



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

SECTION TITLE: 3 – PROCUREMENT

TITLE: 3.0 – PROCUREMENT OF GOODS AND SERVICES

ISSUANCE: October 22, 2025

EFFECTIVE: January 7, 2025

### PURPOSE:

This Administrative Policy and Internal Procedure for Procurement and Contracting (referred to throughout as the “Procurement Policy”), issued under the constitutional authority of the Clerk of the Court and Comptroller of Miami-Dade County (the “Clerk”), is promulgated to serve as general guidance for the orderly conduct of the purchases required by the Clerk. It also contains guidance concerning best contracting practices for the Clerk’s purchases of goods and services.

For the purpose of this Procurement Policy, capitalized terms shall have the meanings ascribed to them in Exhibit A, Definitions.

### POLICY:

It is the policy of the Clerk that procurement of the goods and services, contracting practices, and the discharge of the Clerk’s constitutional duties, will be done in a transparent manner, free of collusion and favoritism, and guided by the general principles articulated by the courts of this state for governmental purchases. This Procurement Policy is also informed by [Section 287.001, Florida Statutes](#), which affirms that “fair and open competition is a basic tenet of public procurement” and that “such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically.”

At the same time, the Clerk finds that efficient contracting and purchasing, free from delays and complications resulting from unnecessary and bureaucratic procurement processes, is in the public interest. To serve these important principles, the Clerk hereby sets forth the procurement procedures established below. These procedures are intended to balance the desirable effects of open competitive processes, with the necessities of conducting an efficient business operation intended to serve the public in a cost-effective and expeditious manner. These procedures are intended to guide the Clerk personnel in the necessary internal procurement procedures and will not form the basis for a protest by Vendors.

### AUTHORITY TO AMEND:

This Procurement Policy may be amended by the Clerk from time to time. Each version will contain a version number and effective date to confirm its official status. The version number will appear in the title of the document to reflect each update.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

### 3.1 INTERNAL PROCUREMENT PROCEDURES

#### 3.1.1 Authority and Scope

The Procurement Policy is promulgated under the authority of Florida Constitution, [Article II §5](#); [Fla. Stat. § 218.33 \(3\)](#); and [Fla. Stat. 28.12](#). It applies to all departments, personnel, and functions serving the Clerk.

#### 3.1.2 Interpretation, Enforcement, and Amendment

The Procurement Director is primarily responsible for the interpretation, implementation, and enforcement of this Procurement Policy. The Procurement Director's authority under this Procurement Policy may be delegated upon written approval by the Clerk. By exception, the primary responsibility for using best contracting practices and for enforcing contract terms rests with the Clerk's authorized agent charged with administering the contract that results from the procurement.

This Procurement Policy is intended to work together with separate policies and directives issued by the Clerk, most significantly the authorized purchasing thresholds for Clerk personnel. Nothing in this Procurement Policy is intended to modify those thresholds, and the level of authority required to make any purchase, including authorizing any award, competition or bid waiver, under this policy shall be subject to those thresholds.

#### 3.1.3 Interpretation of Dollar Thresholds

Amounts set forth below shall be understood as total anticipated price of the contract for the initial contract term, inclusive of all renewal or extension options. Contract estimates shall be based on commercial reasonableness and shall not be divided artificially to circumvent the dollar thresholds set forth in this Procurement Policy. Unless otherwise expressly stated in this Procurement Policy, the threshold dollar amounts shall be understood to be per transaction, and shall not be stacked, split or structured in such a way as to circumvent the thresholds. If recurring purchases are reasonably anticipated, the anticipated purchases shall be considered in the application of the thresholds. Any doubt shall be resolved in consultation with the Procurement Director who shall decide the matter with a view to promoting the greatest competition consistent with the need.

#### 3.1.4 Dollar Thresholds and Delegated Authority

The Clerk retains full authority for all procurement actions. Certain responsibilities may be delegated to the Procurement Director, and in limited cases, to Department Directors, as outlined in this Procurement Policy.

Procurement authority is structured as follows:

- **P-Card Purchases** may be authorized by the Clerk, provided that no single transaction exceeds \$25,000.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- **Micro Purchases**, defined as purchases up to \$2,500, may be approved by a Department Director or designee. No competition is required, but written approval is required from the Department Director or designee.
- **Small Purchases** are divided into two tiers:
  - a. Over \$2,500 up to \$5,000: Require a minimum of two written price estimates. Approval by the Procurement Director, or designee.
  - b. Over \$5,000 up to \$25,000: Require advertised competition, typically in the form of an Invitation to Quote (ITQ). Approval by the Procurement Director, or designee.
- **Competitive Purchases**, defined as any procurement over \$25,000, require formal advertised competition. The Procurement Director, or designee, may approve competitive awards and contract modifications up to \$200,000 per year of the contract. Any award exceeding this amount must be approved by the Clerk for approval.
- **Bid Waiver Purchases**, require written justification. The Procurement Director, or designee, may approve such purchases up to \$100,000 per year of the contract. Any such purchase above that threshold requires approval by the Clerk.
- **Contract Modifications** may be approved by the Procurement Director, or designee, under the following conditions:
  - a. The modification does not cause the contract value to exceed the delegated approval threshold for any single year of the contract.
  - b. The modification involves an administrative extension of up to 180 calendar days to prevent lapse in services, inclusive of prorated funds. Any extension beyond 180 days requires Clerk approval.

All delegated actions must comply with the procurement methods, thresholds, and documentation requirements outlined in this Procurement Policy.

### 3.2 PROCUREMENT PROCESSES

#### 3.2.1 Initiating the Procurement

For the Procurement Office to initiate a procurement, the Department must submit a Requisition approved by the Department Director and the director of budget, or his or her designee, as applicable.

The Requisition should contain, where applicable to the goods and services to be purchased, the following:

- Estimated value
- Projected term of contract
- Project start date
- Funding source



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- Purchasing justification
- Good or service description
- Product requirements
- Licenses or certifications required
- Technical specifications, such as sizes, quantities, and materials
- Delivery location information
- Installation requirements
- Warranty requirements
- Training requirements
- Maintenance requirements
- Quality assurance
- Customer service
- Safety requirements
- Identification of the purchasing liaison

Requirements should be guided by past usage, previous audit history, projected future usage, and funding considerations.

Before a recommendation for a new procurement is made, the person initiating the procurement shall conduct a diligent search to determine that the goods and services required are not available from an existing contract. In the event there is an existing source, the Requisition shall contain a written justification for the new procurement, unless the existing source is expiring, and the procurement is for a replacement contract.

### **3.2.2 Review of Requisition and Method of Procurement**

Based upon a review of the Requisition, the Procurement Office, in consultation with the Procurement Liaison, shall determine the most appropriate method of procurement of the required goods and services. The method of procurement shall be subject to the dollar thresholds and other considerations set forth in this Procurement Policy.

### **3.2.3 Procurement and Contract Management Systems**

The Clerk's Office utilizes INFORMS as the primary platform for procurement activities, including solicitations, Vendor registrations, Purchase Orders, and contract management. The system supports transparency, accountability, and continuity in the procurement process. Should the Procurement Office implement an alternative or supplemental platform for contract management, such platform shall be



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

used in coordination with INFORMS. Procurement Office staff must be trained on the proper use of INFORMS and any alternative or supplemental platforms to ensure consistent and compliant operations.

### 3.3 NON-COMPETITIVE PURCHASES

Purchases not exceeding the Minimum Threshold for Competitive Purchases are exempt from competition and shall be governed by this Section.

#### 3.3.1 Purchasing Card (P-Card) Use

The Clerk may issue P-Cards to designated personnel to facilitate purchases. Use of P-Cards shall follow the dollar and use limitations established in the Clerk's P-Card program policy and the applicable P-Card guidelines but shall not exceed the Minimum Threshold for Competitive Purchases. P-Card holders shall observe any additional restrictions imposed by the Clerk and shall not use P-Cards to circumvent the procurement processes of this Procurement Policy.

#### 3.3.2 Micro Purchases

Purchases authorized by the Department Director that fall below the threshold established for Micro Purchases do not require pricing comparisons or competitive processes. Micro Purchases shall be approved in writing by the Department Director or their designee, consistent with the dollar thresholds and delegated authority outlined in this Procurement Policy.

#### 3.3.3 Small Purchases

Small Purchases shall be authorized by the Procurement Director, or designee, and shall be accomplished in the manner most appropriate to the circumstances, after evaluation of factors such as urgency, commodity, availability and price, all with a view to providing the maximum amount of competition which is reasonable. The Department Director or Procurement Officer shall recommend the appropriate method of procurement to the Procurement Director based on these factors.

Small Purchases are subject to different procedural requirements depending on the dollar value, as outlined in this Procurement Policy. For purchases that fall within the lower Small Purchase range, at least two (2) informal written quotes must be obtained. Informal written quotes may be submitted in any written form, including e-mails, screenshots from Vendor websites, or other documentation that clearly identifies pricing, Vendor information, and item details. If the Procurement Officer recommends an option other than the lowest-priced quote, a written justification based on Best Value is required. If two (2) informal quotes cannot be obtained, an explanation must be provided with the request for approval.

For higher-value Small Purchases that remain below the Minimum Threshold for Competitive Purchases, a competitive process, such as the issuance of an ITQ, must be used.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

### 3.3.4 Pilot Project and Development Agreements

The Clerk may enter into pilot project or product development agreements with current or prospective Vendors to test and evaluate technologies, products, or services, provided that:

1. The term does not exceed 12 months;
2. The agreement is at no monetary or fiscal cost to the Clerk, except for routine employee or consultant review expenses;
3. The agreement does not provide compensation to the Vendor, including access to data or other non-monetary value, unless expressly approved in writing by the Clerk;
4. There are no exclusive, in-kind, or advertising commitments by the Clerk;
5. The Vendor indemnifies the Clerk;
6. The Clerk retains ownership of any data generated; and
7. The agreement is terminable at will by the Clerk.

If the Clerk later issues a competitive solicitation for similar technology, products, or services, the solicitation must disclose results of the pilot or demonstration.

### 3.3.5 Purchases Not Involving Clerk Funds

The Clerk may negotiate and enter into contracts to benefit Clerk staff and other Clerk interests that do not involve the expenditure of funds of the Clerk. For example, making available to its employees, at employees' sole cost, additional insurance or other benefit programs. Those contracts shall not require competition to the extent they are intended to be funded by persons other than the Clerk.

## 3.4 COMPETITIVE PURCHASES

Purchases exceeding the Minimum Threshold for Competitive Purchases shall require competition and shall be guided by the provisions of this Section, unless competition is waived by operation of the Bid Waiver provisions set forth in Section 3.5 below. Competitive purchases shall include Invitation to Bid (ITB), Request for Proposals (RFP), Request for Qualifications (RFQ) and other specialized processes set forth below. The Procurement Director may also choose in his or her discretion to issue a Request for Information (RFI) in connection with any Competitive Purchase. All Competitive Purchases shall be done under the authority of the Procurement Director.

### 3.4.1 Piggybacking and Cooperative Agreements

The piggybacking of an agreement made by a separate entity, or purchases made under a cooperative purchasing agreement, may be authorized by the Procurement Director when such action represents the Best Value to the Clerk's Office. In making this determination, the Procurement Director may consider factors such as whether the contract was competitively solicited, whether it permits third-party purchases, the time elapsed since solicitation, the similarity of the contract scope, and the alignment of



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

contract terms and conditions. A price comparison to other quotes or procurement methods may support the justification but is not required. Under these procurement methods, the contract is not intended to be used merely as a basis for negotiation. Piggyback purchases or purchases under cooperative purchasing agreements may be implemented through a letter of agreement with the awarded Vendor.

The rationale for the use of piggyback purchases or purchases under cooperative agreements must be documented in writing and made part of the contract file.

### **3.4.2 Vendor Benches**

Vendor Benches shall be appropriate when prequalification of Vendors is determined to be in the best interest of the Clerk. This method is typically used where the need is recurring, but the timing quantities, or exact scope of purchases cannot be precisely defined in advance, and where Vendor qualifications are an important part of the evaluation. The establishment of a Vendor Bench may be authorized by the Procurement Director or by the Clerk, based on the threshold levels defined in this Procurement Policy. Vendor Benches remain open to new qualified Vendors on a rolling basis, ensuring ongoing competitions to be conducted efficiently among Vendors who have already met the minimum qualifications.

Determination of Vendor qualification shall be through evaluation, examination, or testing. Generally, qualifications are performed in advance and independently of any specific purchase of goods and services. The Clerk will publicly announce opportunities for qualification and periodically furnish new points of entry for new qualified Vendors. Vendors on a Vendor Bench are responsible for alerting the Clerk's Office if there has been a material change in their qualifications or in products or services to be offered.

In addition to Vendor Benches created by the Procurement Director, the Clerk may rely on Vendor Benches (also known as Request to Qualify or Prequalification Pools) established by Miami-Dade County.

The rationale for the use of a Vendor Bench, and for any award to someone other than the Vendor offering the lowest price in a price solicitation, must be documented in writing and made part of the contract file.

Once a Vendor Bench has been established and the method of use authorized by the Procurement Director, spot market competitions or assignments from the Vendor Bench do not require separate procurement method approval, provided that the process used to select Vendors is consistent with the approved bench framework. The original authorization for the Vendor Bench shall serve as the approval for its method of use. Each transaction shall be documented and retained in the procurement file in accordance with the procedures established for that Vendor Bench.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

### 3.4.3 Standard Competitive Processes

The Clerk intends, whenever reasonably and commercially practicable, to determine which responsive and responsible Vendor offers the Clerk the Best Value through a competitive procurement process. If the award of a price-based solicitation is made to a Vendor not offering the lowest price, the procurement file must document in writing the reason for the Best Value determination. The following provides guidance as to the different methods of procurement and when their use is appropriate. Questions with respect to which procurement method is appropriate under the circumstances will be resolved by the Procurement Director.

Purchases exceeding the threshold established in this Procurement Policy will generally be conducted through an advertised competitive process including ITBs and RFPs providing for full and open competition. All competitive processes must be conducted in a fair and equitable fashion by providing the same information, under the same conditions, to all Vendors. The Procurement Officer must endeavor to provide notice of proposed acquisitions through electronic media, including specifications, technical data, and other information reasonably necessary for a Vendor to provide a response.

The solicitation documents must provide a response time, which ordinarily will not be fewer than 14 calendar days after the issuance of the solicitation document, except that the Procurement Director may, in circumstances to be documented in the file, establish a shorter period.

- i. An ITB may be issued if:
  - a. Time permits the solicitation, submission, and evaluation of sealed bids.
  - b. The award will be based on price and other price-related factors.
  - c. It is not necessary to conduct oral presentations with the responding offerors about their bids.
  - d. There is a reasonable expectation of receiving more than one bid.
- ii. An RFP may be used if the solicitation involves evaluating factors other than price or where oral presentations to discuss the contents of an offer will be necessary.
- iii. To be considered for an award, a bid or proposal must comply in all material respects with the solicitation document.
- iv. When solicitations are issued through INFORMS, submissions are electronic and secured in an INFORMS mailbox until the end date and time as indicated in the solicitation. The Vendor shall be instructed to ensure its submission is fully completed and uploaded to INFORMS before the solicitation closing date and time.
- v. Electronic bid submissions may require the uploading of electronic attachments. The submission of attachments containing embedded documents or proprietary file extensions is prohibited. All documents should be attached as separate files.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- vi. Requests for additional information or inquiries, including procedural or administrative questions, must be made in writing and submitted using the question-and-answer feature provided in INFORMS. The Procurement Office may issue responses to inquiries and any changes to the solicitation that it deems necessary in form of written addenda issued prior to the proposal due date. Vendors who obtain copies of a solicitation from sources other than through INFORMS risk the possibility of not receiving addenda and are solely responsible for those risks.

The Clerk's Office is under no obligation to respond to communications from Vendors, lobbyists, or representatives during the solicitation process, except as required by law.

### 3.5 BID WAIVERS

The Clerk, or his or her designee when authorized by this Procurement Policy, may determine in his or her discretion that a competitive process for a purchase is not in the public interest and authorize a Bid Waiver. Circumstances under which a Bid Waiver may be considered include, but are not limited to, Emergency conditions, immediate needs, the absence of qualified bids or proposals, sole source availability, or purchases of specialized services or goods where a competitive solicitation would not result in improved value. These circumstances are further outlined in Section 3.5.1.

#### 3.5.1 Presumed Bid Waivers

The following circumstances are presumed appropriate for the use of a Bid Waiver under this Procurement Policy.

##### A. Situational Waivers

These waivers are based on the nature of the procurement circumstance:

1. **Immediate need.** The required user did not reasonably foresee the required purchase in sufficient time for a normal competitive process to be followed, or the source of funding would be compromised by delay.
2. **Emergency need.** Important public processes will be compromised, property will be destroyed, or unjustifiable additional costs will be incurred if the procurement is not completed without delay. See Section 3.5.3 for requirements.
3. **Sole source.** After diligent inquiry, goods or services are determined to be available from one identifiable source due to unique qualifications, proprietary technologies, or the lack of comparable alternatives.
4. **No bid submitted.** No Vendors submitted a bid or otherwise responded to the opportunity.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

5. **No responsive or responsible bid submitted.** A bid was received but deemed non-responsive or submitted by a Vendor whose responsibility could not be confirmed.

### B. Purchase-Type Waivers

These waivers are based on the nature of good or service being procured:

1. **Legal and Professional Services.** Including legal services, trial consultants, hearing examiners, mediators, arbitrators, and similar professionals needed to address the Clerk's legal needs.
2. **Specialized Expertise.** Expert to use in connection with any reasonably foreseeable litigation or dispute, whether or not the expert is expected to testify, court reporter services, appraisal services, sign language services, foreign language interpretation services, subscription services to periodicals and databases, media monitoring services, investigative and collections research services, together with document management and production, legal research, and information technology products and services.
3. **Software, Technology, and Legacy Systems.** "Shrink wrap" or "click-wrap" software licenses, maintenance agreements, support services, upgrades, and enhancements that are only available from the original developer, manufacturer, or an authorized service provider, and are necessary to maintain, renew, or extend the functionality of existing systems, preserve warranties, or ensure compatibility with proprietary platforms. It further includes legacy systems or solutions, whether software, hardware, or integrated platforms, on which the Clerk is operationally dependent, where replacement would require substantial expenditure, or would pose a material risk of disruption to Clerk operations.
4. **Goods.** Goods, including equipment, subject to manufacturer warranties, including replacement parts, proprietary consumables, or maintenance agreements that can only be reasonably obtained through the original manufacturer or its authorized dealer.
5. **Professional Consulting.** Marketing consultants, lobbying services, or business consultants whose selection is based on specialized expertise, unique qualifications, or established knowledge of the Clerk's operations, and whose services are not reasonably available through competition.
6. **Advertisements.** All forms of advertising services.
7. **Grant-Funded Purchases.** Items purchased with grants, gifts, or donations, provided purchases comply with any conditions attached to the funding.
8. **Professional Development.** Dues, memberships, registration fees, and job-related training costs.
9. **Educational Services.** Academic programs, trainers, facilitators, advisors, and speakers.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

10. **Government and Non-Profit Agreements.** Agreements with non-profit organizations and interlocal agreements with governmental entities.

11. **Direct Producer Purchases.** Items purchased directly from producers, publishers, copyright owners, exclusive agents, governmental agencies, or educational institutions.

### 3.5.2 Bid Waiver Procedures

A request for a Bid Waiver shall be evidenced by a written request, inclusive of a detailed justification and approved by the Department Director or designee and forwarded by the Procurement Liaison to the Procurement Office. If the Bid Waiver is originated in the Procurement Office, a Bid Waiver justification containing the same information shall be maintained. The Procurement Director shall be authorized to approve Bid Waivers in an amount authorized in this Procurement Policy. Any Bid Waiver exceeding that established amount shall require the approval of the Procurement Director and the Clerk. The executed Bid Waiver shall be maintained in the procurement file.

### 3.5.3 Emergency Purchases

An emergency is an unforeseen situation that poses an immediate threat to life, health, safety, property, or the uninterrupted delivery of essential services, requiring immediate action without delay of standard procurement procedures. An emergency is also presumed upon formal declaration of emergency by the proper authority, including the Clerk, Miami-Dade County, the State of Florida, or the Federal Government. In addition, a Department Director, or authorized designee, may determine and certify in writing that an emergency exists, describing the nature of the emergency, the goods or services required, and the potential impacts of delay. Once certified, the determination and purchase related documentation shall be submitted to the Procurement Director for approval and processing by the Procurement Office in line with the delegated dollar thresholds established under 3.1.4.

## 3.6 EVALUATION

### 3.6.1 Responsiveness

Identified irregularities in a Proposal or Bid shall be evaluated to determine whether the Proposal or Bid is responsive. The Procurement Director, together with legal counsel, will address any issues of responsiveness. A bid or proposal is deemed responsive if it contains the Vendor's unequivocal offer, as shown on the face of the response to provide the goods or services called for by the material terms of the solicitation. A responsive Proposal or Bid means one submitted at the correct time and in the correct form, containing all required information and signatures, such that the Clerk's Office may be reasonably assured that a contract will be entered into and performed in accordance with the Clerk's Office's requirements.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

The determination of whether a Proposal or Bid is responsive shall be made by reference to case law in the State of Florida applicable to governmental purchases, and to persuasive federal administrative and case authority governing purchases by the federal government.

### **3.6.2 Responsibility**

Purchases will be made from, and contracts will be awarded to, responsible Vendors only. No purchase will be made unless the Procurement Director, through its authorized agents, makes an affirmative determination of responsibility. A Vendor must affirmatively demonstrate its responsibility, including, when applicable, the qualifications of its proposed personnel and subcontractors. Responsibility includes the Vendor's technical ability, financial and operational capacity, and a demonstrated commitment to integrity, honesty, and ethical business practices. The Procurement Office may request from any Vendor additional information needed to make this determination, and such information must be supplied by the Vendor when requested, up through the time of the award.

For a Vendor to be responsible, a Vendor must: (a) have adequate financial resources to perform the contract; (b) be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing business commitments; (c) have a satisfactory performance record; (d) have a satisfactory record of integrity and business ethics; and (e) have the necessary means of production, skills, licenses, or the demonstrated ability to obtain them. A Vendor that is or recently has been seriously deficient in contract performance with the Clerk's Office, another constitutional office of Miami-Dade County, or Miami-Dade County will be presumed to be not responsible, unless the Clerk can affirmatively determine that the non-performance was due to circumstances outside of the Vendor's control or the causes of the non-performance have been adequately addressed by the Vendor. Vendors are solely responsible for evaluating the qualifications and capabilities of their subcontractors. The Clerk's Office does not assume responsibility for determining subcontractor responsibility; however, a subcontractor's inability to perform may impact the overall assessment of the Vendor's performance.

The Procurement Director will resolve, in its sole discretion, any issues related to Vendor responsibility up through the time of award. While facts relating to a Vendor's responsibility may also have a bearing on the qualitative evaluation of the Vendor, the two (2) are separate and independent inquiries, one bearing on whether the contract should be awarded and under what conditions, and the other relating to the relative ranking of the Vendor.

### **3.6.3 Selection Committee**

The Procurement Director shall appoint a Selection Committee for any competitive process providing for the evaluation of qualification, experience, pricing assumptions, conditions or qualifications, or any other criteria involving judgment. Members of the Selection Committee shall be instructed on provisions of Florida law which govern their conduct and on the Clerk's expectations for the discharge of their duties.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

A Selection Committee shall consist of no fewer than three (3) members. A larger number, including alternates, may be designated for more complex or high value procurements. Evaluations may proceed when a quorum of the Selection Committee is present. Non-voting technical advisors may also be appointed, as needed, to provide subject-matter expertise and feedback to the Selection Committee, if requested.

For larger or complex procurements, the Procurement Director may issue an Evaluator's Guide. Members of a Selection Committee may refer to the Evaluator's Guide when evaluating Proposals. The guide provides written instructions on the competitive solicitation process, the application of evaluation criteria, and the documentation of evaluations. Selection Committees shall apply the evaluation criteria established in the solicitation and follow the procedures and forms provided by the Clerk's Office.

Selection Committee members who participate in all phases of the evaluation process, from initial review through final recommendation, may be eligible to receive up to eight (8) hours of administrative leave, not to exceed a total of twenty-four (24) hours per fiscal year. Eligibility is contingent upon full participation in all scheduled meetings and activities related to the procurement. Members who fail to complete all phases of the process will not qualify for administrative leave. The eligibility for such leave shall be memorialized in the Selection Committee's written recommendation to ensure proper documentation and oversight.

### **3.6.4 Evaluation and Recommendation**

The criteria for selection, including the relative importance of qualitative factors such as experience, approach, and qualifications in relation to price, will be identified in the solicitation document. The evaluation and selection process will generally follow a tradeoff approach, recognized in the Federal Acquisition Regulation, with decisions made by consensus whenever possible. A written consensus statement shall be developed and transmitted by the Selection Committee, together with its recommendation to proceed to negotiations, to the Procurement Director.

If numerical scoring is used, the Procurement Director shall be responsible for resolving any score which appears to be irrational or not based on the record, or which is so disproportionately low or high such as to create, in the Procurement Director's discretion, a disproportionate impact over the results. Such resolution may involve asking the outlier, or the entire Selection Committee, to rescore.

### **3.6.5 Protest**

Bid protests shall only be allowed where specifically provided in the applicable specification. Vendors shall not be entitled to protest any award except where, and to the extent specifically provided, in the applicable specification. Regardless of the specification, there shall be no protest of the express terms of any specification or of any claimed ambiguity that could have been raised prior to the submittal of a bid or proposal. Further, there shall be no protest of a decision to reject all bids, or to authorize a Bid Waiver.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

When protest procedures are included in a solicitation, the following shall occur:

A Bidder or Proposer may submit a written protest regarding a recommendation for contract award. To be considered, the protest must clearly state the specific basis for the objection and include sufficient detail for the agency to evaluate the concern. A written notice of intent to protest must be submitted within three (3) business days of the notification of the intended award. The notice must state with particularity the specific facts and legal grounds on which it is based. At the time of filing the intent to protest, the protestor must also submit a non-refundable filing fee in the form of a cashier's check, money order, or protest bond in the amount of \$5,000 made payable to the Clerk of the Board. The protestor must send a copy of the intent to protest to the Clerk of the Board via email at [coccbidprotest@miamidadeclerk.gov](mailto:coccbidprotest@miamidadeclerk.gov) and to all participants of the competitive process.

Within three (3) business days of the Clerk of the Board's receipt of the filing fee and written intent to protest, the protestor must submit all pertinent documents and supporting evidence. Copies of the protest packet must also be sent to all participants in the competitive process. Protests that are submitted after the deadline or that do not include sufficient information to allow for review may not be considered. The Procurement Director shall be authorized, but not required, to allow for oral presentations or the presentation of testimony in support, or opposition, to a protest. In the event the same is allowed, no protest hearing shall exceed four hours in duration. The written decision issued by the Procurement Director in response to the protest will be final and not subject to further administrative review. All protest-related documentation will be retained in the procurement file.

### 3.7 OBLIGATIONS AND DUTIES OF CLERK PERSONNEL; CONTRACT ADMINISTRATION

#### 3.7.1 Responsibilities of Departments other than the Procurement Office

Departments other than the Procurement Office shall be responsible for the following:

1. **Follow the Contract Requirements.** Adhere to the terms and conditions of the contract. Cross-reference all invoices before signing and accepting with the contract deliverables, scope of work, and Purchase Order.
2. **Contract Management.** Monitoring Vendor performance, reviewing deliverables, and ensuring compliance with contract terms and conditions through designated Project Managers and Purchasing Liaisons.
3. **Documentation.** Maintaining accurate records of all contract deliverables, including Vendor communications, recording Vendor performance and contract Purchase Orders and Invoices.
4. **Ethical Conduct.** Adhering to the highest standards of ethical conduct in all procurement activities, including avoiding conflicts of interest and maintaining appropriate Vendor relationships.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

5. **Needs Assessment and Planning.** Identifying and documenting procurement needs based on operational requirements, strategic objectives, and available budget. Departments must complete and return the required requisition documents within two (2) weeks of initial request and plan procurements with sufficient lead time to allow for proper competitive processes.
6. **Budget Management.** Ensuring sufficient funds are available for making purchases and monitoring expenditures against allocated budgets. Departments must obtain budget approval from the Clerk's budget office prior to initiating procurement requests. Any changes to budget values prior to award must be reverified by the Procurement Office before proceeding.
7. **Requirements Development.** Developing clear, comprehensive, and accurate specifications, scopes of work, and statements of requirements that enable Vendors to understand the Clerk's needs and submit responsive bids/proposals.
8. **Technical Expertise.** Providing subject matter expertise during solicitation development, proposal evaluation, and contract negotiation to ensure procured goods and services meet operational requirements.
9. **Coordination with Procurement Office.** Working collaboratively with the Procurement Office to ensure compliance with this Procurement Policy and applicable laws and regulations.
10. **Department Communication with the Vendor.** For contracts that require direct and continuous communication between the Department and Vendors for the delivery of goods and services, Departments should identify a point person to provide Department oversight of the Vendor's performance and deliverables.

Responsibilities may include:

- Overseeing day-to-day contract services
- Monitoring Vendor performance
- Reviewing deliverables
- Approving invoices
- Ensuring compliance with contract terms and condition
- Maintaining regular communication with the Vendor
- Documenting performance issues or concerns
- Promptly reporting significant issues to their immediate manager or Department Director
- Conducting periodic Vendor performance evaluations
- Recommending modifications to the scope of services



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- Communicating contract-related challenges or disputes to their immediate manager or Department Director

### 3.7.2 Role of Purchasing Liaison

Departments may assign Purchasing Liaisons to coordinate Department purchasing activities with the Procurement Office. The responsibilities of Purchasing Liaisons include:

- Monitor remaining allocation and burn rate of funds assigned to the Department under contracts
- Collect historical data on past contract use and goods/services purchased
- Provide market research recommendations to Procurement Office based on budget requirements, past performance, feasibility, short- and long-term operational goals, as well as the overall Department's needs
- Ensure that the subject matter experts are identified and assigned responsibility for developing the scope of work and technical requirements for new projects

### 3.7.3 Contract Deliverables Management

This section establishes responsibilities for managing contract deliverables and ensuring performance throughout the contract lifecycle.

- a) **Contract Administration Lifecycle:** Contract management encompasses the entire lifecycle of an agreement, from execution through closeout. Departments are responsible for day-to-day contract oversight, including monitoring Vendor performance, ensuring deliverables are met, and addressing operational issues. In collaboration with Project Managers, the Procurement Office administers contracts, including processing amendments, renewals, and other formal actions. The Procurement Office also ensures that all contracts are managed in compliance with applicable terms, conditions, and performance requirements.
- b) **Monitoring of Contract Deliverables:** Department Project Managers are responsible for actively monitoring Vendor performance and ensuring that all contract deliverables are met. This includes:
  - Reviewing contractually defined key performance indicators (KPI) and deliverables on a regular basis;
  - Holding periodic review meetings with the Vendor;
  - Communicating performance expectations and protocols to the Vendor;
  - Documenting performance issues and concerns; and
  - Escalating unresolved or recurring performance issues to the Procurement Office.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

Project Managers must also maintain a contract file containing documentation of all significant activities, including meeting minutes, correspondence, deliverable submissions, performance evaluations, payment approvals, and any approved contract modifications.

### **3.7.4 Form Documents**

The Procurement Office is responsible for drafting, issuing, and maintaining the most current versions of all official procurement forms. Departments must contact the Procurement Office to request initiation of any applicable process or to obtain a copy of an approved form. The current list of approved forms is maintained by the Procurement Office and may include, but is not limited to, addenda, contract modifications, and Vendor Bench documentation.

### **3.7.5 Contract Modifications**

For the purpose of this Procurement Policy, contract modifications include all formal changes to a contract after execution, including but not limited to time extensions, monetary increases, scope adjustments, or other substantive amendments. These changes are commonly referred to as Amendments and must be processed through the Procurement Office.

All contract modifications shall be processed by the Procurement Office, regardless of whether they are pre-approved under the original contract. If a modification increases the total contract value beyond the delegated authority established in this Procurement Policy, it must be approved in accordance with those thresholds. Routine modifications, such as annual price adjustments, that were anticipated and authorized in the original contract do not require additional approval, provided they do not alter the contract's scope or extend the term or value beyond the applicable threshold.

All contract modifications must be justified by Departments, approved in accordance with the applicable delegated authority, maintained by the Procurement Office, and retained in the contract file. Time extensions shall not exceed the original contract term unless expressly approved in the original contract.

Once fully approved and executed, the Amendment shall be uploaded to the contract record INFORMS or any successor or designated contract management system for tracking and compliance purposes. The Procurement Office will coordinate with Departments to determine whether a proposed modification is appropriate. Modifications executed without the required approvals will be considered an Unauthorized Procurement or Purchase and may constitute an Unauthorized Procurement or Purchase as described in Section 3.9 of this Procurement Policy. Such actions may be subject to administrative review and corrective action.

## **3.8 ETHICAL CONDUCT**

Ethical conduct in procurement is essential to maintaining public trust and ensuring fair competition. All participants in the Clerk's procurement process must adhere to the following standards:



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

1. **Legal Compliance.** Clerk employees must comply with all applicable Ethical Standards required by State law, including [Chapter 112, Part III of the Florida Statutes](#) ("Code of Ethics for Public Officers and Employees").
2. **Core Values.** Employees must provide responsive, responsible, and efficient government services through prudent fiscal management and proper safeguarding of Clerk records.
3. **Communication Restrictions.** To ensure transparency and fairness:
  - Selection Committee members must refrain from communicating with participating Vendors during the evaluation process
  - All communications must follow protocols specified in the solicitation documents
  - The restriction period remains in effect until the Procurement Director has signed the recommendation resulting from the evaluation process, whether for award, rejection of all responses, or other action following completion of negotiations
4. **Conflict of Interest.** Employees must disclose any actual or potential conflicts of interest and recuse themselves from procurement activities where such conflicts exist.
5. **Confidentiality.** Employees must maintain the confidentiality of proprietary information, trade secrets, and other sensitive information received during the procurement process.
6. **Gifts and Gratuities.** Employees must not solicit or accept gifts, gratuities, favors, or anything of monetary value from Vendors or parties to subcontracts.
7. **Fair Treatment.** All Vendors must be treated equitably, with no preferential treatment or unfair advantage given to any party.

Violations of these ethical standards may result in disciplinary action and may, in the event of the Clerk's determination that the action exerted undue influence or was materially advantageous to the party committing the violation, affect the validity of related procurement actions.

### 3.9 UNAUTHORIZED PROCUREMENT OR PURCHASES

A purchase or commitment of funds by an employee who does not have the authority to do so, or a purchase or commitment of funds by an authorized employee but not in accordance with the procedures stated in this Procurement Policy, may result in individual accountability and disciplinary action. The Department Director, having responsibility over the unauthorized purchase, shall respond to the Clerk in writing with a complete justification for all activity, to include the disciplinary action taken, if appropriate, and the corrective action(s) implemented to prevent recurrence.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

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## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

### **DISTRIBUTION:**

This policy shall be distributed to Clerk departments, agencies, or individuals who need to receive this order.

### **CONTACT INFORMATION:**

For questions or further information, please contact the 305-375-5127.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

### EXHIBIT A – DEFINITIONS

- **Amendment.** A document executed in connection with an existing contract that changes its terms.
- **Best Value.** The highest overall value to the Clerk, based on the consideration of factors that may include, but are not limited to, price, quality, design, availability, schedule, workmanship, and responsibility of the Vendor.
- **Bid.** A formal offer submitted in response to an Invitation to Bid (ITB), in which a Vendor proposes to provide specified goods or services at a stated price, in accordance with the terms and conditions of the Solicitation.
- **Bid Waiver.** A purchase exceeding the Minimum Threshold for Competitive Purchases that is authorized without formal competition based on documented justification.
- **Bidder.** A person, firm, joint venture, or entity that submits a response to an ITB or Invitation to Quote (ITQ) issued by the Clerk for the provision of specified goods or services as part of a competitive process.
- **Clerk of the Court and Comptroller (Clerk).** The duly elected constitutional officer as mandated by [Article V, Section 16 of the Constitution of the State of Florida](#).
- **Clerk's Office.** The Florida constitutional office under the administration of the Clerk, with statutory authority to perform and execute the duties of the Clerk in Miami-Dade County.
- **Competitive Purchase.** A purchase exceeding the Minimum Threshold for Competitive Purchases and is conducted through a formal, advertised solicitation process.
- **Contract Award.** The formal decision by the Clerk, or designee, to enter into an agreement with a Vendor as the result of a competitive or authorized procurement process.
- **Department.** Any administrative department of the Clerk identified in the most recent table of organization authorized by the Clerk.
- **Department Director.** The individual responsible for managing a department within the Clerk's Office, as identified in the Clerk's current organizational structure, other than the Clerk. This definition includes individuals who may hold multiple titles, but excludes actions or authority exercised in their capacity as Procurement Director.
- **Emergency.** An unforeseen situation that poses an immediate threat to life, health, safety, property, or the uninterrupted delivery of essential goods or services, requiring immediate action without the delay of standard procedures.
- **Evaluator's Guide.** A reference document provided to Selection Committee members to assist in understanding the evaluation process and applying the criteria outlined in the solicitation.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- **Federal Acquisition Regulation (FAR).** The principal set of rules governing the federal government's procurement process, codified in [Title 48 of the Code of Federal Regulations](#), which establishes uniform policies and procedures for the acquisition of goods and services by executive agencies.
- **Integrated Financial Resources Management System (INFORMS).** An enterprise resource planning (ERP) platform used to manage financial, procurement, and operational data.
- **Invitation to Bid (ITB).** A formal procurement process issued for solicitations valued at or above the Minimum Threshold for Competitive Purchases, used when goods or services are clearly defined and the award is made to the lowest-priced responsive and responsible Vendor.
- **Invitation to Quote (ITQ).** A formal procurement process used when good or services are clearly defined, and the award is made to the responsive and responsible Vendor offering the lowest price. ITQs involve the solicitation of quotes from an established Vendor Bench of prequalified vendors.
- **Micro Purchase.** A purchase dollar threshold with an established value as stated in Section B.1.4.
- **Minimum Threshold for Competitive Purchases.** A purchase dollar threshold with an established value as stated in Section B.1.4. unless a Bid Waiver is approved.
- **Non-Competitive Purchase.** A purchase not exceeding the Minimum Threshold for Competitive Purchases and is therefore not subject to formal competitive solicitation requirements and includes micro and small purchases authorized under this Procurement Policy.
- **Piggyback Contracting.** A form of cooperative purchasing where a governmental authority uses the pricing and terms of a contract procured by another governmental entity.
- **Procurement Director.** The Director of the Clerk of the Board and Procurement Department, or their designee, who is responsible for the administration, interpretation, and enforcement of this Procurement Policy.
- **Procurement Office.** The office authorized by the Clerk to manage purchasing and contracting activities, including procurement planning, solicitation, evaluation, award, contract execution, and contract administration, in accordance with this Procurement Policy.
- **Procurement Officer.** A member of the Procurement Office staff authorized to conduct procurement activities on behalf of the Clerk, including solicitation, evaluation, award, and contract administration functions.
- **Project Manager.** A Clerk employee designated by the Department to provide subject matter expertise and oversee the delivery of contracted goods or services, including the monitoring of Vendor performance and contract deliverables.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- **Proposal.** A properly signed and completed written good faith commitment submitted by the Proposer in response to a Request for Proposal, as amended or modified through negotiations.
- **Proposer.** A person, firm, joint venture, or entity that submits a response to a formal solicitation issued by the Clerk including, but not limited to, a Request for Proposal (RFP), or other competitive procurement process, which may include qualitative measures in addition to other evaluation criteria.
- **Purchase Order.** A document issued by the Clerk's Office signifying the intent to purchase goods or services.
- **Purchasing Card (P-Card) Program.** A Clerk-administered program that enables authorized personnel to purchase approved goods and services using a corporate credit card.
- **Purchasing Liaison.** A designated Department representative responsible for serving as the primary point of contact for procurement-related matters and contract administration, coordinating with the Procurement Office as needed.
- **Quote.** A written or electronic pricing offer submitted by a Vendor in response to an informal or formal request, such as an ITQ, for the provision of specified goods or services.
- **Request for Information (RFI).** A document issued to Vendors to gather information on industry capabilities and is not intended as a Solicitation for immediate Contract Award.
- **Request for Proposal (RFP).** A Solicitation document used when the Clerk seeks goods or services and will evaluate based on factors in addition to price.
- **Requisition.** The request from a Department, whether in document or electronic form, that initiates the procurement process.
- **Responsibility.** A determination of whether a Bidder or Proposer can perform as provided in the Solicitation, based on financial condition, experience, past performance, technical capability, integrity, honesty, and other relevant factors.
- **Responsive.** A Bid or Proposal that complies in all material respects with the requirements, specifications, and terms set forth in the Solicitation.
- **Selection Committee.** A committee appointed by the Procurement Director to evaluate Proposals in response to a competitive solicitation in accordance with established criteria.
- **Small Purchase.** A purchase in an amount which equals or exceeds the threshold established for Small Purchases but is less than the Minimum Threshold for Competitive Purchases.
- **Solicitation.** A document requesting Bids or Proposals for goods and/or services through a competitive process.



# CLERK OF THE COURT AND COMPTROLLER OF MIAMI-DADE COUNTY

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## ADMINISTRATIVE POLICY AND INTERNAL PROCEDURE

- **Unauthorized Procurement or Purchase.** A purchase not in compliance with this Procurement Policy.
- **Vendor.** A Bidder, Proposer, or other offeror of goods and services.
- **Vendor Bench.** A group of Vendors who meet minimum qualifications, making them eligible to participate in future spot market competitions.
- **Vendor Registration.** A process, completed through INFORMS, the Vendors must complete as a condition of Contract Award.