

TAMPA BAY WATER

Records Management Cover Sheet

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**TAMPA BAY WATER
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**TAMPA BAY WATER
A REGIONAL WATER SUPPLY AUTHORITY
RESOLUTION NO. 2014-002**

A RESOLUTION APPROVING AN AGENCY PURCHASING POLICY

WHEREAS, Tampa Bay Water is an interlocal governmental agency whose member governments are Hillsborough County (“**Hillsborough**”), Pasco County (“**Pasco**”), Pinellas County (“**Pinellas**”), the City of St. Petersburg (“**St. Petersburg**”), the City of New Port Richey (“**New Port Richey**”), and the City of Tampa (“**Tampa**”); and

WHEREAS, Tampa Bay Water is the sole and exclusive wholesale potable water supplier for its member governments; and

WHEREAS, Tampa Bay Water is authorized by Section 373.715(2)(b), Florida Statutes, to acquire water and water rights; to develop, store and transport water; and to provide, sell and deliver water for county or municipal purposes and uses; and

WHEREAS, Tampa Bay Water is authorized and required by section 373.715, Florida Statutes, to design, construct, operate and maintain facilities in the locations and at times necessary to ensure an adequate water supply will be available to all citizens within Tampa Bay Water’s geographic territory; and

WHEREAS, Tampa Bay Water’s “Purchasing Policy and Procedures Manual” dated December 18, 2006 is incorporated by reference in Chapter 49B-3.003, Florida Administrative Code; and

WHEREAS, Section 2.10, Amended and Restated Interlocal Agreement, requires Tampa Bay Water to retain a nationally recognized accounting or management consulting firm to conduct a performance audit and management study to review program results and make recommendations regarding Tampa Bay Water’s governance structure and the proper, efficient and economical operation and maintenance of its facilities every five years; and

WHEREAS, Tampa Bay Water’s Board hired LarsonAllen, LLP in September 2009 to conduct a performance and management study and whose final report in April 2010 included a recommendation to centralize the agency’s purchasing function; and

WHEREAS, in August 2010, Tampa Bay Water’s Board approved staff’s recommendation to reexamine the merits of centralizing its purchasing function; and

WHEREAS, in May 2012, Tampa Bay Water staff completed its reexamination of the merits of centralizing its purchasing function and developed a proposed method to implement a centralized purchasing function; and

WHEREAS, in August 2012, Tampa Bay Water's Board received staff's recommendation to centralize its purchasing function in fiscal year 2013 and fiscal year 2014; and

WHEREAS, on October 1, 2012, Tampa Bay Water's General Manager implemented the centralized purchasing function; and

WHEREAS, in order to achieve greater efficiencies through centralized purchasing, staff has developed the attached Purchasing Manual to be used by agency staff for the procurement of commodities, good and services; and

WHEREAS, the following Board Purchasing Policy shall guide and direct agency staff in implementing the agency's centralized purchasing function.

NOW, THEREFORE, be it resolved by Tampa Bay Water's Board of Directors as follows:

1. The Purchasing Policy contained herein and the Purchasing Manual attached hereto is approved and shall supersede and replace the "Purchasing Policy and Procedures Manual" dated December 18, 2006.
2. Staff shall initiate the repeal of Rule 49B-3.003.
3. Tampa Bay Water Board of Directors hereby adopts the following Purchasing Policy Statement:
 - A. The Board of Tampa Bay Water being desirous of adopting purchasing policies consistent with the laws of the State of Florida, does hereby adopt this policy. This policy cannot be changed without the approval of the Tampa Bay Water Board of Directors. The General Manager shall issue and maintain detailed operating procedures to carry out this policy.
 - B. It is recognized that the authority to procure equipment, supplies and services rests with the Tampa Bay Water Board of Directors. This authority will be delegated in the following manner:
 - i. The preferred method for acquiring equipment, supplies and services costing more than the existing bid limit is by sealed competitive bidding or by request for competitive sealed proposals.
 - ii. The authority for acquiring equipment, supplies and services less than or equal to \$100,000 is hereby delegated to the General Manager. The General Manager may delegate authority for acquiring equipment, supplies and services less than or equal to \$50,000 to senior staff, provided that the General Manager informs the Board of this delegation.
 - iii. Certain expenditures that may aggregate in excess of \$100,000 but which, due to their nature, do not require a purchase order and/or contract are not specifically approved by the Board prior to incurring the costs. These expenditures may result

from prior Board action, may be required by regulatory bodies, or by state or federal law, may be mandated by debt covenants, or may be mandatory for water production and have no alternative vendor source. The annual aggregate cost of these expenditures is approved by the Board by budget category, such as electric or other utility costs. To ensure the timely approval and payment of these expenditures, the Board delegates authority to the General Manager to approve expenditures within the following expenditure categories which individually or in the aggregate may be in excess of \$100,000:

- a. Salaries and employee benefits in accordance with the pay plan and annual budget approved by the Board:
 - i. Payment of wages;
 - ii. Payments of employee and employer contributions to employee benefit plans; and
 - iii. Payments to the Florida Retirement System.
- b. Local, state and federal taxes required by law:
 - i. Payments of state and federal taxes relative to payroll;
 - ii. Payments of sales and use taxes, excise taxes, etc;
 - iii. Property taxes; and
 - iv. Any other taxes or mandatory assessments when failure to make timely payment will result in assessment of penalties and/or interest.
- c. Payments to the United States Postal Service for postage**
- d. Utilities:
 - i. Payments for electrical service**;
 - ii. Payments for water service**;
 - iii. Payments for sewer service**;
 - iv. Payments for telephone service**;
 - v. Payments for other communication lines**;
 - vi. Payments for gasoline, diesel fuel and natural gas**.
- e. Payment for advertising when required by statute or Board policy, such as legal, procurement and employment ads**.
- f. Debt service and debt/cash administration (costs are established by contractual documents, Board resolutions, compliance requirements or law, however, purchase orders are not used for these expenditures)**:
 - i. Payment of principle and interest on debt;
 - ii. Payment of fees and charges on lines/letters of credit/other debt;
 - iii. Payment of trustee fees;

- iv. Payment of escrow agent fees;
- v. Payment of paying agent fees;
- vi. Payment of continuing disclosure costs;
- vii. Arbitrage rebate/reduction payments; and
- viii. Miscellaneous fees relative to debt service and cash management.

g. Mandatory fees to government agencies**:

- i. Vehicle registrations;
- ii. Licenses; and
- iii. Permits.

h. Mitigation payments to complainants and regulatory agencies when required by Board policy and/or permit conditions**.

**subject to budget limits approved by Board annually

- iv. The monthly register of all checks written and wire transfers made will be provided to the Board as a “receive and file” item in the agenda package of Regular Board meetings.
- v. All bids/proposals must be recorded in the Records Department located at 2575 Enterprise Road Clearwater, Florida 33763 on or before the time and date indicated on the solicitation. The responsibility for submitting bids/proposals is solely that of the bidder. The Agency will not be responsible for delays in mail delivery or delays caused by any other occurrence. Late bids will be considered nonresponsive and will not be accepted; no exception.
- vi. Exceptions to the utilization of the sealed competitive bid procedure or request for competitive sealed proposals for those purchases above the existing bid limit are:
 - a. Emergency Purchases
 - b. Sole Source Purchases
 - c. Cooperative Purchases
 - d. Direct Purchases of Construction Material
 - e. Interlocal/Intergovernmental Agreements
 - f. Grants
 - g. Labor and Employment Agreements
 - h. Insurance Agreements and Policies
 - i. Public Art
 - j. Judgments, settlements and opposing party’s legal fees and reimbursed costs
 - k. Software support agreements
 - l. Mitigation reimbursements to complainants
 - m. Florida Retirement System
 - n. Payroll taxes
 - o. Real Estate
 - p. Real Estate Appraisers

- q. Outside Legal Services
 - r. Expert Witness Services
 - s. Securities, Financing and Bond Agreements
 - t. Principal and interest payments on debt instruments and all associated issuance costs (all issuances of debt are approved by the Board of Directors)
 - u. Banking Services
 - v. Postage
 - w. Telephone Services
 - x. Advertising
 - y. Dues and Memberships
 - z. Books and Subscriptions
 - aa. Transportation and Travel
 - bb. Employee Attendance at Education and Training Seminars
 - cc. Disbursements from Petty Cash
 - dd. Mandatory fees to government agencies (vehicle registrations, permit fees, professional and occupational licenses, trash and sewer assessments, etc)
 - ee. Utility Services
 - ff. Negotiated Procurements after Rejection of All Bids/Proposals
 - gg. Contracts for professional services pursuant to Section 287.055 FS (CCNA)
 - hh. Other instances where exceptions are provided State or local law
- vii. Except as noted herein, purchases more than \$100,000 require the approval of the Board.
- viii Any purchase of equipment, supplies or services costing more than \$35,000 must be accomplished by competitive sealed bid or competitive sealed requests for proposals unless an exception applies. Bid limits for equipment, supplies or services utilizing other than Agency funds will be those required by the agency granting the funds or the Agency's bid limits, whichever is more stringent.
- ix. Rejection of Bids and Proposals:
- a. The Board shall have the final authority to reject any or all bids and proposals. Authority to reject all bids and proposals under \$100,000 is delegated to the General Manager.
 - b. In addition to other grounds, rejection may be based upon a determination that a bidder or offeror is non-responsible. A bidder or offeror will be determined to be non-responsible based on a conviction of a public entity crime.
 - c. A determination of non-responsibility of a bidder or offeror shall be made in accordance with procedures established by the General Manager. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility.

x. Emergency Purchases:

- a. The General Manager shall purchase by open market procedures, at the lowest obtainable price, any equipment, supplies or services regardless of the amount of the expenditures when an emergency condition exists. An emergency condition exists when the immediate procurement of equipment, supplies or services is essential to protect life, health or public safety. The General Manager has the authority to determine when an emergency exists.
- b. A full report of the circumstances of an emergency purchase exceeding \$100,000 shall be filed by the General Manager with the Board and retroactive approval requested, and shall be entered in the minutes of the Board and open to public inspection.

xi. Cooperative Purchasing and Government Contracts:

- a. The General Manager shall have authority to join with other units of government in cooperative purchasing ventures when the best interests of the Agency would be served thereby.
- b. Solicitations of bids shall not apply to purchases established under State of Florida Contracts, or Federal General Services Administration Contracts when authorized by the General Services Administration.

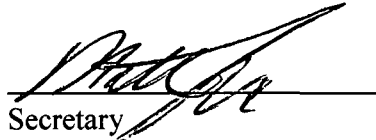
xii. Bid Protests – The General Manager shall establish procedures for filing protests and responding to protests from any actual or prospective bidder or offeror who is aggrieved in connection with a solicitation or proposed award, in accordance with Florida Statutes.

4. The Board hereby delegates to the General Manager the authority to revise and amend the Purchasing Manual consistent with law and Board policy when necessary and in the best interest of the agency.
5. If any phrase, portion or part of the Resolution is found to be invalid or unconstitutional by a court of competent jurisdiction, such phrase, portion or part shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remainder of the Resolution.
6. This Resolution shall take effect immediately upon passage and adoption.

PASSED AND ADOPTED by the Board of Directors of Tampa Bay Water, A Regional Water Supply Authority, on this 21st day of April, 2014.

ATTEST:

**TAMPA BAY WATER, A REGIONAL
WATER SUPPLY AUTHORITY**


Secretary

By: Susan Fatvala
Its: Chair
Date: 4-21-14

APPROVED AS TO FORM:

(SEAL)


Office of the General Counsel