trabajadas en exceso de 40 en una semana laboral. Existen pocas excepciones.

CUMPLIMIENTO

Se pueden retener pagos por contratos para asegurarse que los obreros reciban los salarios y el pago de sobretiempo debidos, y se podría aplicar daños y perjuicios si no se cumple con las exigencias del pago de sobretiempo. Las cláusulas contractuales de Davis-Bacon permiten la terminación y exclusión de contratistas para efectuar futuros contratos federales hasta tres años. El contratista que falsifique los registros certificados de las nóminas de pago o induzca devoluciones de salarios puede ser sujeto a procesamiento civil o criminal, multas y/o encarcelamiento.

APRENDICES

Las tasas de aprendices sólo se aplican a aprendices correctamente inscritos bajo programas federales o estatales aprobados.

PAGO APROPIADO

Si Ud. no recibe el pago apropiado, o precisa de información adicional sobre los salarios aplicables, póngase en contacto con el Contratista Oficial que aparece abajo:



o póngase en contacto con la División de Horas y Salarios del Departamento de Trabajo de los EE.UU.



DIVISIÓN DE HORAS Y SALARIOS
DEPARTAMENTO DE TRABAJO DE LOS EE.UU.

1-866-487-9243
TTY: 1-877-889-5627
www.dol.gov/whd



