RESOLUTION 2024-21

A RESOLUTION OF THE VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 15 ADOPTING A PROCUREMENT AND SPENDING AUTHORITY POLICY; AND PROVIDING FOR AN EFFECTIVE DATE OF THE PROCUREMENT SPENDING AND AUTHORITY POLICY.

WHEREAS, Village Community Development No. 15 (District) desires to establish a Procurement and Spending Authority Policy; and

WHEREAS, the District Board of Supervisors in a Public Hearing on March 7, 2024, amended and restated the General and Procedural Rules to incorporate specific procurement elements; and

WHEREAS, the Procurement and Spending Authority Policy will supplement the General and Procedural Rules.

NOW, THEREFORE, BE IT RESOLVED by VILLAGE COMMUNITY DEVELOPMENT DISTRICT NO. 15, as follows:

1. There is hereby adopted a Procurement and Spending Authority Policy.

2. This policy, upon adoption, shall become effective on March 7, 2024.

DONE AND RESOLVED at The Villages, Sumter County, Florida, this 7th day of March 2024.

ATTEST

By:_____
Kenneth C. Blocker, Secretary

VILLAGE COMMUNITY
DEVELOPMENT DISTRICT NO. 15

_____
Spencer Novak, Chairman

I. Purpose of Policy

This Procurement and Spending Authority Policy ("Policy") establishes standards for issuing contracts or purchase orders for goods and services. This Policy shall be followed by Village Community Development District No. 15 (the "District") acting through its governing board (the "Board"), its District Manager, and the staff engaged in purchasing functions pursuant to a management services agreement. As of the adoption of this Policy, the Village Center Community Development District Purchasing Director has been designated to coordinate the District's purchasing activities. The District Manager may implement internal policies and procedures (the "Procedures") which do not reduce the transparency and accountability required by, or otherwise conflict with, this Policy. In the event of a conflict between this Policy and the Procedures, this Policy shall prevail. The Procedures may be amended by the District Manager or their designee from time to time, provided that notice of any changes to the Procedures shall be given to the Board at least 30 days before such changes become effective. So long as it acts in accordance with applicable law, the Board by affirmative vote of a quorum may waive any provision of the Procedures at any time.

In all purchases and solicitations, the District shall comply with applicable state and federal law. The application of the Procedures in connection with any particular contract or purchase order may be waived by the Board or by the Board Chair in consultation with District Counsel.

II. Purchases Not Requiring Competitive Solicitation.

Except as set forth in the Procedures, Competitive solicitation shall not be required for contracts for the purchase of any goods, supplies, materials, or maintenance services when the amount to be paid by the District is not anticipated to exceed the amount provided in s. 287.017 for category four, which at the time of the adoption of this Policy is $195,000.

Except as set forth in the Procedures, Competitive solicitation shall not be required for contracts when the District seeks to construct or improve a public building, structure, or other public construction works for a project (other than a contract for electrical work) that is estimated to have a cost that does not exceed the adjusted limit set forth at 255.20, Florida Statutes, which at the time of the adoption of this Policy is $519,303.

Except as set forth in the Procedures, Competitive solicitation shall not be required for contracts when the District seeks electrical work for a project that is estimated to have a cost that does not exceed the adjusted limit set forth at 255.20, Florida Statutes, which at the time of the adoption of this Policy is $129,825.

III. Purchases Requiring Competitive Solicitation.

Competitive solicitation shall be used for contracts for the purchase of any goods, supplies, materials, construction, or maintenance services when the amount to be paid by the District is anticipated to exceed the amounts provided in Section II of this Policy. When the District seeks to construct or improve a public building, structure, or other public works, it shall comply with the bidding procedures of § 255.20, F.S. to obtain construction services. The provisions of the Consultants' Competitive Negotiation Act, § 287.055, F.S. ("CCNA") require a qualifications-based selection and negotiation process which shall be used for contracts for engineering, architecture, landscape architecture, or registered surveying and mapping services. CCNA may, optionally, also be used for procurement of construction management or program management services as described in § 255.103, F.S. Continuing contracts procured in accordance with CCNA may be used by the District without a separate competitive solicitation process for individual projects or studies.

IV. Competitive Solicitation Procedure

Notice of bids or other competitive solicitation, including requests for proposals or qualifications, shall be advertised once in a newspaper in general circulation in Lake, Sumter, and Marion Counties and in the District.

In each case where a notice of bids is used, the bid of the lowest responsive and responsible bidder shall be accepted unless all bids are rejected because the bids are determined by the Board to be too high, or the Board determines it is in the best interests of the District to reject all bids.

In each case in which requests for proposals, qualifications, or other competitive solicitations are used, the District shall determine which response is most advantageous for the District and award the contract to that proposer, provided that if CCNA applies to a solicitation, the specific procedures outlined in that law shall be followed.

In each case when two responses are received that are equal with respect to price, quality, and service, a response with a drug-free workplace certification as described at § 287.087, F.S., shall be given preference. In each case where two responses are received that are equal with respect to price, quality, service, and drug-free workplace certification, the award shall be given to the vendor which is a certified veteran business enterprise within the meaning of Chapter 295, F.S.

The District may require the bidders or proposers to furnish bond with a responsible surety to be approved by the Board.

If the Board, the District Manager, or their designee determines there was a violation of law, defect or an irregularity in the competitive solicitation process, or if the District determines it is otherwise in the District's best interest, whether or not a protest has been received, the District may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the District decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.

If the District does not receive a responsive response to its competitive solicitation, other than a solicitation for services described in the CCNA, the District may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the District, which may include direct contracting.

V. Purchasing Agreements of Other Political Subdivisions or Consortiums.

As an alternative to a new solicitation, the District may purchase commodities and contractual services, other than services described in the CCNA, from the purchasing agreements of other special districts, municipalities, or counties which have been procured pursuant to competitive bid, requests for proposals, requests for qualifications, competitive selection, or competitive negotiations, and which are otherwise in compliance with general law if the purchasing agreement of the other special district, municipality, or county was procured by a process that would have met the procurement requirements of the District. As an additional alternative, the District may purchase commodities and contractual services from purchasing agreements established and state term contracts procured, pursuant to § 287.057, by the Florida Department of Management Services or from similar agreements procured by consortiums or other purchasing agents using a process that meets the District's procurement requirements.

VI. Auditor Selection.

Notwithstanding anything else contained herein to the contrary, the District auditor shall be chosen and engaged in accordance with § 218.391, F.S.

VII. Emergencies; Sole Source

Where consistent with law, competitive solicitation is not required when an emergency exists; however, in making emergency purchases, an effort will be made to include the level of competition that is

practical under the circumstances. "Emergency Purchase" means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where where the Board, or Chair in consultation with District Counsel, or the District Manager in consultation with District Counsel if the Chair is unavailable, finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

The Procedures may provide measures allowing contracts or purchases without competitive solicitation where it would otherwise be required but is infeasible due to the sole source nature of a commodity or service. In any event, the District must justify and document the selection of a vendor and establish the reasonableness of the price. A sole source purchase is appropriate where the minimum needs of the District can be satisfied only by supplies or services which are unique; where only one known source can meet the District's needs; where only a single source can provide an item which must be compatible and interchangeable with existing equipment, designs, or aesthetics; and where only one source could reasonably be expected to develop or produce a required item or service without undue technical risk. A sole or single source contract may be necessary where, for example, there is only one known vendor to meet a particular need (including where a specific product or brand name has been specified for purposes of standardization), or where the District accepts an assignment of a pre-existing contract related to an asset acquired by the District.

VIII. Other Contractual Services

Contracts for other services other than those mentioned in this rule shall not be subjected by this Policy to mandatory competitive solicitation, but the Board or the District Manager may, consistent with this Policy, the Procedures, and all applicable laws, use the competitive solicitation procedures described above in procuring such contracts. This policy is not intended to preclude public-private partnerships proposed in accordance with § 255.065, F.S. District management, district accounting and ancillary services typically provided by a community development district manager (collectively "District Management Services") and legal services are contractual services under Florida law. Consequently, the procurement and provision of District Management Services and legal services are exempt from all provisions of this Policy and the Procedures, as may be amended from time to time. The procurement of District Management Services and legal services may be done in any manner deemed by the Board to be in the best interests of the District; provided however, the Board may choose to follow some or all of the procedures included in this Policy or the Procedures, as may be amended from time to time, in the procurement of District Management Services and legal services if the Board finds it is in the best interests of the District to do so.

IX. Requirements for All Contracts

The District may not contract with a scrutinized company in violation of § 287.135, F.S. Every contract with the District shall include provisions relating to the Public Records Act (§ 119.0701, F.S.), the Public Entity Crimes Bill (§ 287.133, F.S.), E-Verify (§ 488.095, F.S.), the Prompt Payment Act (§ 218.70, F.S.), and cooperation with the state Inspector General (§20.055(5), F.S.). The District may not request documentation of or consider a vendor's social, political, or ideological interests when determining if the vendor is a responsible vendor, nor give preference to a vendor based on the vendor's social, political, or ideological interests. Each of these items shall be referenced in every solicitation let by the District.

X. Changes to Contracts.

When a Department requires a change to a purchase order or a modification to a contract, the request shall be submitted to Purchasing for review and approval. Before submitting a request to modify a purchase order or contract, the Department should ensure the following prerequisites are met:

a. Valid requirements for the change have been established.

b. Funding is available to cover any cost impact of the modification.

c. An appropriate written justification is provided with the request.

The Department shall submit its request, together with all supporting documentation, to Purchasing Department for review and determination as follows:

a. Justification or explanation for the request to modify the purchase order or contract.

b. Any other supporting documentation, as may be applicable.

Modifications and change orders to contracts and purchase orders require approval at the established authorization levels. The authorization level shall be as set forth in Table 1 in Section XI below, based on the amount of the change order, provided that a change order exceeding $24,999.99 or 20% of the original contract price shall require approval at the level set forth in Table 1 based on the total contract price after giving effect to the proposed change order. Change orders requested as a result of an emergency shall be subject to the provisions governing emergency purchases. User departments shall not proceed with any action until approval has been received from the Purchasing Director, the District Manager, or the District Board, as appropriate.

Change orders resulting in a cardinal change shall not be approved in connection with contracts which were awarded by competitive solicitation or which, after giving effect to the change order, would be subject to statutory competitive solicitation requirements.

XI. District Manager Responsibility.

The District Manager shall implement this policy, and its terms shall apply to all purchasing activities for and on behalf of the District.

The District Manager or their designee or such person as is identified in the Procedures has the authority to approve a contract or purchase order for goods or services on behalf of the District if the cost of such contract or purchase order is less than or equal to $49,999.99 and there are adequate funds in the budget to fund the expense, and the District Manager is authorized to sign such contract or purchase order on behalf of the District. The contract or purchase order need not be presented for ratification by the Board but will appear in the financial records of the District in due course.

The District Manager or Deputy District Manager has the authority to approve a contract or purchase order for goods or services on behalf of the District if the cost of such contract or purchase order is $50,000 or greater and less than or equal to $99,999.99 and there adequate funds in the budget to fund the expense, and the District Manager is authorized to sign such contract or purchase order on behalf of the District. The contract or purchase order must be in furtherance of an appropriation contained in the District Budget and must be disclosed to the Board at its next regularly scheduled meeting.

The Board shall approve all contracts and purchase orders of $100,000 or greater.

The District Manager shall establish procedures to ensure that purchases are approved by authorized individuals as set forth in the following table (Table 1).

TABLE 1

Levels	Authorized Approvers
Category 1 $5,000.00 or less **P-card or PO (if needed)**	Department Director or Purchasing Director
Category 2 $5,000.01 to $24,999.99 **PO required**	(1) Department Director; and (2) Purchasing Director
***Category 3** $25,000.00 to $49,999.99 **PO required**	(1) Department Director; and (2) Purchasing Director
***Category 4** $50,000 to $99,999.99 **Agreement & PO required**	(1) Department Director; (2) Budget Director; (3) Purchasing Director; and (4) Deputy District Manager or District Manager
***Category 5** $100,000.00 and over **Agreement & PO required**	(1) Department Director, (2) Budget Director, (3) Purchasing Director, (4) Deputy District Manager or District Manager; and (5) Board

*Approval is required at the applicable level where the total (aggregate) purchases of a particular service or commodity will exceed that threshold amount within one fiscal year.

Notwithstanding the foregoing, progress payments and purchases that are recurring purchases or services from contracts approved by the Board at a public meeting do not require further Board approval unless and until the terms of the contract for such purchase expires or requires formal Board renewal or action.

XII. Protests.

Protests shall be processed in accordance with the District General and Procedural Rules.

XIII. Suspension and Debarment

The District shall not solicit offers from, award contracts to, or consent to subcontracts with vendors who are suspended or debarred in accordance with the District General and Procedural Rules.