

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**Introduction:**

The Florida Legislature has provided a procedure for procurement of personal property and services in Florida Statutes, Chapter 287. Florida Statutes, Chapter 287 should be referred to while reviewing Chapter 7 of the LWDD Operating Policies. Florida Statutes, Chapter 287, shall supersede any contradiction between the statute and the Lake Worth Drainage District Operating Policies, Chapter 7.

**7.1 Purchasing Category Thresholds**

The procedures established herein shall be applied to all LWDD procurements of personal property and services, which exceed purchasing category thresholds established by Florida Statutes, Chapter 287, and as amended or otherwise required by the Board. The current purchasing threshold categories are:

- |     |                 |            |
|-----|-----------------|------------|
| (1) | CATEGORY ONE:   | \$ 20,000. |
| (2) | CATEGORY TWO:   | \$ 35,000. |
| (3) | CATEGORY THREE: | \$ 65,000. |
| (4) | CATEGORY FOUR:  | \$195,000. |
| (5) | CATEGORY FIVE:  | \$325,000. |

**7.2 Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Surveying and Mapping Services: Consultants Competitive Negotiation Act (CCNA) – Florida Statutes Chapter 287, Section 287.055**

**7.2.1 Public Announcement and Qualification Procedures**

**7.2.1.1**

LWDD shall publicly announce, in a uniform and consistent manner, each occasion when architectural, engineering, landscape architectural, or survey and mapping services (professional services) must be procured for a project the basic construction cost of which is estimated by LWDD to exceed \$325,000 or for a planning or study activity when the fee for professional services exceeds \$35,000, except in cases of valid public emergencies certified by LWDD Management. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

**7.2.1.2**

LWDD shall provide a good faith estimate in determining whether the proposed activity meets the threshold amounts referred to in **Section 7.2.1.1** herein.

**7.2.1.3 Board Appointed Professional Services Selection Committee**

**7.2.1.3.1**

The Board shall select the necessary individuals to serve on the Professional Services Selection Committee (Committee) to assist in the selection of the most qualified respondents to perform the required services.

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.2.1.3.2**

Meetings of the Committee shall be publicly noticed. Minutes shall be kept of all such meetings and the meetings will be open to the public.

**7.2.1.3.3**

At the first meeting of the Committee, a chairperson shall be selected or determined.

**7.2.1.3.4**

Any firm or individual desiring to provide professional services to LWDD must first be certified by LWDD as qualified pursuant to Florida law and the regulations of LWDD. LWDD must find that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

**7.2.1.3.5**

LWDD shall evaluate professional services, including capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Act, and other factors determined by LWDD to be applicable to its particular requirements. When securing professional services, LWDD must endeavor to meet the minority business enterprise procurement goals under Florida Statutes, Section 287.09451.

**7.2.2 Competitive Selection**

**7.2.2.1**

For each proposed project, the Committee shall evaluate current statements of qualifications and performance data regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.

If less than three responses are received, LWDD may negotiate on the best terms and conditions. LWDD shall document the reasons that such action is in the best interest of LWDD in lieu of resoliciting for qualifications. LWDD shall report all such actions to the State of Florida Department of Management Services (Department) on a quarterly basis, in a manner and form prescribed by the Department.

**7.2.2.2**

The Committee shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the Committee shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by LWDD,

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

with the object of effecting an equitable distribution of contracts among qualified firms, providing such distribution does not violate the principle of selection of the most highly qualified firms. LWDD may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under **Section 7.2.3** herein.

**7.2.2.3**

This competitive selection requirement does not apply to a professional service contract for a project of which the basic construction cost is estimated by LWDD to be not in excess of \$325,000 or for a planning or study activity when the fee for professional services is not in excess of \$35,000.

**7.2.2.4**

Nothing in this chapter shall be construed to prohibit a continuing contract, as defined in Florida Statutes, Section 287.055, between a firm and LWDD.

**7.2.3 Competitive Negotiation**

**7.2.3.1**

The chairperson for the Committee shall submit the recommendation of the Committee to the Board. The Board shall rank the qualified firms and authorize the Committee to negotiate a contract with the selected firm in accordance with the Board approved ranking.

**7.2.3.2**

Pursuant to the rankings approved by the Board, Committee shall negotiate a contract with the highest ranked firm for professional services at compensation which Committee determines is fair, competitive, and reasonable. In making such determination, Committee shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract over \$195,000, Committee shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required must contain a provision that the original contract price and any additions thereto will be adjusted to exclude any significant sums by which Committee determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs. All such contract adjustments must be made within 1 year following the end of the contract.

**7.2.3.3**

Should Committee be unable to negotiate a satisfactory contract with the highest ranked firm, in accordance with the process set forth in **Sections 7.2.2 and 7.2.3** herein, at a price Committee determines to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. Committee shall then undertake negotiations with the second highest ranked firm. Failing accord with the second highest ranked firm, Committee must terminate negotiations. Committee shall then undertake

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

negotiations with the third highest ranked firm, in accordance with the process set forth in **Sections 7.2.2 and 7.2.3** herein.

**7.2.3.4**

Should Committee be unable to negotiate a satisfactory contract with any of the selected firms, Committee shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with **Section 7.2.3** herein until an agreement is reached.

**7.2.3.5**

When negotiations have been completed, the contract(s) will be submitted to the Board for approval and execution.

**7.2.4 Prohibition Against Contingent Fees**

Each contract entered into by LWDD for professional services must contain a prohibition against contingent fees as follows: "The architect (or registered surveyor and mapper or professional engineer, as applicable) warrants that he or she has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or registered surveyor and mapper, or professional engineer, as applicable) to solicit or secure this agreement and that he or she has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered surveyor and mapper or professional engineer, as applicable) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this agreement." For the breach or violation of this provision, LWDD shall have the right to terminate the agreement without liability and, at its discretion, to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

**7.3 Procurement of Commodities or Contractual Services**

The competitive solicitation processes authorized in this section shall be used for procurement of commodities or contractual services in excess of \$35,000, which does not include contracts for professional services (CCNA), as shown in **Section 7.2** herein. Any competitive solicitation shall be made available simultaneously to all vendors, must include the time and date for the receipt of bids, proposals, or replies and of the public opening, and must 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.

**7.3.1 Invitation to Bid**

The invitation to bid shall be used when LWDD is capable of specifically defining the scope of work for which a contractual service is required or when LWDD is capable of establishing precise specifications defining the actual commodity or group of commodities required.

**7.3.1.1**

Invitation to bid shall be made available simultaneously to all vendors and must include:

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.3.1.1.1**

A detailed description of the commodities or contractual services sought

**7.3.1.1.2**

If LWDD contemplates renewal of the contract, a statement to that effect

**7.3.1.2**

Bids submitted in response to an invitation to bid in which LWDD contemplates renewal of the contract must include the price for each year for which the contract may be renewed.

**7.3.1.3**

Evaluation of bids shall include consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

**7.3.2 Request for Proposals**

LWDD shall use a request for proposals when the purposes and uses for which the commodity, group of commodities, or contractual service being sought can be specifically defined and LWDD is capable of identifying necessary deliverables. Various combinations or versions of commodities or contractual services may be proposed by a responsive vendor to meet the specifications of the solicitation document.

**7.3.2.1**

Before issuing a request for proposals, LWDD must determine and specify in writing the reasons that procurement by invitation to bid is not practicable.

**7.3.2.2**

Requests for proposals shall be made available simultaneously to all vendors and must include:

**7.3.2.2.1**

A statement describing the commodities or contractual services sought;

**7.3.2.2.2**

The relative importance of price and other evaluation criteria;

**7.3.2.2.3**

If LWDD contemplates renewal of the contract, a statement to that effect.

**7.3.2.3**

Criteria that will be used for evaluation of proposals shall include, but are not limited to:

**7.3.2.3.1**

Price, which must be specified in the proposal;

**7.3.2.3.2**

If LWDD contemplates renewal of the contract, the price for each year for which the contract may be renewed;

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.3.2.3.3**

Consideration of the total cost for each year of the contract, including renewal years, as submitted by the vendor.

**7.3.2.4**

The contract shall be awarded by written notice to the responsible and responsive vendor whose proposal is determined in writing to be the most advantageous to LWDD, taking into consideration the price and other criteria set forth in the request for proposals. The contract file shall contain documentation supporting the basis on which the award is made.

**7.3.3 Invitation to Negotiate**

The invitation to negotiate is a solicitation used by LWDD which is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.

**7.3.3.1**

Before issuing an invitation to negotiate, LWDD must determine and specify in writing the reasons that procurement by an invitation to bid or a request for proposal is not practicable.

**7.3.3.2**

The invitation to negotiate must describe the questions being explored, the facts being sought, and the specific goals or problems that are the subject of the solicitation.

**7.3.3.3**

The criteria that will be used for determining the acceptability of the reply and guiding the selection of the vendors with which the agency will negotiate must be specified.

**7.3.3.4**

LWDD shall evaluate replies against all evaluation criteria set forth in the invitation to negotiate in order to establish a competitive range of replies reasonably susceptible of award. LWDD may select one or more vendors within the competitive range with which to commence negotiations. After negotiations are conducted, LWDD shall award the contract to the responsible and responsive vendor that LWDD determines will provide the best value to LWDD, based on the selection criteria.

**7.3.3.5**

The contract file for a vendor selected through an invitation to negotiate must contain a short plain statement that explains the basis for the selection of the vendor and that sets forth the vendor's deliverables and price, pursuant to the contract, along with an explanation of how these deliverables and price provide the best value to LWDD.

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.3.4 Pre-Bid, Pre-Proposal and Pre-Negotiation Conference**

Prior to the time for receipt of bids, proposals, or replies, LWDD may conduct a conference or written question and answer period for purposes of assuring the vendor's full understanding of the solicitation requirements. The vendors shall be accorded fair and equal treatment.

**7.3.5 Board Appointed Selection Committee**

**7.3.5.1**

The Board shall select the necessary individuals to serve on the Selection Committee (Committee) to assist in the selection of the vendor to provide commodities or contractual services.

**7.3.5.2**

Meetings of the Committee shall be publicly noticed. Minutes shall be kept of all such meetings and the meetings will be open to the public.

**7.3.5.3**

At the first meeting of the Committee, a chairperson shall be selected or determined.

**7.3.5.4**

For a contract in excess of \$195,000, LWDD shall appoint:

(a) At least three persons to evaluate proposals and replies who collectively have experience and knowledge in the program areas and service requirements for which commodities or contractual services are sought.

(b) At least three persons who conduct negotiations during a competitive sealed reply procurement who collectively have experience and knowledge in negotiating contracts, contract procurement, and the program areas and service requirements for which commodities or contractual services are sought. When the value of a contract is in excess of \$1 million in any fiscal year, at least one of the persons conducting negotiations must be certified as a contract negotiator based upon rules adopted by the Department in order to ensure that certified contract negotiators are knowledgeable about effective negotiation strategies, capable of successfully implementing those strategies, and involved appropriately in the procurement process. At a minimum, the rules must address the qualifications required for certification, the method of certification, and the procedure for involving the certified negotiator. If the value of a contract is in excess of \$10 million in any fiscal year, at least one of the persons conducting negotiations must be a Project Management Professional, as certified by the Project Management Institute.

**7.3.6 Exception to the Competitive Solicitation Process**

When the purchase price of commodities or contractual services exceeds \$35,000, no purchase of commodities or contractual services may be made without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies unless:

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.3.6.1 - Emergency**

LWDD determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to LWDD requires emergency action. After LWDD makes such a written determination, LWDD may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without receiving competitive sealed bids, competitive sealed proposals, or competitive sealed replies. However, such emergency procurement shall be made by obtaining pricing information from at least two prospective vendors, which must be retained in the contract file, unless LWDD determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to LWDD. LWDD shall furnish copies of all written determinations certified under oath and any other documents relating to the emergency action to the Department. A copy of the statement shall be furnished to the Chief Financial Officer of the State of Florida with the voucher authorizing payment. The individual purchase of personal clothing, shelter, or supplies which are needed on an emergency basis to avoid institutionalization or placement in a more restrictive setting is an emergency for the purposes of this paragraph, and the filing with the Department of such statement is not required in such circumstances. In the case of the emergency purchase of insurance, the period of coverage of such insurance shall not exceed a period of 30 days, and all such emergency purchases shall be reported to the Department.

**7.3.6.2 - State Term Contract**

The purchase is made by LWDD from a state term contract procured, pursuant to this chapter by the Department or by LWDD, after receiving approval from the Department, from a contract procured, pursuant to **Section 7.3** herein, by another agency.

**7.3.6.3 - Single Source**

Commodities or contractual services available only from a single source may be excepted from the competitive-solicitation requirements. When LWDD believes that commodities or contractual services are available only from a single source, LWDD shall electronically post a description of the commodities or contractual services sought for a period of at least 7 business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by LWDD, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, LWDD shall:

**7.3.6.3.1**

Provide notice of its intended decision to enter a single-source purchase contract in the manner specified in Florida Statutes,



**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

Section 120.57(3), if the amount of the contract does not exceed \$195,000.

**7.3.6.3.2**

Request approval from the Department for the single-source purchase, if the amount of the contract exceeds \$195,000. LWDD shall initiate its request for approval in a form prescribed by the Department, which request may be electronically transmitted. The failure of the Department to approve or disapprove LWDD's request for approval within 21 days after receiving such request shall constitute prior approval of the Department. If the Department approves LWDD's request, LWDD shall provide notice of its intended decision to enter a single-source contract in the manner specified in Florida Statutes, Section 120.57(3).

**7.3.6.4 - Insurance by Negotiation**

When it is in the best interest of LWDD, the secretary of the Department or his or her designee may authorize the purchase of insurance by negotiation, but such purchase shall be made only under conditions most favorable to the public interest.

**7.3.7**

If less than two responsive bids, proposals, or replies for commodity or contractual services purchases are received, LWDD may negotiate on the best terms and conditions. LWDD shall document the reasons that such action is in the best interest of LWDD in lieu of resoliciting competitive sealed bids, proposals, or replies. LWDD shall report all such actions to the Department on a quarterly basis, in a manner and form prescribed by the Department.

**7.3.8**

Upon issuance of any solicitation, LWDD shall, upon request by the Department, forward to the Department one copy of each solicitation for all commodity and contractual services purchases in excess of \$35,000. LWDD shall also, upon request, furnish a copy of all competitive-solicitation tabulations. The Department's Office of Supplier Diversity may also request from LWDD any information submitted to the Department pursuant to Florida Statutes, Section 287.057(6).

**7.3.9 Minority Business Enterprises**

**7.3.9.1**

In order to strive to meet the minority business enterprise procurement goals set forth in Florida Statutes, Section 287.09451, LWDD may reserve any contract for competitive solicitation only among certified minority business enterprises. LWDD shall review all its contracts each fiscal year and shall determine which contracts may be reserved for solicitation only among certified minority business enterprises. This reservation may only be used when it is determined, by reasonable and objective means, before the solicitation that there

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

are capable, qualified certified minority business enterprises available to submit a bid, proposal, or reply on a contract to provide for effective competition. The Department's Office of Supplier Diversity shall consult with any agency in reaching such determination when deemed appropriate.

**7.3.9.2**

Before a contract may be reserved for solicitation only among certified minority business enterprises, LWDD must find that such a reservation is in the best interests of LWDD. All determinations shall be subject to Florida Statutes, Section 287.09451(5). Once a decision has been made to reserve a contract, but before sealed bids, proposals, or replies are requested, LWDD shall estimate what it expects the amount of the contract to be, based on the nature of the services or commodities involved and their value under prevailing market conditions. If all the sealed bids, proposals, or replies received are over the estimate, LWDD may reject the bids, proposals, or replies and request new ones from certified minority business enterprises, or LWDD may reject the bids, proposals, or replies and reopen the bidding to all eligible vendors.

**7.3.9.3**

LWDD shall consider the use of price preferences of up to 10 percent, weighted preference formulas, or other preferences for vendors as determined appropriate pursuant to guidelines established in accordance with Florida Statutes, Section 287.09451(4) to increase the participation of minority business enterprises.

**7.3.9.4**

LWDD shall avoid any undue concentration of contracts or purchases in categories of commodities or contractual services in order to meet the minority business enterprise purchasing goals in Florida Statutes, Section 287.09451.

**7.3.10**

LWDD may reserve any contract for competitive solicitation only among vendors who agree to use certified minority business enterprises as subcontractors or subvendors. The percentage of funds, in terms of gross contract amount and revenues, which must be expended with the certified minority business enterprise subcontractors and subvendors shall be determined by LWDD before such contracts may be reserved. In order to bid on a contract so reserved, the vendor shall identify those certified minority business enterprises which will be utilized as subcontractors or subvendors by sworn statement. At the time of performance or project completion, the contractor shall report by sworn statement the payments and completion of work for all certified minority business enterprises used in the contract.

**7.3.11**

LWDD shall not divide the solicitation of commodities or contractual services so as to avoid the requirements of **Section 7.3** herein.

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

**7.3.12**

A contract for commodities or contractual services may be awarded without competition if state or federal law prescribes with whom LWDD must contract or if the rate of payment is established during the appropriations process.

**7.3.13**

If two equal responses to a solicitation or a request for quote are received and one response is from a certified minority business enterprise, LWDD shall enter into a contract with the certified minority business enterprise.

**7.3.14**

Extension of a contract for contractual services shall be in writing for a period not to exceed 6 months and shall be subject to the same terms and conditions set forth in the initial contract. There shall be only one extension of a contract unless the failure to meet the criteria set forth in the contract for completion of the contract is due to events beyond the control of the contractor.

**7.3.15**

Contracts for commodities or contractual services may be renewed for a period that may not exceed 3 years or the term of the original contract, whichever period is longer. Renewal of a contract for commodities or contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract. If the commodity or contractual service is purchased as a result of the solicitation of bids, proposals, or replies, the price of the commodity or contractual service to be renewed shall be specified in the bid, proposal, or reply. A renewal contract may not include any compensation for costs associated with the renewal. Renewals shall be contingent upon satisfactory performance evaluations by LWDD and subject to the availability of funds. Exceptional purchase contracts pursuant to **Sections 7.3.6.1 and 7.3.6.3** herein may not be renewed. With the exception of **Section 7.3.14** above, if a contract amendment results in a longer contract term or increased payments, a state agency may not renew or amend a contract for the outsourcing of a service or activity that has an original term value exceeding the sum of \$10 million before submitting a written report concerning contract performance to the Governor, the President of the Senate, and the Speaker of the House of Representatives at least 90 days before execution of the renewal or amendment.

**7.3.16**

For each contractual services contract, LWDD shall designate an employee to function as contract manager who shall be responsible for enforcing performance of the contract terms and conditions and serve as a liaison with the contractor. Each contract manager who is responsible for contracts in excess of \$35,000 must attend training conducted by the Chief Financial Officer for accountability in contracts and grant management. The Chief Financial Officer shall establish and disseminate uniform procedures

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

pursuant to Florida Statutes, Section 17.03(3) to ensure that contractual services have been rendered in accordance with the contract terms before the agency processes the invoice for payment. The procedures shall include, but need not be limited to, procedures for monitoring and documenting contractor performance, reviewing and documenting all deliverables for which payment is requested by vendors, and providing written certification by contract managers of LWDD's receipt of goods and services.

**7.3.17**

LWDD shall designate at least one employee who shall serve as a contract administrator responsible for maintaining a contract file and financial information on all contractual service contracts and who shall serve as a liaison with the contract managers and the Department.

**7.3.18 Conflicts**

(a) 1. LWDD must avoid, neutralize, or mitigate significant potential organizational conflicts of interest before a contract is awarded. If LWDD elects to mitigate the significant potential organizational conflict or conflicts of interest, an adequate mitigation plan, including organizational, physical, and electronic barriers, shall be developed.

2. If a conflict cannot be avoided or mitigated, LWDD may proceed with the contract award if LWDD certifies that the award is in the best interests of LWDD. LWDD must specify in writing the basis for the certification.

(b) 1. LWDD may not proceed with a contract award under subparagraph (a) 2. if a conflict of interest is based upon the vendor gaining an unfair competitive advantage.

2. An unfair competitive advantage exists when the vendor competing for the award of a contract obtained:

- a. Access to information that is not available to the public and would assist the vendor in obtaining the contract; or
- b. Source selection information that is relevant to the contract but is not available to all competitors and that would assist the vendor in obtaining the contract.

(c) A person who receives a contract that has not been procured pursuant to **Section 7.3** herein to perform a feasibility study of the potential implementation of a subsequent contract, who participates in the drafting of a solicitation or who develops a program for future implementation, is not eligible to contract with the agency for any other contracts dealing with that specific subject matter, and any firm in which such person has any interest is not eligible to receive such contract. However, this prohibition does not prevent a vendor who responds to a request for information from being eligible to contract with LWDD.

**7.3.19**

LWDD shall establish a review and approval process for all contractual services contracts costing more than the threshold amount of \$65,000, which shall include, but not be limited to, program, financial, and legal review and

**LAKE WORTH DRAINAGE DISTRICT  
OPERATING POLICIES**

**Chapter 7: Procurement of Personal Property and Services**

approval. Such reviews and approvals shall be obtained before the contract is executed.

**7.3.20**

In any procurement that costs more than \$35,000 and is accomplished without competition, the individuals taking part in the development or selection of criteria for evaluation, the evaluation process, and the award process shall attest in writing that they are independent of, and have no conflict of interest in, the entities evaluated and selected.

**7.3.21**

Nothing in this section shall affect the validity or effect of any contract in existence on October 1, 1990.

**7.3.22**

Each solicitation for the procurement of commodities or contractual services shall include the following provision: "Respondents to this solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following LWDD's posting of the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response."