

2/18/2010 c/w #9F

RESOLUTION NUMBER R2010- 22

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA ESTABLISHING A POLICY PROHIBITING LOBBYING AND RELATED COMMUNICATIONS DURING THE SOURCE SELECTION PROCESS; PROVIDING SANCTIONS FOR VIOLATION OF SAID POLICY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is authorized to promulgate policies and procedures of the Office of Purchasing pertaining to purchasing and contracting on behalf of the County; and

WHEREAS, it is the County's primary objective when developing said policies and procedures to ensure an effective source selection process and, ultimately, achieve maximum value for each expenditure of County funds; and

WHEREAS, the Board of County Commissioners has now determined it is in the best interest of the health, safety, and welfare of the public to revise the current policies and procedures for the source selection process to prohibit lobbying and related communications with respect to the Board of County Commissioners, their agents or employees or any member of the relevant Selection Committee and set forth rules of conduct to be followed by all bidders/proposers/protestors to solicitations issued by Escambia County.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Recitals. That the above recitals are true and correct and incorporated herein by reference.

Section 2. Definitions.

Black out period means the period between the time the bids/proposals for invitations for bid or the request for proposal, or qualifications, or information, or requests for letters of interest, or the invitation to negotiate, as applicable, are received at the Escambia County Office of Purchasing Department, and the time the Board awards the contract and any resulting bid protest is resolved or the solicitation is otherwise canceled.

Lobbying means the attempt to influence the thinking of elected County officials, their agents or employees or any member of the relevant Selection Committee for or against a specific cause related to a pending solicitation for

Verified By: *D. W. Ware*

Date: 2/19/10

goods or services, in person, by mail, by facsimile, by telephone, by electronic mail, or by any other means of communication.

Section 3. **Policy.** That the following policy will apply to all methods of source selection:

Conduct of Participants-

After the issuance of any solicitation, all bidders/proposers/protestors or individuals acting on their behalf are hereby prohibited from **lobbying** as defined herein or otherwise attempting to persuade or influence any elected County officials, their agents or employees or any member of the relevant selection committee at any time during the **black out period** as defined herein; provided, however, nothing herein shall prohibit bidders/proposers/protestors or individuals acting on their behalf from communicating with the purchasing staff concerning a pending solicitation unless otherwise provided for in the solicitation or unless otherwise directed by the purchasing manager.

Section 4. **Sanctions.**

The Board may impose any one or more of the following sanctions on a nonemployee for violations of the policy set forth herein:

- (a) Rejection/disqualification of submittal
- (b) Termination of contracts; or
- (c) Suspension or debarment as provided in Sec. 46-102 of the Escambia County Code of Ordinances.

Section 5. **Prior policies superceded.** Any prior policy applying to prospective submitters with respect to matters addressed herein is superceded by this Resolution. This policy is not intended to alter the procedure for Protested Solicitations and Awards as set forth in the Sec. 46-101 of the Escambia County Code of Ordinances.

Section 6. **Authorized use.** The County Administrator and the Purchasing Manager are hereby authorized to post or otherwise incorporate said policy in any document as deemed relevant and necessary.

Section 7. Effective date. That this policy as revised herein shall take effect immediately upon its adoption by the Board of County Commissioners.

Adopted this 18th day of February 2010.

Board of County Commissioners
Escambia County, Florida

Grover C. Robinson, IV
Grover C. Robinson, IV, Chairman
Date Executed

2/18/10

ATTEST: Ernie Lee Magaha
Clerk of the Circuit Court

Doris Harris
Deputy Clerk



BCC Approved 2-18-2010

This document approved as to form and legal sufficiency.

By: [Signature]
Title: A.C.T.
Date: 2/16/10

Certified to be a true copy
the original on file in this office
Witness my hand and official seal
ERNIE LEE MAGAHA
Clerk of the Circuit Court & Comptroller
Escambia County, Florida
By: Doris Harris D.C.
Date: February 19, 2010

