

FREQUENTLY ASKED QUESTIONS:  
PROCUREMENT REQUIREMENTS  
FOR DHR GRANTS

FLORIDA DEPARTMENT OF STATE  
DIVISION OF HISTORICAL  
RESOURCES



FLORIDA DEPARTMENT OF STATE / DIVISION OF

*Historical Resources*

## WHAT DOES IT MEAN TO HAVE AN OPEN PROCUREMENT PROCESS?

- Fair and open competition is a basic tenet of public procurement. Such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically.
- Documentation of the acts taken and effective monitoring mechanisms are important means of curbing any improprieties and establishing public confidence in the process by which commodities and contractual services are procured.
- As an entity receiving grant funds, your organization is expected to use state funds responsibly and be able to demonstrate through best procurement practice that you have done so.

## WHAT IS THE STATUTORY BASIS FOR PROCUREMENT?

- Section 36 of the Grant Award Agreement specifies that grantees must conduct an open, competitive procurement process for goods and/or services in accordance with [Section 287, Florida Statutes](#) and [Chapter 60A-1.002, Florida Administrative Code](#).

## WHAT METHODS SHOULD I USE TO PROCURE SERVICES?

- Purchases up to \$2,500 must be carried out with best purchasing practices.
- Purchases between \$2,500 - \$35,000 must be carried out with at least written quotations, written records of telephone quotations, or informal bids.
- Purchases \$35,000 and over must be carried out with formal invitations to bid (ITB), requests for proposals (RFP), or invitations to negotiate (ITN).

## WHAT IS AN INVITATION TO BID (ITB)?

- “Invitation to bid” is a written or electronically posted solicitation for competitive sealed bids and selection can only be based on price.

## WHAT IS A REQUEST FOR PROPOSALS (RFP)?

- “Request for proposals” is a written or electronically posted solicitation for competitive sealed proposals and can be based on factors in addition to price.

## WHAT IS AN INVITATION TO NEGOTIATE (ITN)?

- “Invitation to negotiate” is a written or electronically posted solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services.

## ARE THERE ANY EXCEPTIONS TO GOING THROUGH A BID PROCESS AND STILL MEET GRANT REQUIREMENTS AND STATUTE?

- If using a continuing services contract, “a contract for a fixed term that was competitively procured,” grantees may forgo a new bid process by submitting the following:
  - Proof the services were initially procured in accordance with Florida Statutes and Florida Administrative Code, original continuing services contract, and vendor qualifications
- If using a ongoing services contract, “existing contracts that are still in place at the time of grant award that were competitively procured,” grantees may forgo a new bid process by submitting the following:
  - Proof the services were initially procured in accordance with Florida Statutes and Florida Administrative Code, original ongoing services contract, vendor qualifications, and a proposed amendment to the contract with the grant scope of work
- An exceptional purchase where there is only one possible provider of a service:
  - Proof that the chosen provider is the only entity that can provide the needed service
- Services provided by governmental entity
  - ““Governmental entity” means a political subdivision or agency of this state or of any state of the United States, including, but not limited to, state government, county, municipality, school district, nonprofit public university or college, single-purpose or multipurpose special district, single-purpose or multipurpose public authority, metropolitan or consolidated government, separate legal entity or administrative entity, or any agency of the Federal Government” (Chapter 287.057 12e F.S.).

## HOW DO I ACCOMPLISH PROCUREMENT?

- All ITBs, RFPs, and RTNs must be publically posted. This can be done in a variety of ways including but not limited to, advertising in a local newspaper, posting on your organization's webpage, or posting on websites specifically designed for soliciting services.
  - However, publically posting a project does not guarantee qualified providers will see the posting. Best practice suggests you contact several qualified providers to inform them of the posting.
- \*Note that, in alerting potential providers of the posting, that you do not provide information that is not in the public posting (see conflict of interest).

## CAN THE DIVISION RECOMMEND PROVIDERS TO CONTACT?

- The Division is prohibited from showing favoritism towards any business or service provider. If you are unsure where to start, it is recommended that you contact a local professional or historical organization for recommendations for referral.

## WHAT IS A CONFLICT OF INTEREST?

- A Conflict of Interest is when a potential provider has an unfair competitive advantage when the “vendor competing for the award of a contract obtained access to information that is not available to the public and would assist the vendor in obtaining the contract or 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.”
- Your organization may not proceed with a contract, and award if a conflict of interest based upon the vendor gaining an unfair competitive advantage exists and DHR will not approve of such a contract.

## IF BIDS ARE REQUIRED, AM I REQUIRED TO RECEIVE A CERTAIN NUMBER OF BIDS?

- You are required to get at least two bids. If the public posting period closed and less than two bids are received, you “may negotiate on the best terms and conditions” for your project. You “shall document the reasons that such action is in the best interest of the state in lieu of resoliciting competitive sealed bids, proposals, or replies” and report those replies to your grant manager (287.122 5. F.S.).

## AM I REQUIRED TO SELECT THE LOWEST BID/PROPOSAL?

- ITBs require you to select the lowest bid.
- RFPs allows for consideration of additional factors that would contributed towards “Best Value.” “Best value” means the “highest overall value to the state based on factors that include, but are not limited to, price, quality, design, and workmanship.”

## WHAT DOCUMENTATION AM I EXPECTED TO MAINTAIN OR PROVIDE TO THE DIVISION?

- You will be expected to retain all procurement documentation (and grant documentation) for a period of 5 years following the close of the grant.
- This documentation must be provided to the Division upon request.

## WHAT IF MY ORGANIZATION’S PROCUREMENT REQUIREMENTS ARE DIFFERENT FROM THE STATES?

- If your organization has different requirements, you should follow the ones that are more restrictive, as long as state requirements are still met.



## ARE THERE EXPENSES THAT PROJECT FUNDS CANNOT BE USED FOR?

- Section VIII of the guidelines provides a non-exhaustive list of expenses that may not be paid for with grant or matching funds, including the following:
  - Work that does not comply with the Secretary of the Interior's Standards (as applicable)
  - Work completed outside of the grant period
  - Entertainment, food, beverages, plaques, awards, or gifts
  - Total administrative and project management costs exceeding 5% of the grant funds requested
  - Indirect costs, i.e. costs that are not readily identifiable as expenditures for the materials and services required to complete the scope of work
  - Activities related to the interiors of religious properties
  - Furniture and equipment
  - Attending/hosting conferences, summits, workshops, or presentations
  - Tuition waivers, fees, and other non-grant related costs associated with employing students
  - Travel expenditures, including those of personnel responsible for items of work approved by the Division, administrative personnel, or (sub)contracted employees, either for purposes of work on-site or research off-site
- If you have questions regarding whether or not an expense is allowable, consult with your grant manager.

## WHAT HAPPENS AFTER I SELECT A CONTRACTOR/SERVICE PROVIDER?

- Prior to contract execution, all contracts, purchase orders, or amendments to existing contracts should be submitted to the Division for review and approval.
- Contracts should include:
  - The specific scope of work items for which the provider is responsible
  - The contract amount
  - The project duration
  - “No Discrimination” Clause. As per Section 31 of the Grant Award Agreement, the provider contract shall contain language similar to the following clause:
    - “The Grantee may not discriminate against any employee employed under this Agreement, or against any applicant for employment because of race, color, religion, gender, national origin, age, pregnancy, handicap or marital status.”