

**MARYANNE MORSE  
THE CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
SEMINOLE COUNTY FLORIDA**

**SPECIAL REVIEW  
OF  
Construction Contract (CC) Bid Packages**

**Report No. 121114**



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Seminole County, Florida

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# *Special Review Construction Contract (CC) Bid Packages*

## *BACKGROUND*

The audit that follows is a special follow up to an audit published by the Office of the Clerk and Comptroller in August 2008. The original report can be accessed on-line at [www.seminoleclerk.org/boardinfo/auditsdefault.shrtm](http://www.seminoleclerk.org/boardinfo/auditsdefault.shrtm).

The original audit had one finding and recommendation and the Purchasing Division has been consistently updating their operating policies. The initial audit had the following finding:

- **Some forms required as part of the Purchasing Department's standard Construction bid package were not in the contract file.**

This division is consistently the recipient of the "Award for Excellence in Public Procurement" from the Florida Association of Public Purchasing Officers, Inc. in 2014 (and 2013) and has also been re-accredited by National Institute of Governmental Purchasing (NIGP) in 2013.

The following exhibit is the value of the construction bids/contracts that were subject to this special follow up review.

	FY 12 to FY14
Construction Contracts / \$	35 Contracts / \$40 Million

The review that follows addresses compliance with this policy.

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## *Scope and Methodology*

The scope of this review included a review of the construction contract bid packages for fiscal year 2013 and 2014. All records relating to this process were subject to our review. Included in this review:

- Review of the Administrative Code;
- Review of the Manager Policy; and,
- Compliance with the policy.

The objective is to determine if the records required to be included in the bid package were in compliance with administrative code and county manager policy. Also, the review is to determine compliance with state and federal guidelines.

## *Overall Evaluation*

In our opinion, the system of internal controls is in compliance with the Administrative Code, County Manager Policy, state and federal guidelines.

- All 35 active construction contract bid files were in compliance with requirements without exception.

The division has correctly incorporated into their standard requirement package other state and federal requirements that are not identified in the Administrative Code or Manager Policy.

Management should consider the following to improve the process:

- Update Administrative Code and Manager Policy;
- Require hard copies of licenses as part of the contract file.

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## *Opportunities for Improvements*

### **1. Update Administrative Code Section and Manager Policy.**

The Purchasing Division has compiled a very comprehensive list of the required documents that each company must furnish to the county during the bidding process. These documents are required by either the Administrative Code, County Manager Policy, Florida Statutes, and/or part of federal government regulations.

Purchasing has a check list in the solicitation package to ensure all of the required documents have been received.

- **All 35 active construction bid packages were found with no errors or exceptions.**

With that being said, some of the state and federal requirements are not part of the County's Administrative Code and/or County Manager Policy. The following are required as part of the bid package but are not addressed in the county policy:

- Trench Safety Act - (Florida Statutes FS 553.60)
- Non-Collusion Affidavit of Bidder – (U.S. Code 23, Section 635.112F)
- Certification of Non-segregated Facilities – (Federal executive order 1246 Sec 202)
- American with Disabilities Act – (U.S. Code 42, Section 12101)
- Drug-Free Workplace – (Florida Statutes FS 287.087)
- Compliance with Public Records – (Florida Statutes FS 119, Article 1, Section 24)

By not having the latest state and federal regulations updated in the Administrative Code and County Manager Policy provides opportunity for requirements not being addressed.

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## **Recommendation**

Update Administrative Code and County Manager Policy to include all county state and federal requirements.

## **Management Response**

Agree, staff continues to update procurement policies and procedures in a dynamic and ever changing environment. Staff will work with the County Attorney's Office to make the appropriate changes as recommended.

### ***2. Policy should require a copy of business licenses.***

Of the 35 construction bid packages reviewed, 4 firms did not include a copy of their official business license; the other 31 had submitted a copy of the license as required.

The Purchasing Division generally requires each company bidding to furnish a copy of their business license. Although it is a requirement, some, for whatever reason, do not send a copy to the county. Purchasing acknowledges that they have this requirement, but, are not overly concerned with not receiving a paper copy because the license info can easily be obtained by their staff on-line if needed.

Although the 4 above did not submit a copy, they included their license number on the bid application. By furnishing the license number on the bid application, county staff is able to access the Department of Business and Professional Regulation Website at [www.myfloridalicense.com](http://www.myfloridalicense.com) to verify the status of the license.

By having a copy of the business license on file, and a copy of the status of the license from the Department of Business and Professional Regulation ensures that the company has been qualified for the contract award.

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### **Recommendation**

Require companies to furnish a copy of their license, and, also a copy of the status of the license from the Department of Business and Professional Regulation.

### **Management Response**

Agree, despite vendor compliance in providing a paper copy of the license, it is staff policy to always check the state web site (sunbiz) for current status on the vendor license. Staff will now print the electronic sunbiz license information for those situations where the paper copy was not provided; therefore a paper copy will be contained in the official contract folder.