



CITY OF DELAND
REGULAR MEETING OF THE CITY COMMISSION
DECEMBER 5, 2022 AT 7:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

INVOCATION- Pastor Peter Migner, The Nazarene Church DeLand

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

1. Student Superstars of the Month.
2. Introduction of Michael J. DeGirolmo, DeLand High School Principal on Assignment.
3. Resolution Approving No. 2022-101, Honoring the Retirement of Chris Jusick.
4. Fire Department Badge Pinning Promotions (4) Joshua Brown, Megan Milks, Justin Pacifico, Ryan Kamine.

CONSENT AGENDA

1. Resolution re Surplus of Glock Firearm for Detective Chris Jusick Upon His Retirement.

It is recommended that the City Commission adopt the Resolution declaring the reference Glock firearm as surplus and present it to Det. Chris Jusick for his years of service to the City of DeLand.

2. Consideration re Gateway Grant Request for 400 South Woodland Boulevard.

Staff recommends that the City Commission approve the Gateway Grant request.

3. Resolution Approving Amendment # 3 to Florida Department of Public Transportation Grant Agreement FM 438416-1-94-01 for Hangars - Construction.

Staff recommends that the City Commission approve the resolution and authorize the Mayor/Commissioner to execute the agreement on behalf of the City.

4. Consideration re Change Order # 1 - Fire Station No. 81 Reserve Garage.

Staff recommends that the City Commission approve Change Order No. 1, in the amount of \$17,633.00 for miscellaneous additional work at Fire Station No. 81 Reserve Garage.

5. Consideration re Award of Bid from Data Flow Communications for Network Switches.

It is recommended that the City Commission approve the BID B-23-03 from Data Flow Communications in the amount of \$112,985.12.

6. Consideration re Scope of Services for Professional Engineering Services for Airfield Marking and Signage Assessment.

Staff recommends that the City Commission approve the proposal from AVCON, Inc. to provide professional services to design Rehab the Airfield Markings & Signage Assessment for a fee not to exceed \$24,434.

PETITIONS AND REQUESTS FROM THE PUBLIC PRESENT

NEW BUSINESS

1. Resolution Approving Amendment to the City of DeLand's Personnel Rules and Regulations.

Consideration of approval of the City's amended personnel rules and regulations.

2. Resolution Approving City's Purchasing Policy.

Staff recommends the City Commission adopt the Resolution establishing the City's new Purchasing Policy as presented.

3. Consideration re Change of Meeting Date, Dr. Martin Luther King, Jr. Holiday.

It is recommended that the City Commission reschedule the January 16, 2023 regular City Commission meeting for Tuesday, January 17, 2023.

CITY MANAGER REPORT

CITY ATTORNEY REPORT

CITY CLERK REPORT

CITY COMMISSION

ADJOURNMENT

The DeLand City Commission holds its regular meetings on the first and third Mondays of each month at 7:00 p.m. in the DeLand City Commission Chambers, 120 South Florida Avenue, DeLand. Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

Public participation is encouraged on any matter on the agenda. If you desire to be recognized by the Mayor, please fill out a Speaker's Card and present it to the City Clerk.

Minutes of the DeLand City Commission meetings are not transcribed verbatim. If any person decides to appeal a decision made by the City Commission with respect to any matter considered at a public meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made by a court reporter, at the person's own expense.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the City Commission's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all pagers and cell phones be turned OFF during City Commission meetings.

Electronic Information! City Commission agendas and short form minutes are now available on the City's web page: www.deland.org.



TO: Julia Hewitt, Deputy City Clerk

FROM: Teri Byrnes, Executive Assistant to the City Manager

DATE: November 23, 2022

SUBJECT: City of DeLand Super Star Student of the Month - December

For the December 5, 2022 agenda, the City of DeLand Super Star Student of the Month recognizes:

Blue Lake Elementary: Khloe Galarza

Citrus Grove Elementary: Angel Cosme

DeLand High School:

DeLand Middle School: Clara Price

DeLand Preparatory Academy:

Freedom Elementary: Samantha Munoz Machado

George Marks Elementary: Arlo Cohen

Southwestern Middle School: Sarah Tucker

St. Barnabas: Ethan Su

St. Peter Catholic School: Bryce Martin

Starke Elementary: Miranda Vidalez Servin

Stetson Baptist: Zachary Floyd

TOP Academy: Maurice Smith

Woodward Avenue: Sophia Badilla



The CITY OF DELAND

Volusia County, Florida

RESOLUTION NO. 2022 - 101

A RESOLUTION OF APPRECIATION AND RECOGNITION BY THE CITY COMMISSION OF THE CITY OF DELAND, FLORIDA, TO CHRIS JUSICK UPON HIS RETIREMENT AFTER TWENTY YEARS OF SERVICE TO THE CITY OF DELAND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Detective Chris Jusick has dedicated his career to the safety and protection of our community, serving well and faithfully as a Detective of the DeLand Police Department; and

WHEREAS, Detective Chris Jusick, after twenty years of service to this community, will retire as a sworn Police Detective; and

WHEREAS, Detective Chris Jusick was hired as a Police Officer by the City of DeLand on October 7, 2002. Detective Jusick was initially assigned to the Patrol Division where he quickly became a Field Training Officer. In September 2009, he transferred to the Criminal Investigations Division. Detective Jusick worked in this division for 14 years investigating major case crimes. In 2016, Detective Jusick was DeLand Police Department's Crime Stoppers Officer of the Year nominee for two homicide investigations in which the suspects were identified and prosecuted. In 2017, he was presented an award by the Statewide Prosecutors Office in front of the City Commission for his outstanding investigation while working with multiple law enforcement agencies in solving a string of violent robberies that resulted in the conviction of two subjects. He also earned several commendations from DeLand Police Department to include two Medals of Merit and received letters of appreciation from his command staff, Mayor Robert Apgar, Saint Peter Catholic Church, Volusia Sheriff's Office and the Federal Bureau of Investigation; and

WHEREAS, Detective Chris Jusick's dedication and commitment to the City of DeLand, the city where he was raised, and to the DeLand Police Department has earned the respect, admiration, and high regard of his superiors, fellow officers, his peers with other law enforcement agencies in Volusia County, as well as that of the citizens of this community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. That the City Commission of the City of DeLand does hereby honor Detective Chris Jusick for his twenty years of service to the City of DeLand and the DeLand Police Department for the duty, honor, courage, integrity, caring, respect, and loyalty he has devoted to the community.

Section 2. This resolution shall be spread upon the minutes of the City Commission of the City of DeLand as part of the permanent memento of the City's thanks and appreciation to Detective Chris Jusick.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of December 2022.

Christopher M. Cloudman, Mayor - Commissioner

Attest:

Julie A. Hennessy, City Clerk - Auditor

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Resolution re Surplus of Glock Firearm for Detective Chris Jusick Upon His Retirement.

DEPARTMENT: Police

PREPARED BY: Jason Umberger, Police Chief

ATTACHMENTS: Resolution

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

The DeLand Police Department requests the following firearm be declared as surplus: One Glock Model 17, Gen 5, 9mm Serial Number BTWS798.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government/Maintaining a Safe Community

SUSTAINABILITY:

Safety and Security

FISCAL IMPACT:

The cost of the item at the time of purchase was \$500.50.

RECOMMENDATION:

It is recommended that the City Commission adopt the Resolution declaring the reference Glock firearm as surplus and present it to Det. Chris Jusick for his years of service to the City of DeLand.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, DECLARING DETECTIVE CHRIS JUSICK'S SERVICE WEAPON TO BE SURPLUS; AUTHORIZING RETIREMENT OF THE FIREARM; AUTHORIZING TRANSFER OF THE GUN TO DETECTIVE CHRIS JUSICK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of DeLand owns a Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS798; and

WHEREAS, the City Commission of the City of DeLand wishes to retire this weapon; and

WHEREAS, the City Commission of the City of DeLand wishes to present this weapon as a token of appreciation to Detective Chris Jusick for his years of service to the DeLand Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA AS FOLLOWS:

Section 1. The Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS798, is hereby declared surplus and retired.

Section 2. The Glock, Model 17, Gen 5, 9mm gun bearing serial number BTWS798, is hereby presented to Detective Chris Jusick as a token of appreciation for his years of service to the DeLand Police Department.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of December 2022.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Consideration re Gateway Grant Request for 400 South Woodland Boulevard.

DEPARTMENT: Community Development

PREPARED BY: Rick Werbiskis, Community Dev. Director

ATTACHMENTS: 400 South Woodland - Gateway Grant, 400 S Woodland Aerial

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

The owner of the property located at 400 S. Woodland Blvd. has applied for a \$3,000 Gateway Grant for exterior stucco repair and painting of the building along with signage upgrades. This project is eligible to receive up to 50% of the total project cost as a reimbursement for expenditures with a grant not to exceed \$5,000. The total estimated cost for the improvements is \$6,000.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Preserving "Sense of Community" as a key asset

SUSTAINABILITY:

N/A

FISCAL IMPACT:

There is \$95,000 in the current budget for Gateway Grants.

RECOMMENDATION:

Staff recommends that the City Commission approve the Gateway Grant request for \$3,000.

BACKGROUND/DISCUSSION:

The applicant is opening a hair salon at 400 S. Woodland Blvd., formerly the location of a pawn shop. The applicant is undertaking a substantial investment in exterior renovations in accordance with the grant's eligible improvements category.

GATEWAY BUSINESS IMPROVEMENT PROGRAM

Matching Grants are available to property owners for improving the appearance of businesses located within DeLand's gateway districts. Eligible projects may receive Grant Awards of up to 50% of total project cost as a reimbursement for expenditures with no single grant exceeding \$5,000. Only one project per premise (defined as a single parcel of property on the Volusia County Property Appraiser's Records) may be submitted. Upon recommendation by the MainStreet Grant Committee and the Economic Development Committee, the city commission may award larger grants for exceptional projects.

GATEWAY AREAS

Section 33-36.03 of the City's Land Development code describes three gateway areas. Grants may be awarded to businesses (commercial, retail and service, industrial, warehouse, wholesale or office use) in the City limits within any of these three areas.

1. ***Core Gateway District.*** All areas encompassed by or located within the following described area except those within the Downtown DeLand Tax Increment District:
 - Plymouth Avenue on the north, between Boundary and Hill Avenues
 - Hill Avenue on the east, between Plymouth and Beresford Avenues
 - Beresford Avenue on the south, between Hill and Boundary Avenues
 - Boundary Avenue on the west, between Beresford and Plymouth Avenues
2. ***Redevelopment Gateway District:*** Properties on any of the following roadway segments:
 - North Woodland Boulevard – from Plymouth Avenue to U.S. 92
 - East New York Avenue – from Hill Avenue to Kepler Road
 - South Woodland Avenue – from Beresford Avenue to SR 472
 - West New York Avenue – from Boundary Avenue to the west corporate limit line
 - SR 15A – from Beresford Avenue to Plymouth Avenue
3. ***Emerging Gateway District:*** Properties located on any of the following roadway segments:
 - Kepler Road and Martin Luther King Blvd.- from US 92 to SR 472
 - East New York Avenue (SR44) – from Hill Avenue to I-4
 - West New York Avenue (SR44) – from SR 15A to the CSX Railroad
 - SR 15A – from Plymouth Avenue to US 17
 - SR 15A – from Beresford Avenue to US 17/92
 - International Speedway Blvd. (US 92) – from US 17 to Old Daytona Road
 - CR 92 – from US 17 to SR 15A
 - Woodland Blvd. (US 17) – from International Speedway Blvd. to SR 15A
 - Orange Camp Rd. – from US 17/92 to I-4
 - County Rd 4139 – from SR 44 to I-4
 - Taylor Rd. – from US 17/92 to Martin Luther King Blvd.
 - Stone St. – from Plymouth Ave. north to CR 92
 - Interstate 4 – from 600' N of SR 44 to 600' S of Orange Camp Rd.

TYPES OF ELIGIBLE PROJECTS

This program is designed to offer a onetime award to improve the appearance of gateway properties. A wide variety of projects are eligible to receive matching grant funds. Examples of eligible projects include:

- Exterior building renovation which improves the appearance of the facility;
- Pressure washing or repainting the exterior of discolored buildings;
- Repainting exterior buildings from loud or garish colors to earth tones or pastels;
- Installation of landscape buffers where none exist;
- Installation of tree islands or landscape islands in older non-conforming parking lots;
- Replacement of older non-conforming signs with monument signs and foundation landscaping;
- Other projects as approved by the City Commission.

Note: All landscaping must be done with 'water-wise' plant materials.

General building or facility maintenance is not eligible for funding under this program. Examples of activities ineligible for funding under most circumstances include:

- Building reroofs;
- Parking lot re-striping;
- Replacement of dead or diseased landscape materials or re-sodding lawn areas;
- Installation of irrigation systems;
- Properties that are in violation of city codes are usually not eligible for funding;

The MainStreet DeLand Association shall manage the program in collaboration with the City's Community Development Department. The program is subject to overall policy direction, general oversight and final approval of all grant awards by the DeLand City Commission based upon recommendations from the City Economic Development Committee. MainStreet DeLand Association shall receive all applications. The MainStreet Executive Director will work the City's Community Development Director to ensure all applications are complete and comply with the codes and ordinances of the City. All complete applications will be forwarded to the City's Economic Development Committee for review and recommendations. The Committee's recommendations will be forwarded to the DeLand City Commission for final approval.

PLEASE NOTE: It is the expectation that all awarded grant projects will be completed with all documentation specified as necessary for payment submitted to the City of DeLand no later than September 30 of the year of the grant award..

AWARD OF FUNDS

Once an award is made, MainStreet DeLand shall be responsible for preparing documentation for payment of eligible expenses. The grant program works on a reimbursement basis and eligible expenses must be documented by a detailed receipts and cancelled checks. Upon validation of the request for reimbursement, MainStreet DeLand will submit a request for payment to the City Community Development Department. Approximately four weeks are needed to process the request for reimbursement.

GATEWAY GRANT APPLICATION

Project: Hair Salon
Applicant's Name: Natalie Reinerzer
Owner's Name: Natalie Reinerzer
Applicant's Address: 360 Orange St Deland 32724
Property Address: 400 South Woodland Blvd Deland 32720
Daytime Phone: 828-371-0827 FAX #:
E-Mail Address: Natleonard25@aol.com
Type of Improvement Planned: Exterior Paint + Monument Sign Panels
Estimated Cost of Project: \$ 6,000 Amount Requested \$ 3,000
(Maximum grant award of \$5,000; cannot be more than 50% of project cost)

Attach detailed outline of proposed work, including:

1. Photographs clearly showing existing conditions.
2. Detailed drawing to approximate scale, showing proposed improvements.
3. Samples of proposed colors to be used on building and signs, if applicable.
4. Landscape plans, if applicable.
5. Project budget with at least three (3) contractor estimates.

AGREEMENT

I understand that in order for my request for funding to be approved, I must agree to follow the recommendations of the City Commission and comply with the following:

1. Gateway grants apply only to those commercial structures and buildings within the designated gateway areas.
2. Only projects which have not received grant funds within the past FIVE (5) years will be given consideration.
3. It is the responsibility of the owner or APPLICANT to obtain all required permits from the city BEFORE beginning any work. No reimbursements will be made without the proper permits before work begins.
4. Project work must begin within 45 days after the building permit is issued.
5. Monies are for improvements only and will be reimbursed upon completion of work. In-Kind expenses are not reimbursable.
6. For projects where the applicant is not the property owner, the applicant must obtain approval in writing that the property owner concurs with the execution of the proposed work.

NOTE: NO PROJECT WORK MAY BEGIN WITHOUT:

1. City Commission approval.
2. Signed Contract Documents.
3. All required development orders and permits.
4. Unapproved deviations from the approved proposal will void funding.

Grantees are responsible for meeting with the City Planning Officials and/or Building Officials prior to grant application to find out the legal needs, permits, etc. Grantee must comply with all relevant requirements. Grantee is responsible for making certain that their contractors have pulled the proper permits.

SIGNED: Natalie Reinerzer Date: 10-1-2022

GATEWAY GRANT CONTRACT (Page 1 of 2)

This agreement is made and entered into the ____ day of _____, _____ by and between the City of DeLand and Natalie Reinerz (hereinafter "Applicant"), for a grant project on the property located at 400 S Woodland Blvd for and in consideration of the mutual covenants expressed herein and other good and valuable considerations. The adequacy of which is hereby acknowledged, the parties agree as follows:

APPLICANT AGREES:

- A. To perform the work for the project, set forth in the specifications attached hereto and made a part hereof, in a workmanlike manner and all work shall be done in strict conformance with all applicable federal, state, county and city codes, laws, regulations and ordinances. If a Contractor (s) is hired by the applicant for this project, the applicant bears responsibility to the Contractor(s) for cost of the project.
- B. To complete the approved project and submit to the City of DeLand all documentation specified as necessary to receive payment no later than September 30th of the grant award year, including such extensions as may be granted by the City in writing.
- C. To maintain, with no substantial changes, the improvements for ten (10) years unless otherwise agreed to by the City Commission.
- D. To hold harmless the City of DeLand and its individual employees and committee members, in the event of property damage, personal or physical injury occurring as a result of working on the project.
- E. To submit proof of payment to the City of DeLand for any expenses incurred under the terms of this grant including but not necessarily limited to engineering survey costs, work performed by a contractor and construction material and landscaping expenses.

THE CITY AGREES:

- A. The work in progress will be inspected by the City and the City will work with the property owner and the Contractor to ensure that the work meets the objectives of the Gateway Business Improvement Program. The City of DeLand will not be responsible for the quality of material and workmanship.

GATEWAY GRANT CONTRACT (Page 2 of 2)

B. Reimbursement of \$ (max of \$5,000) shall be made by the City of DeLand to the Applicant upon completion of work, and the City of DeLand's on-site inspection and written acceptance of same. The applicant shall submit proof of payment to the City of DeLand for any item for which reimbursement is requested including professional services, costs of materials or work performed by a contractor.

WITNESS the hands and seals of the parties hereto the date first written above.

BY: _____
City of DeLand – Community Development Director

BY: _____
Representative, MainStreet DeLand Association

BY: Natalie Rehner
Applicant

BY: Natalie Rehner
Owner

Natalie
Rehner
828-371-
0827

Three stucco repair and painting quotes for exterior of building.

PROPOSAL

9-21-22

AAA MASTER PAINTING LLC

400 s woodland ave

Deland fl 32721

EXT only TOP LINE materials

power wash ext top to bottom kill mildew take off all loose paint scrape balance for beginning of prep

clean up paint chips put in bags dispose

scrape where needed ext

caulk perimeters light sand wood areas and doors before top coat

windows doors door frames to stucco

all wood areas ALL stucco cracks

concrete caulk window door frames cracks with 100% acrylic latex caulk

raged out for even look on surface on body and trim to paint

skim low areas on walls with elastameric patch to try and match existing patterns on stucco ext for final paint look

tape up all glass ,hardware REMOVE ALL screws nails fill areas on bld walls and trim

COVER new BLACK METAL roof before primer and any painting

scrape front glass windows old paint all over it needs removed

1 coat primer on raw wood

1 coat primer sealer on stucco / block brick stucco ext TINTED TO FINISH COAT

2 coats top coat on body with white garden product and white trim with all pink color on old going white
SPRAY BACK ROLL

SPRAY BRUSH ROLL applications

2 coat concrete stain in back of bld concrete slabs black to match bld

do a punch out list with customer before last draw for labor materials for final look

clean up leave all material when finish for touch up with owner of bld

Ron Munizzi

Heritage Painting of Central Fla inc.

547 Morgan wood drive

Deland Fla 32724

386-748-1885

Estimate

Bill To

Natalie Reiherzer

400 S. Woodland Drive

Deland Fla 32720

386-748-1885

Estimate#

Estimate Date Sep 15, 2022

Expiry Date Mar 15, 2023

Item Name and Description	Qty	Rate	Amount
Exterior painting of building.	1	2800	2800.00
	Subtotal		2800.00
			0.00
	TOTAL		\$2800.00

Notes

1. Power wash exterior of building using a chlorine solution to remove mildew and contaminants.
2. Caulk in new wood around fascia and windows to ensure a tight seal.
3. Cover all windows and protect floors during painting.
4. Apply 1 coat of primer/sealer to all exterior walls and trim and prime new wood on fascia.
5. Fill settlement cracks in block walls with elastomeric patching compound.
6. Apply 2 finish coats of Sherwin Williams 25 yr Superpaint satin to all walls and trim.
7. Apply 2 coats of Sherwin Williams Superpaint gloss to all exterior doors.
8. Remove drop cloths, plastic and tape and clean up.
9. Leave touch up paints for owner.

* Price Includes Labor and Material

* 50% deposit and balance upon completion

SUN TROPIC COATINGS, INC.
Preserving Today's Equity For Tomorrow

605 West New York Avenue
DeLand, FL 32720
(386) 740-8070

Ronald P. Weiss, President

Licensed & Insured

July 25, 2022

Project: 400 S. Woodland

Re: Paints and Coatings

Dear Ms. Reiherzer:

This proposal contains pricing for the above referenced project. It provides pricing for all labor, materials and applications in accordance with the manufactures specifications.

Paint Pricing: \$ 2,842.00

Scope of Work: Pressure clean exterior with chlorine mix to kill mildew and remove oxidized paint. Open and repair cracks @ stucco with structural caulking. Prime any bare wood or exposed stucco. Apply 2 coats of Sherwin Williams Super paint satin. Allow for a 2 color scheme.

If you have any questions regarding the above, please feel free to call me.

Sincerely,

Ronald Weiss
President

Three sign quotes for replacing the panels on the existing monument sign.

Created Date: 10/7/2022

DESCRIPTION: Exterior Signage & Installation

Bill To: Natalie Reiherzer c/o Steel Magnolias Salon
400 S. Woodland Blvd.
Deland, FL 32721
US

Pickup At: FASTSIGNS
1265 Upsala Rd
Ste1133
Sanford, FL 32771
US

Requested By: Natalie Reiherzer
Email: natleonard25@aim.com

Salesperson: Toni Brown

NO.	Product Summary	QTY	UNIT PRICE	AMOUNT
1	48" x 96" 3/16" White Acrylic Pan Faces - Qty 2	2	\$850.00	\$1,700.00
1.1	Acrylic 3/16" White - Part Qty: 1 Width: 96.00" Height: 48.00" Sides: 1 Text: Customer Will Provide Artwork on Design			
2	Removal & Installation	1	\$1,200.00	\$1,200.00
2.1	Installation - Text: Removal of Existing Sign & Installation of New Sign Install Address: 400 S. Woodland Blvd. Deland, FL			

Projects requiring a proof, one (1) proof with two (2) rounds of edits will be supplied at the quoted price. Additional proofs will be charged \$20 each.

Subtotal:	\$2,900.00
Taxes:	\$119.00
Grand Total:	\$3,019.00
Deposit Required:	\$1,509.50

Estimate pricing is valid for seven (7) days from created date.

ImageWorks of Central Florida, Inc.

306 N. Volusia Ave.
Orange City, FL 32763

Estimate

Date	Estimate #
9/16/2022	20279

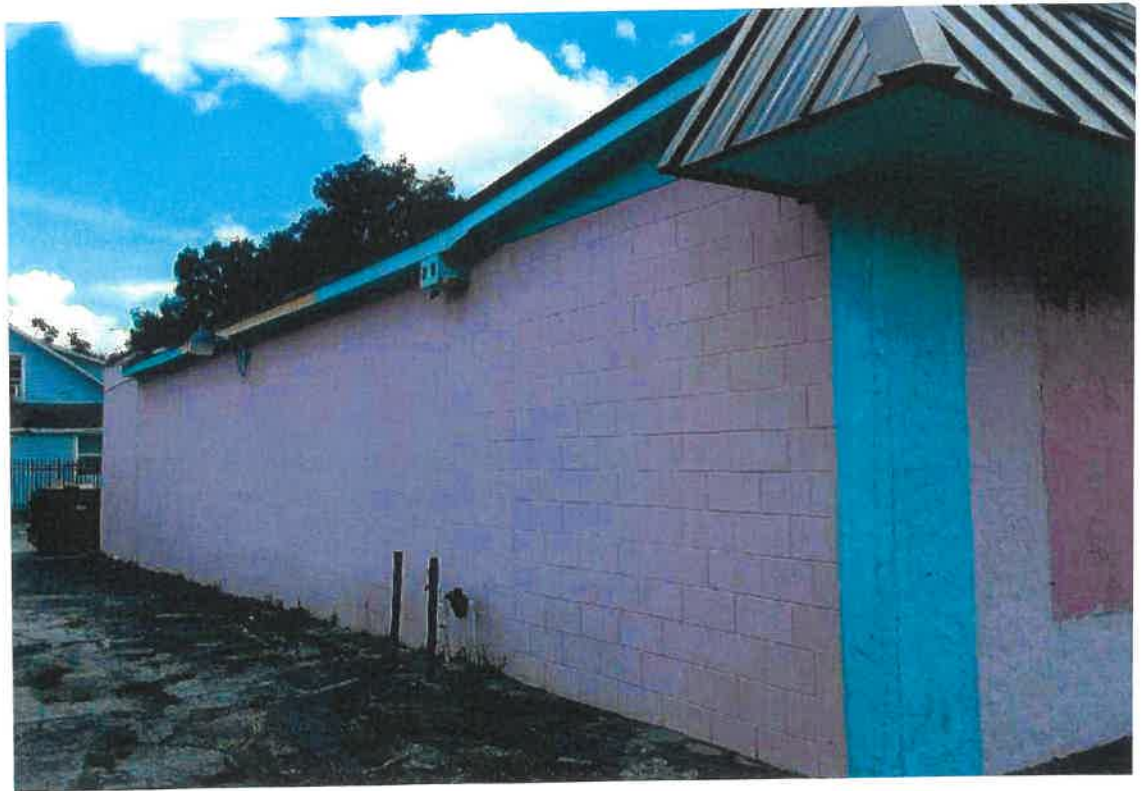
Name / Address
Great Expressions Natalie Leonard 828-371-0827 natleonard25@aol.com

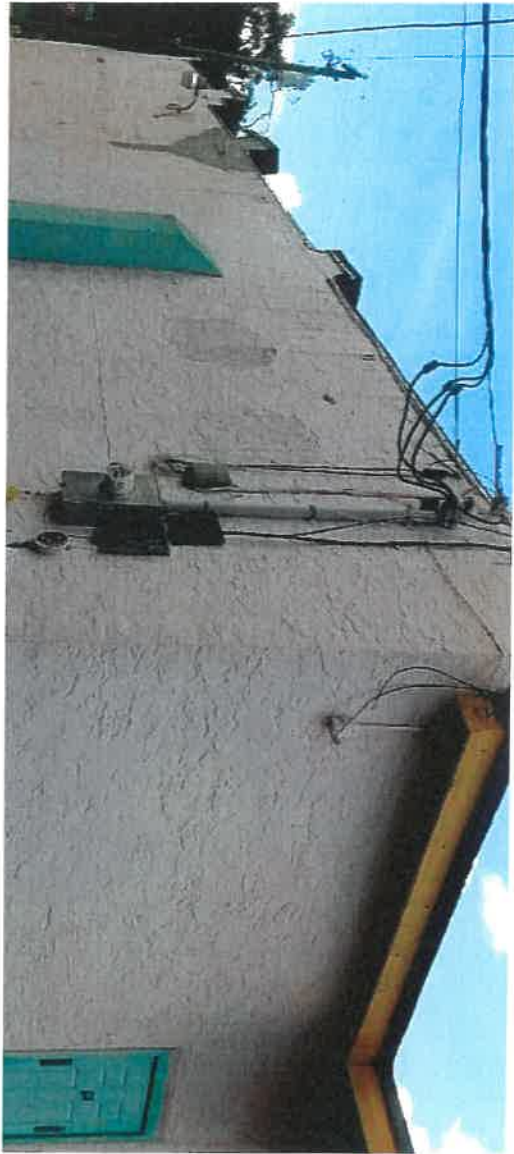
		Terms	Rep	Project
Item	Description	Qty	Rate	Total
DESIGN	Design Services / Layout / Proofing. Hourly rate of \$60/hour billed in 15 minute segments.	2	60.00	120.00T
ACRYLIC TUFF...	COMPLETE NEW PANELS WITH GRAPHICS 96" x 48" x .177 Tuffak UV white polycarbonate with full color first surface graphics	2	835.00	1,670.00T
PRINTED GRAP...	Film: Translucent Laminate: 8508 UV Gloss Mask: cut contour WH: IW			0.00T
Installation	Installation, includes initial survey with one way travel. Prepayment is requested on custom orders. Thank you.	3.5	60.00	210.00T
			Subtotal	\$2,000.00
			Sales Tax (6.5%)	\$130.00
			Total	\$2,130.00

Phone #	Fax #	E-mail	Web Site
386-775-0165		sherri.vizcaino@imageworksfla.com	www.imageworksfla.com

(2) 48" x 96" FLAT PLEX SIGN PANELS
INSTALLED. REMOVE AND DISPOSE OF OLD FACES.
TOTAL \$2196.00 INCLUDING CITY PERMIT FEE.
LET US KNOW IF YOU WOULD LIKE A PRICE TO REFIT
THE SIGN WITH LED ILLUMINATION INSTEAD OF
THE FLORESCENT THAT WILL LIKELY
NEED TO BE REPLACED. YOU SHOULD ALSO CHECK
TO SEE THAT POWER IS WORKING TO THE SIGN.









SW 7013
Ivory Lace

254-C3

SW 7013 254-C3
Ivory Lace

Light reflective value: 79 (light)
Valor de reflectancia de luz: 79 (claro)

Complementary colors

Colores complementarios
SW 7015 Skyline Steel 283-C3
SW 9159 Auger Shell 231-C4



SHERWIN-WILLIAMS.

sherwin-williams.com 1-800-4SHERWIN

©2015 The Sherwin-Williams Company

Samples approximate the actual paint color.
Las muestras se aproximan al color real de la pintura.

6505-12767

CS 5/21



SW 7069 251-C7
Iron Ore

Light reflective value: 6 (dark)
Valor de reflectancia de luz: 6 (oscuro)

Complementary colors

Colores complementarios
SW 7063 Nebulous White 257-C5
SW 7006 Extra White 257-C1
SW 7067 Cityscape 236-C5



SHERWIN-WILLIAMS.

sherwin-williams.com 1-800-4SHERWIN

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Samples approximate the actual paint color.
Las muestras se aproximan al color real de la pintura.

6504-99197

CS 3/21



SW 6258 251-C1
Tricorn Black

Light reflective value: 3 (dark)
Valor de reflectancia de luz: 3 (oscuro)

Complementary colors

Colores complementarios
SW 6252 Ice Cube 257-C3
SW 0050 Classic Light Buff 171-C3
SW 9052 Bitlie Blue



SHERWIN-WILLIAMS.

sherwin-williams.com 1-800-4SHERWIN

©2015 The Sherwin-Williams Company

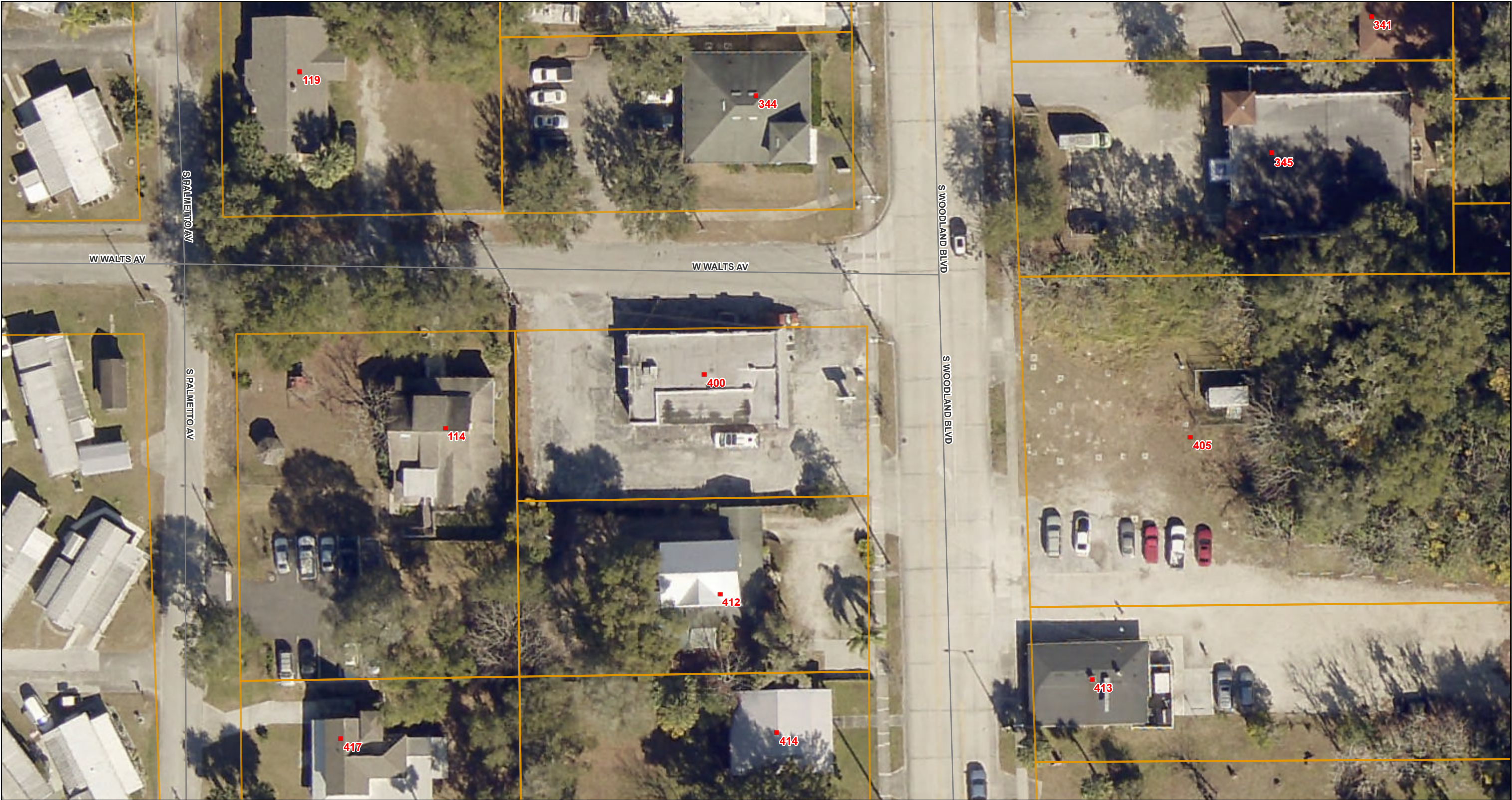
Samples approximate the actual paint color.
Las muestras se aproximan al color real de la pintura.

6504-99130

CS 12/20

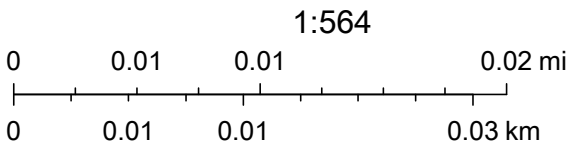


Volusia County Property Appraiser



11/23/2022, 10:30:41 AM

-  Parcel
-  Address
-  Streets
-  Parcel Text
-  County Boundary



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors,

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Resolution Approving Amendment # 3 to Florida Department of Public Transportation Grant Agreement FM 438416-1-94-01 for Hangars - Construction.

DEPARTMENT: Airport

PREPARED BY: john Eiff, Airport Manager

ATTACHMENTS: Resolution, Amendment #3 PTGA to Sponsor 438416-1 Eastside Hangar Development

APPROVED BY: Michael Pleus, City Manager, November 30, 2022

SUMMARY/HIGHLIGHT:

At the June 6, 2022 Commission meeting an agreement was approved accepting FDOT grant Amendment #1 in the amount of \$2,045,000 to design and construct T-Hangars in the East Hangar Complex at the DeLand Airport. At the November 7th Commission meeting, Amendment #2 was approved adding \$600,000 of FDOT funding to the project budget. This third amendment to the FDOT agreement will increase the necessary grant budget an additional \$350,000 to permit the construction of 20 T-hangars, based on actual as-bid costs that were higher than anticipated, and related funding of inspection services by the airport design consultant, AVCON. In total, the FDOT will contribute \$2,995,000 and the City will contribute \$748,750 of total project budget of \$3,743,750.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

New Business Development, High Value Government.

SUSTAINABILITY:

Awareness of community demographic trends and service demands.

FISCAL IMPACT:

The proposed total project cost of \$3,743,750 is memorialized in the Amendment #3 agreement. The revised grant breakdown of funding is as follows; total FDOT contribution is \$2,995,000, total City contribution is \$748,750. The proposed City matching funds are as follows; appropriated specifically for the T-hangar project in the FY22 budget (\$511,250), transfer of the FY22 city match originally programmed for airport fuel farm project (\$150,000), and partial re-allocation of FY23 airport appropriation that anticipated additional T-hangar construction costs (\$87,500).

RECOMMENDATION:

Staff recommends that the City Commission approve the attached resolution and authorize the Mayor/Commissioner to execute the agreement on behalf of the City.

BACKGROUND/DISCUSSION:

The City worked with FDOT to establish the original grant budget early in 2022. Noting our awareness of the

ever increasing costs of construction, the City crafted the airport base bid for 13 T-hangars as well as several "add-alternate" bid items to permit construction of additional T-hangars or box hangars, if there was enough project budget available. Bids were received and were over the original projected budget. Subsequent to receiving the bids, the City discussed the shortfall with FDOT and we were able to collaborate and propose a solution to permit the funding of the construction of 20 T-Hangars and the appropriate construction oversight costs by AVCON. FDOT was willing to transfer grant funding from other projects that the City had programmed and allocated with them, so long as the City could make up the necessary matching funds. This decision was made because the construction of T-hangars and related security fencing is a high priority as the waiting list for T-hangars over the past three years has consistently been over 60 people.

The new project cost is now \$3,743,750 with the city paying only 20% of the construction costs and consultant oversight fees. The FDOT grant also has a small amount of contingencies included.

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, AUTHORIZING THE EXECUTION OF THE AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, FINANCIAL MANAGEMENT NO. 438416-1-94-01; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Department of Transportation has offered the City an Amendment to the Public Transportation Grant Agreement, a copy of which is attached hereto as Exhibit “A”, which will provide funding for the Construction of T-hangars at the DeLand Municipal Airport; and

WHEREAS, the aforesaid agreement requires the City of DeLand to pay 20% of the anticipated project cost; and

WHEREAS, this project is necessary and will provide for the needs of the aviation-related businesses and public users at DeLand Municipal Airport.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. The City Commission hereby sets aside the additional amount of \$87,500 to pay for its share (20%) of the anticipated cost.

Section 2. The Mayor-Commissioner is authorized to execute the Amendment to the Public Transportation Grant Agreement for the Construction of T-hangars at the DeLand Municipal Airport

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of December 2022.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk – Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
AMENDMENT TO THE PUBLIC TRANSPORTATION
GRANT AGREEMENT

Form 725-000-03
STRATEGIC
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Financial Project Number(s): (item-segment-phase-sequence) 438416-1-94-01	Fund(s): Work Activity Code/Function: Federal Number/Federal Award Identification Number (FAIN) – Transit only:	DDR,DPTO 215	FLAIR Category: 088719
		Object Code: 751000	
		Org. Code: 55052000531	
		Vendor Number: VF596000307028	
Contract Number: G1Q81	Federal Award Date:		Amendment No.: 3
CFDA Number: N/A	SAM/UEI Number:		
CFDA Title: N/A			
CSFA Number: 55.004			
CSFA Title: Aviation Grant Program			

THIS AMENDMENT TO THE PUBLIC TRANSPORTATION GRANT AGREEMENT ("Amendment") is made and entered into on _____, by and between the State of Florida, Department of Transportation ("Department"), and City of DeLand, ("Agency"), collectively referred to as the "Parties."

RECITALS

WHEREAS, the Department and the Agency on 10/5/2020 (date original Agreement entered) entered into a Public Transportation Grant Agreement ("Agreement").

WHEREAS, the Parties have agreed to modify the Agreement on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants in this Amendment, the Agreement is amended as follows:

1. **Amendment Description.** The project is amended This Grant is being amended to add funds to the PTGA at Deland Municipal Airport.

2. **Program Area.** For identification purposes only, this Agreement is implemented as part of the Department program area selected below (select all programs that apply):

- ☒ **Aviation**
- ☐ **Seaports**
- ☐ **Transit**
- ☐ **Intermodal**
- ☐ **Rail Crossing Closure**
- ☐ **Match to Direct Federal Funding** (Aviation or Transit)
(Note: Section 15 and Exhibit G do not apply to federally matched funding)
- ☐ **Other**

3. **Exhibits.** The following Exhibits are updated, attached, and incorporated into this Agreement:

- ☒ Exhibit A: Project Description and Responsibilities
- ☒ Exhibit B: Schedule of Financial Assistance
- ☐ *Exhibit B1: Deferred Reimbursement Financial Provisions
- ☐ *Exhibit B2: Advance Payment Financial Provisions
- ☐ *Exhibit C: Terms and Conditions of Construction
- ☒ Exhibit D: Agency Resolution
- ☐ Exhibit E: Program Specific Terms and Conditions
- ☐ Exhibit F: Contract Payment Requirements
- ☒ *Exhibit G: Financial Assistance (Single Audit Act)
- ☐ *Exhibit H: Audit Requirements for Awards of Federal Financial Assistance

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
AMENDMENT TO THE PUBLIC TRANSPORTATION
GRANT AGREEMENT

Form 725-000-03
STRATEGIC
DEVELOPMENT
OGC 11/19

___ *Additional Exhibit(s):

4. Project Cost.

The estimated total cost of the Project is X increased/ ___ decreased by \$437,500 bringing the revised total cost of the project to \$3,743,750.

The Department's participation is X increased/ ___ decreased by \$350,000. The Department agrees to participate in the Project cost up to the maximum amount of \$2,995,000, and, additionally the Department's participation in the Project shall not exceed 80.00% of the total eligible cost of the Project.

Except as modified, amended, or changed by this Amendment, all of the terms and conditions of the Agreement and any amendments thereto shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this Amendment on the day and year written above.

AGENCY City of DeLand

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

By: _____
Name: _____
Title: _____

By: _____
Name: C. Jack Adkins
Title: Director of Transportation Development

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION

Legal Review: Daniel L. McDermott

EXHIBIT A

Project Description and Responsibilities

A. Project Description (description of Agency's project to provide context, description of project components funded via this Agreement (if not the entire project)): Construction Hangars - The project consists of the construction for three (3) buildings with a total of twenty (20) T-Hangar units to be constructed in the previously prepared area located on the east side of the Airport. Site work will include building foundations, aprons and connections to existing taxilanes, drainage connections, utility connections, security fencing and gates with access card readers, and vehicular parking to serve each new hangar building. Alternate bids were received for the construction of the additional T-Hangar building.

B. Project Location (limits, city, county, map): DeLand Municipal - Sidney H Taylor Field/Deland, FL/Volusia

C. Project Scope (allowable costs: describe project components, improvement type/service type, approximate timeline, project schedule, project size): T-Hangars (Construction): As required by 215.971, F.S., this scope of work includes but is not limited to consultant and design fees, survey and geotechnical costs, permitting, construction inspection and material testing costs, mobilization and demobilization, maintenance of traffic, erosion control, demolition, pavement (access roadways, parking lots, and sidewalks), drainage, utilities, primary and back-up power supplies, building (foundation, structure, roof, MEP, drainage, and fire prevention and protection), pavement marking, lighting and signage, fencing and gates with access card readers, landscaping (including outdoor lighting), and indoor/outdoor security systems, including all materials, equipment, labor, and incidentals required to complete the T-hangars project. Alternate bids were received for the construction of additional T-Hangar building that was included in the designed.

The specifics of the Project Scope for construction are described in and limited by the Project Construction Plans identified as "Construct T-Hanger and Box Hangar Facilities" at Deland Municipal Airport prepared by AVCON, Inc., dated December 2021, together with all plan updates, necessary design variation, exceptions, and change orders approved by the Agency." The Sponsor will comply with Aviation Program Assurances

D. Deliverable(s): Final closeout documents to be uploaded into Jacip.

The project scope identifies the ultimate project deliverables. Deliverables for requisition, payment and invoice purposes will be the incremental progress made toward completion of project scope elements. Supporting documentation will be quantifiable, measurable, and verifiable, to allow for a determination of the amount of incremental progress that has been made, and provide evidence that the payment requested is commensurate with the accomplished incremental progress and costs incurred by the Agency.

E. Unallowable Costs (including but not limited to): Stored material.

F. Transit Operating Grant Requirements (Transit Only):

Transit Operating Grants billed as an operational subsidy will require an expenditure detail report from the Agency that matches the invoice period. The expenditure detail, along with the progress report, will be the required deliverables for Transit Operating Grants. Operating grants may be issued for a term not to exceed three years from execution. The original grant agreement will include funding for year one. Funding for years two and three will be added by amendment as long as the grantee has submitted all invoices on schedule and the project deliverables for the year have been met.



STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 09/22

EXHIBIT B

Schedule of Financial Assistance

FUNDS AWARDED TO THE AGENCY AND REQUIRED MATCHING FUNDS PURSUANT TO THIS AGREEMENT
CONSIST OF THE FOLLOWING:

A. Fund Type and Fiscal Year:

Financial Management Number	Fund Type	FLAIR Category	State Fiscal Year	Object Code	CSFA/CFDA Number	CSFA/CFDA Title or Funding Source Description	Funding Amount
438416-1-94-01	DDR	088719	2022	751000	55.004	Aviation Grant Program	\$600,000.00
438416-1-94-01	DDR	088719	2023	751000	55.004	Aviation Grant Program	\$600,000.00
438416-1-94-01	DPTO	088719	2021	751000	55.004	Aviation Grant Program	\$1,445,000.00
438416-1-94-01	LF	088719	2021	751000	55.004	Aviation Grant Program	\$361,250.00
438416-1-94-01	LF	088719	2022	751000	55.004	Aviation Grant Program	\$150,000.00
438416-1-94-01	LF	088719	2023	751000	55.004	Aviation Grant Program	\$150,000.00
438416-1-94-01	DDR	088719	2023	751000	55.004	Aviation Grant Program	\$350,000.00
438416-1-94-01	LF	088719	2023	751000	55.004	Aviation Grant Program	\$87,500.00
Total Financial Assistance							\$3,743,750.00

B. Estimate of Project Costs by Grant Phase:

Phases*	State	Local	Federal	Totals	State %	Local %	Federal %
Land Acquisition	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Planning	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Environmental/Design/Construction	\$2,995,000.00	\$748,750.00	\$0.00	\$3,743,750.00	80.00	20.00	0.00
Capital Equipment/ Preventative Maintenance	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Match to Direct Federal Funding	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Mobility Management (Transit Only)	\$0.00	\$0.00	\$0.00	\$0.00	0.00	0.00	0.00
Totals	\$2,995,000.00	\$748,750.00	\$0.00	\$3,743,750.00			

*Shifting items between these grant phases requires execution of an Amendment to the Public Transportation Grant Agreement.

Scope Code and/or Activity Line Item (ALI) (Transit Only)	
--	--

BUDGET/COST ANALYSIS CERTIFICATION AS REQUIRED BY SECTION 216.3475, FLORIDA STATUTES:

I certify that the cost for each line item budget category (grant phase) has been evaluated and determined to be allowable, reasonable, and necessary as required by Section 216.3475, Florida Statutes. Documentation is on file evidencing the methodology used and the conclusions reached.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 09/22

Allison McCuddy

Department Grant Manager Name

Allison McCuddy

11/16/2022

Signature

Date

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 09/22

EXHIBIT D

AGENCY RESOLUTION

PLEASE SEE ATTACHED

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PUBLIC TRANSPORTATION
GRANT AGREEMENT EXHIBITS**

Form 725-000-02
STRATEGIC
DEVELOPMENT
OGC 09/22

EXHIBIT G

AUDIT REQUIREMENTS FOR AWARDS OF STATE FINANCIAL ASSISTANCE

THE STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT CONSIST OF THE FOLLOWING:

SUBJECT TO SECTION 215.97, FLORIDA STATUTES:~

Awarding Agency: Florida Department of Transportation

State Project Title: Aviation Grant Program

CSFA Number: 55.004

***Award Amount:** \$2,995,000

*The award amount may change with amendments

Specific project information for CSFA Number 55.004 is provided at: <https://apps.fldfs.com/fsaa/searchCatalog.aspx>

COMPLIANCE REQUIREMENTS APPLICABLE TO STATE RESOURCES AWARDED PURSUANT TO THIS AGREEMENT:

State Project Compliance Requirements for CSFA Number 55.004 are provided at:
<https://apps.fldfs.com/fsaa/searchCompliance.aspx>

The State Projects Compliance Supplement is provided at: <https://apps.fldfs.com/fsaa/compliance.aspx>

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Consideration re Change Order # 1 - Fire Station No. 81 Reserve Garage.

DEPARTMENT: Engineering

PREPARED BY: Ray Bahrami, City Engineer

ATTACHMENTS: Change Order 1, Change Order 2, Partially signed change order No. 1

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

At their September 20, 2021 meeting, the City Commission awarded a contract to Keator Construction, LLC. for Fire Station 81 Reserve Garage.

Change Order No. 1 includes labor, materials and equipment necessary to complete work for two change order proposals; A) Per Fire Chief 's request, a motorized push button system for overhead doors rather than manual one as specified in construction plans. B) A hurricane rated louver will need to be used per new Florida Building Code.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Sustainability

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The net award for this project approved by the City Commission is currently \$390,000.00. This Change Order No. 1, if approved, will increase this award by \$17,633.00 to \$407,633.00. Project contingency funds will be used to pay for this additional work. A total of \$410,000 is included in the last fiscal year budget for the project.

RECOMMENDATION:

Staff recommends that the City Commission approve Change Order No. 1, in the amount of \$17,633.00 for miscellaneous additional work at Fire Station No. 81 Reserve Garage.

BACKGROUND/DISCUSSION:

N/A



Keator Construction, LLC

CHANGE ORDER

1 OF 2

Change Order Number: 21332-01

Date: 09/15/2022

Project: 21-332 Deland Reserve Garage
343 W. Howry Avenue
Deland, FL 32720

Project #: 2770002

**Customer
Contract ID:**

Contractor: Keator Construction, LLC
599 Maguire Road
Ocoee, FL 34761

**Contract
Date:** 12/07/2021

THE CONTRACT IS CHANGED AS FOLLOWS:

(Includes, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

The original Contract Sum was	\$	390,000.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	390,000.00
The Contract Sum will be INCREASED by this Change Order in the amount of	\$	2,530.00
The new Contract Sum including this Change Order will be	\$	392,530.00
The Contract Time will be adjusted by ZERO (0) days.		

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

City of Deland

Keator Construction, LLC

City of Deland

ARCHITECT (Firm name)**CONTRACTOR (Firm name)****OWNER (Firm name)**1102 S. Garfield Avenue
Deland, FL 32724599 Maguire Road
Ocoee, FL 347611102 S. Garfield Avenue
Deland, FL 32724**ADDRESS****ADDRESS****ADDRESS****BY (Signature)****BY (Signature)****BY (Signature)****Typed name****Typed name****Typed name****DATE****DATE****DATE**

Change Order Number: 21332-01

Date: 09/15/2022

Project: 21-332 Deland Reserve Garage
343 W. Howry Avenue
Deland, FL 32720

Project #: 2770002
Customer Contract ID:

Narrative for this Change

Champion Contracting Services \$2,300.00

(1) Hurricane Rated Louver Per Code - Plan Change 1.7.2022

GC Fee (10%) \$230.00

Details

INCLUDED IN THIS CHANGE:

(Includes, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

	Days	Amount
04: 21332-01	0	2,530.00
- No Work Description.		
https://redteam.link/1o7pq4k		



Committed to delivering superior quality and results!

State License #

CA181479

EC000304

6450 University Blvd. #B2

Winter Park, FL 32792

PN. 407-683-1807

FAX. 407-657-0234

EMAIL championac@bellsouth.net

DATE: 3/13/22

TO: Keator Construction-ATTN: Wes

FROM: Mark Madden

JOB NAME: Deland Reserve Garage

JOB LOCATION: Deland, FL

BID PROPOSAL

Champion Contracting Services proposes to furnish the following materials and/or services

This proposal includes the following

Per revised print M-101.1

New Fan Schedule per plan submitted 1-7-22

(1) Greenheck propeller wall

Exhaust fan to include:

- Disconnect
- Motor side guard
- Gravity backdraft damper
- Thermostat
- Labor to install

-Furnish and Install-

(1) 36 x 24 hurricane rated louver

* 4-to-5-week delivery from order*

This proposal does not include the following:

This would be a add to our contract of \$ 2300.00
QUOTED PRICE IS GOOD FOR 30 DAYS

RESPECTFULLY SUBMITTED

Mark Madden

APPROVAL: FIRST, THE TERMS, SPECIFICATIONS, AND CONDITIONS ARE HEREBY ACCEPTED. SERVICES WILL COMPLY WITH THE CITY OF DELAND. RECEIPT OF CHAMPION'S TERMS AND CONDITIONS ARE HEREBY ACKNOWLEDGED. SECOND, YOU AGREE TO SAID TERMS AND CONDITIONS. PAYMENTS WILL BE MADE IN ACCORDANCE WITH AUTHORIZED AGREEMENT. PLEASE NOTE: PROPOSAL MAY BE WITHDRAWN BY CHAMPION CONTRACTING SERVICES IF NOT ACCEPTED WITHIN 10 DAYS.

TERMS OF PAYMENT: PAYMENT DUE 15 DAYS FROM DATE OF OUR INVOICE. A SERVICE CHARGE OF 1.5% PER MONTH MAY BE INCURRED AND APPLIED AFTER THE 10 DAY PERIOD WHEN THE PAYMENT IS RECEIVED. AS THE FIRST CHAMPION CONTRACTING SERVICES EMPLOYEE, ALL EMPLOYEES SHALL BE RESPONSIBLE FOR THE PAYMENT OF THIS AGREEMENT. ADDITION TO COLLECT FUTURE WORKS PERMITTED TO THIS AGREEMENT, YOU AGREE TO PAY A REASONABLE ATTORNEY'S FEE FOR CHAMPION CONTRACTING SERVICES'S ATTORNEY, THIS SERVICE CHARGE IS NOT TO BE USED FOR ANY OTHER PURPOSES. CHAMPION CONTRACTING SERVICES SHALL BE RESPONSIBLE FOR THE PAYMENT OF THIS AGREEMENT.



Change Order Number: 21332-02

Date: 11/03/2022

Project: 21-332 Deland Reserve Garage
343 W. Howry Avenue
Deland, FL 32720

Project #: 2770002**Customer
Contract ID:**

Contractor: Keator Construction, LLC
599 Maguire Road
Ocoee, FL 34761

**Contract
Date:** 12/07/2021

THE CONTRACT IS CHANGED AS FOLLOWS:

(Includes, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

The original Contract Sum was	\$	390,000.00
The net change by previously authorized Change Orders	\$	0.00
The Contract Sum prior to this Change Order was	\$	390,000.00
The Contract Sum will be INCREASED by this Change Order in the amount of	\$	15,103.00
The new Contract Sum including this Change Order will be	\$	405,103.00
The Contract Time will be adjusted by ZERO (0) days.		

NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Schenkel Shultz Architecture

Keator Construction, LLC

City of Deland

ARCHITECT (Firm name)**CONTRACTOR (Firm name)****OWNER (Firm name)**200 E. Robinson St., Suite 300
Orlando, FL 32801599 Maguire Road
Ocoee, FL 347611102 S. Garfield Avenue
Deland, FL 32724**ADDRESS****ADDRESS****ADDRESS**

BY (Signature)

BY (Signature)

BY (Signature)

Gay Geiger

Clark Keator

Typed name

Typed name

Typed name

11/14/2022

11/13/22

DATE

DATE

DATE



Change Order Number: 21332-02

Date: 11/03/2022

Project: 21-332 Deland Reserve Garage
343 W. Howry Avenue
Deland, FL 32720

Project #: 2770002

Customer
Contract ID:

Narrative for this Change

Keator Construction \$13730.00

-Cost to provide motorized push button system to overhead doors-not on plans

General Contractor Fee (10%) \$1373.00

Details

INCLUDED IN THIS CHANGE:

(Includes, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

	Days	Amount
05: 21332-02	0	15,103.00
- No Work Description.		
https://redteam.link/i6n9y9s		



Proposed Change Order

Calkins Electric

530 S Woodland Blvd.
DeLand, Florida 32720

Contract Name: Apparatus Garage

Contract #: 001

Project Name: Fire Station #81 & Evidence Locker

Project #: 20-0512CEC

Client PCO #:

Client Address:

Work Description

Calkins Electric reserve the right to correct this quote for errors and omissions.

Install Conduit And Circuit for Garage Door Motors.

This quote covers direct costs only and Calkins Electric reserve the right to claim for impact and consequential costs.

Calkins Electric hereby propose to increase our contract in the amount of **\$5,601.17** for furnishing and installing complete all materials and labor as required for the above referenced work. In order to substantiate our proposal, Calkins Electric is inclosing one set of our pricing and recapitulation sheets.

This proposal is based solely on the usual cost elements such as labor, material, and normal markups and does not include any amount for additional changes in the sequence of work, delays, disruptions, reaction, and/or impact costs. The right is expressly reserved to make claim for any and all of the above items prior to final settlement of our subcontract agreement.

This proposal must be accepted within 10 days, after which time it will be subject to escalation. Calkins Electric is currently requesting a time extension/consideration ** days in conjunction with this change proposal if accepted with the Proposed Overtime Factors and Rate.

☒ **X** Calkins Electric will proceed with this work if directed and upon receipt of your change order in the above amount.

☐ Calkins Electric are proceeding with this work as directed, Calkins Electric need your change order in the above amount.

☐ Since the work has already been completed, Calkins Electric are in need of your change order in the above amount.

Proposed Change Order

Calkins Electric

530 S Woodland Blvd.
DeLand, Florida 32720

Client Address:

Contract Name: Apparatus Garage

Contract #: 001

Project Name: 20-0512CEC

Project #: Fire Station #81 & Evidence Locker

Client PCO #:

Itemized Description

Description	Qty	Total Mat. \$	Total Hours
3/4"Conduit - EMT 10' Lengths	280.000	286.13	17.360
3/4"Coupling - EMT Compression Steel	28.000	0.36	4.760
3/4"Connector - EMT Compression Steel	8.000	5.11	2.960
2-1/8" D4" Square Box 1/2 & 3/4" KO	3.000	9.08	1.050
#10 BlackWire THHN / T90 - Copper Solid	930.000	244.21	8.138
3/4"1-Hole Strap - EMT Steel	30.000	3.45	1.500
3/4"Edge Mount Conduit to Beam Clamp - Malleable Hot Dip Galvanized	10.000	119.07	3.750
3/4" x 3/4"Conduit Clip Push-On to Push-On	28.000	1.04	1.400
20A 1PBreaker - 250V Bolt-On Standard 22k AIC	2.000	130.54	0.860
Totals	1,319.000	798.99	41.778

Proposed Change Order

Calkins Electric
530 S Woodland Blvd.
DeLand, Florida 32720

Client Address:

Contract Name: Apparatus Garage
Contract #: 001
Project Name: 20-0512CEC
Project #: Fire Station #81 & Evidence Locker
Client PCO #:

Summary

Extension Materials				%	Total	
Database Material					798.99	
Total Extension Material Cost					798.99	
Material Overhead				10.00	79.90	
Material Markup				5.00	43.94	
Total Extension Material						922.83
Labor				Hours	Rate	Sub Total
Field Labor						
Average Crew				41.778	85.00	3,551.13
Total Field Labor						3,551.13
Indirect Labor						
Project Manager				4.178	128.00	534.76
Total Indirect Labor						534.76
Total Labor Cost						4,085.91
Total Labor						4,085.91
General Expenses				Qty	Duration	Cost/Unit
Consumables				798.99	1.000	0.05
Small Tools				45.96	1.000	0.50
Total General Expenses						
						62.93
Equipment				Qty	Duration	Cost/Unit
Aerial Lift - Scissor				1.000	1.000	450.00
Total Equipment						450.00
Sub Total 1						5,601.18
Sub Total 2						5,601.17
Total						5,601.17

Contractor Certification

Name: _____

Date: _____

Signature: _____

I hereby certify that this quotation is complete and accurate based on the information provided

Proposed Change Order

Calkins Electric

530 S Woodland Blvd.
DeLand, Florida 32720

Client Address:

Contract Name: Apparatus Garage

Contract #: 001

Project Name: 20-0512CEC

Project #: Fire Station #81 & Evidence Locker

Client PCO #:

Client Acceptance

PCO #: 1

Final Amount: \$ 5,601.17

Name: _____

Date: _____

Signature: _____

Change Order #: _____

I hereby accept this quotation and authorize the contractor to complete the above described work



Overhead Door Company of Daytona Beach

219 Fentress Blvd
Daytona Beach, FL 32114-1223

Contact: Doug Fisher
Phone: +1386-226-3820

October 13, 2022

REVISION # 1

Email: Doug@OverheadDoorDaytona.com

Keator Construction, LLC / Wesley
PH #: 407 894-7661
EMAIL: Wesleyradcliffe@constructfl.com

This proposal is valid till Friday, October 28, 2022

Quote: SQIR005920-1 | Created: 10/13/2022 10:48 AM

Job: VE OPTION DeLand Reserve Apparatus Garage FS 81 DeLand, FL

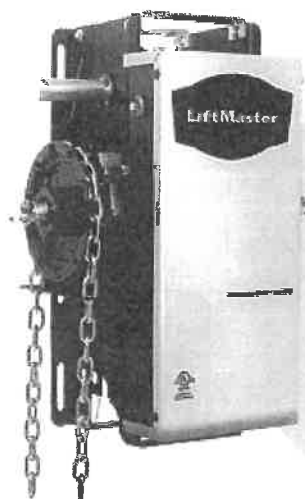
Item	Qty	Unit (USD)	Extended (USD)
REVISION # 1:			
Add \$ 1,720.00/door to above price to for Liftmaster MHS50-11 1/2 HP belt drive motor operator, 115 volt, 1 phase in lieu of chain hoist operation.			
EXCLUDES: All electrical service, wiring (LOW & HIGH voltage), connections, conduit, & mounting controls.			

$$\$1,720 \times 4 EA = \underline{\underline{\$6,880}}$$

*Quote is per your phone information.

SPECIAL ORDER COLOR: Requires minimum 50% deposit to order, balance due COD.

SLOW SPEED HOIST (MHS) MEDIUM-DUTY COMMERCIAL DOOR OPERATOR



MEDIUM-DUTY APPLICATIONS

IDEAL FOR
rolling sheet doors which
require slower speeds

WALL MOUNT
for small rolling sheet doors

SLOW SPEED
operation with electric interlock
and chain hoist for manual
operation in an Emergency

PROVEN PERFORMANCE

MEDIUM-DUTY LOGIC PROGRAMMABLE INTEGRATED CIRCUIT BOARD.

BUILT-IN 3-CHANNEL SECURITY+® RECEIVER:

- ALLOWS YOU TO LEARN/PROGRAM UP TO (20) LIFTMASTER® 315 MHz REMOTE CONTROLS.
- RECOGNIZES SECURITY+ AND DIP SWITCH REMOTE CONTROLS.
- COMPATIBLE WITH 3-BUTTON, 3-COLOR REMOTE CONTROLS FOR OPEN CLOSE/STOP OPERATION. (333LM)

SAFE AND SECURE

INTEGRATED TIMER-TO-CLOSE (TTC) PROGRAMMABLE FROM 5 TO 60 SECONDS IN 5-SECOND INCREMENTS. ALLOWS FOR TIMED AUTOMATIC DOOR CLOSURE AFTER THE DOOR REACHES THE FULL OPEN POSITION.

EMERGENCY MANUAL OPERATION PROVIDES EASY EMERGENCY MANUAL OPERATION USING A FLOOR LEVEL DISCONNECT AND AN ELECTRICALLY INTERLOCKED CHAIN HOIST MECHANISM.

THE COMMERCIAL PROTECTOR SYSTEM AUTO-REVERSES THE CLOSING DOOR IF AN ENTRAPMENT PROTECTION DEVICE DETECTS AN OBSTRUCTION.

UL 325 REQUIRES ALL COMMERCIAL DOOR OPERATORS TO BE EITHER CONSTANT PRESSURE TO CLOSE OR BE EQUIPPED WITH A PRIMARY EXTERNAL MONITORED ENTRAPMENT DEVICE.

RELIABLE

HIGH-STARTING TORQUE MOTOR WITH OVERLOAD PROTECTION.

WARRANTY 2 YEARS.

MONITORED ENTRAPMENT PROTECTION:

COMMERCIAL PHOTO EYES

Indoor use; NEMA 1 rated;
max. range: 30 ft.



CPS-U

RETRO-REFLECTIVE PHOTO EYE

Photo eye and reflector with
polarized beam; indoor/outdoor use;
NEMA 4X rated; max. range: 50 ft.



CPS-RPEN4 CPS-OPEN4

DUAL-SIDED PHOTO EYES

Flexible rubber housings resist water
spray and corrosion; indoor/outdoor use;
NEMA 4X rated; max. range: 45 ft.



COMMERCIAL PROTECTOR SYSTEM®

Heavy-duty industrial housings;
indoor/outdoor use; NEMA 4 rated;
max. range: 45 ft.



CPS-UN4

OPTICAL EDGE SYSTEM

Infrared optical sensors in a cut-to-length
rubber enclosure are protected against
water; indoor/outdoor use; NEMA 6 rated;
max. range: 33 ft.



OES

NON-MONITORED ENTRAPMENT PROTECTION:

LIGHT CURTAIN

Provides 36 inches of increased zone
coverage for additional protection;
indoor use; requires separate power
source (100MAPS); max. range: 33 ft.



LC-36A

TOTAL SOLUTION ACCESSORIES:

TRI-COLOR 3-BUTTON REMOTE CONTROL

OPEN/CLOSE/STOP functionality, with easy code
selection, 9-position trinary DIP switches with
19,683 changeable codes per channel.



333LM

REMOTE CONTROLS

Program one or up to three LiftMaster operators.
With Security+ Rolling Code Technology 315 MHz,
users are assured of a new code with every use.



373LM/371LM

WIRELESS KEYPAD

NEMA 4X (water protection requirements) sealed
electronics for reliable outdoor use; provides
additional compatibility with Security+ Technology.



KPW250

PRODUCT GUIDE MHS
MEDIUM-DUTY HOIST
COMMERCIAL OPERATOR

LiftMaster offers accessory solutions for any commercial application.
View the full product lineup at LiftMaster.com

LiftMaster

MASTERFUL ENGINEERING.

MOTOR



- Instant Reverse
- Capacitor Start and Overload Protection
- Removable Without Affecting Limit Switch Settings
- **Duty Cycle:** Maximum 12 Cycles per Hour;
Less than 50 Cycles per Day

POWER

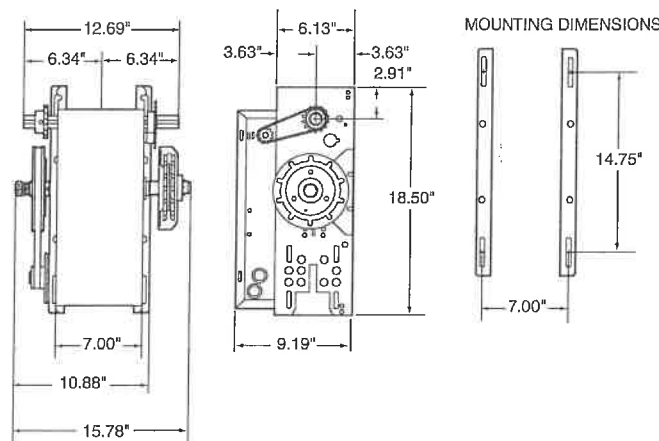


- 1/2 HP, 115V Single-Phase Motor
- 24V NEC Class 2 Control Circuit

COMMERCIAL-GRADE DESIGN



- **First-Stage Heavy-Duty 4L V-belt;** Second and Third Stages #48 chain
- **Floor-Level Disconnect and Chain Hoist** with Electrical Interlock for Hoist Operation in an Emergency
- **Maximum Door Height:** 14 Feet



MAXIMUM DOOR AREA (SQ. FT.)

ROLLING	24 GA. STEEL	22 GA. STEEL	20 GA., 18 GA. STEEL
	ALUMINUM GRILLES	ALUMINUM DOORS	STEEL GRILLES
SQ. FT.	320	275	200

STANDARD SPECS.

BUILT-IN 315 MHz RECEIVER

- 315 MHz radio receiver is integral to the Medium-Duty Logic board
- Accepts up to (20) LiftMaster® Security+® remote controls and unlimited DIP switch remote controls

WIRING

- All operators are factory preset to C2 mode, providing momentary contact to open and stop, with constant contact to close. Monitored entrapment protection, using approved photo sensors or sensing edges, is optional, although recommended, when using this wiring type
- Momentary contact to close (B2 mode) is an available optional wiring type, but can only be selected when the appropriate LiftMaster Monitored Entrapment Protection Device is installed, either photo eye or the directly wired Optical Edge System

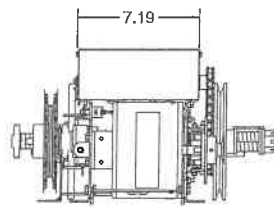
CONSTRUCTION

- Heavy-duty oil-filled bushings
- Adjustable friction clutch helps protect against damage to the door and operator should the door meet an obstruction
- NEMA 1 type electrical box, heavy-duty 11-gauge steel frame with baked-on powder-coat finish, all reduction sprockets drilled and pinned to shafts
- Integrated 90-second maximum run timer

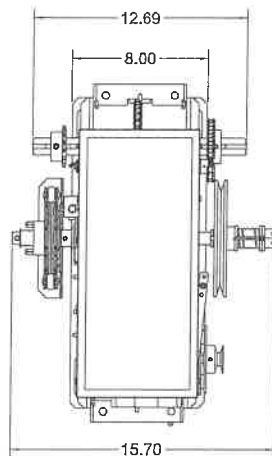
ACCESSORIES/MODIFICATIONS.

- **SINGLE BUTTON CONTROL:** Provides an additional input for single-button control functionality. Required for installation of any external radio receiver (LiftMaster 850LM). **Recommended for factory installation (90-MSLBC);** field kit also available (71-MLSBC)
- **AUXILIARY LIMIT SWITCHES:** Provides additional limit switches with dry form C contacts at the open and closed door positions to control auxiliary devices such as lights, heaters, dock levelers, etc. **Must be factory installed;** Terminal Block Connections (90-210MTOC) or with Wire Leads (90-9210MOC)
- **INTERLOCK SWITCH:** Disables the operator control circuit when door is locked, preventing damage to the door and operator. Rolling Door Interlock (50401); Sectional Door Interlock (50450)

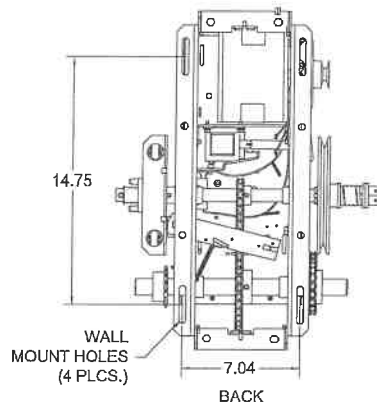
Note: LiftMaster Medium-Duty Operators have a limited number of modifications available. For additional robust features and to customize your application with our full suite of factory installed and field modifications upgrade to Logic 5.0. Visit Catalog.LiftMaster.com for more product information.



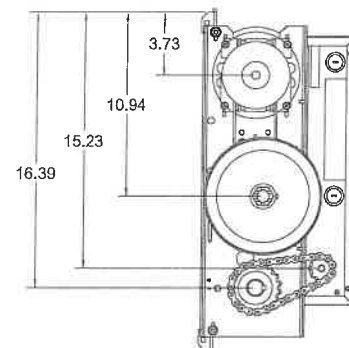
TOP



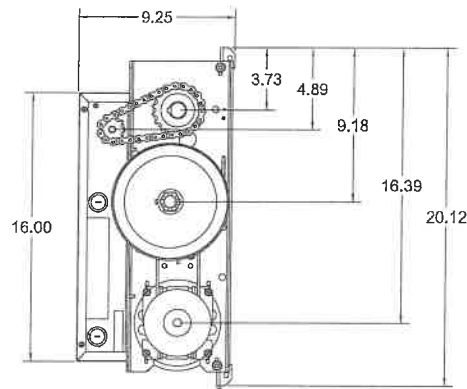
FRONT



BACK



LEFT



RIGHT

(MH) LOGIC 5 OPERATOR

LiftMaster.		300 WINDSOR DR.
LIFTMASTER (CHAMBERLAIN GROUP, INC.)		OAK BROOK, IL 60153
ENGINEERED SERVICES		PHONE: (815) 416-5516
		FAX: (815) 516-7189
DRW. BY: B. MOFFETT	REVISION:	SHEET NO: 1/1
DATE: 10/11/2018	SCALE: NTS	
TITLE: LIFTMASTER (MH) OPERATOR UNIT		
CAD FILE: -		

CHANGE ORDER NO. 1

Date: December 5, 2022

Project: Reserve Apparatus Garage for Fire Station No. 81

Contractor: Keator Construction, LLC
599 Maguire Road
Ocoee, FL, 34761

Description: Per Fire Chief's request, a motorized push button system is to be provided for overhead doors rather than the manual one as specified in the construction plans; A hurricane rated louver will need to be used per the new Florida Building Code.

ADJUSTED SCHEDULE OF CONTRACT COSTS

Original Contract Amount.....\$390,000.00

This Change Order No. 1.....\$17,633.00

Adjusted Contract Cost.....\$407,633.00

ENGINEER'S CERTIFICATION:

I hereby certify that, in my considered professional opinion, the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under competitive bidding.

eSigned via SeamlessDocs.com

Key: 88b28f88-defb-485b-99d2-ef1447de4a59
Ray Bahrami, P.E.
Deputy Public Services Director/City Engineer

11-21-2022

Date

KEATOR CONSTRUCTION, LLC

eSigned via SeamlessDocs.com

Key: 0fd74c02-cdeb-4734-92a3-554056f31348
Clark Keator
President

11-21-2022

Date

CITY OF DELAND, FLORIDA

Christopher M. Cloudman
Mayor - Commissioner

Date

ATTEST:

Julie Hennessy
City Clerk

Date

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Consideration re Award of Bid from Data Flow Communications for Network Switches.

DEPARTMENT: Information Technology

PREPARED BY: Greg Whidden, IT Director

ATTACHMENTS: Network Switches bid

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

This item is for approval of bid number B-23-03 for the replacement of 50 network switches that are old and outdated, most of which are 10 years or older. There was only one bid was received from Data Flow Communications, 1585 Aviation Center Pkwy, Ste. 702, Daytona Beach, FL 32114.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The bid from data flow communications included a cost of \$112,985.12. There are sufficient funds in the FY 22/23 budget to cover this cost.

RECOMMENDATION:

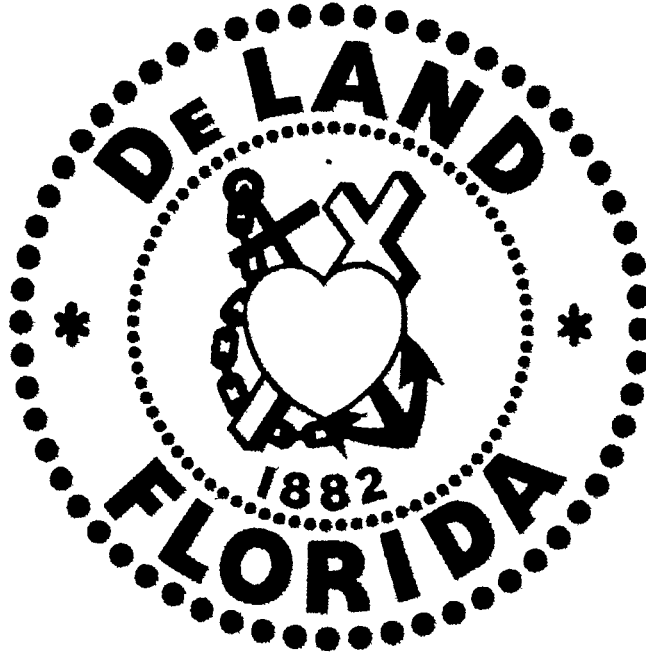
It is recommended that the City Commission approve the BID B-23-03 from Data Flow Communications in the amount of \$112,985.12

BACKGROUND/DISCUSSION:

N/A

Network Switches

NO. B-23-03



City of DeLand
120 S. Florida Ave
DeLand, FL 32720
(386) 626-7000



CITY OF DELAND
NOTICE TO BIDDERS
NO. B-23-03

NOTICE IS HEREBY GIVEN that the City of DeLand will receive sealed proposals at the City Hall 2nd floor receptionist, 120 South Florida Avenue, DeLand, Florida, until 3:00 p.m. on November 18, 2022 and will open the submitted bids in the Commission Chambers, first floor, immediately following the submittal closing time for the following:

" Network Switches "

Bids must comply and be submitted in accordance with the project technical specifications which may be obtained at the office of the City Hall, 120 S. Florida Avenue, DeLand, Florida, any time prior to the bid opening. Questions shall be directed to the office of the Purchasing Coordinator, Corey McMillen at 386-626-7078 or by email at mcmillenc@deland.org or Purchasing@deland.org.

Michael Pleus
City Manager

INVITATION TO BID

SUBMIT TO:
CITY OF DeLAND
FINANCE DEPT., 2nd Floor Receptionist
120 SOUTH FLORIDA AVENUE
DeLAND, FLORIDA 32720

CONTACT PERSON:
Corey McMillen

AN EQUAL
OPPORTUNITY
EMPLOYER

PHONE:
386-626-7078

BID # B-23-03

*SUBMITTALS RECEIVED AFTER SPECIFIED DATE
AND TIME WILL NOT BE CONSIDERED*

BID TITLE: Network Switches

SUBMITTAL DEADLINE

November 18, 2022 @ 3:00 P.M.

PRE-BID DATE, TIME AND LOCATION: N/A

BID BOND REQUIRED 5%

RESPONDENT NAME:
Data Flow Communications

FEDERAL ID # OR SOCIAL SECURITY #:
35-2275428

MAILING ADDRESS:
1585 Aviation Center Pkwy. Ste. 702
CITY - STATE - ZIP:
Daytona Beach, FL 32114

TELEPHONE #:
386-871-2029
FAX #:

X *Pamela Grotendorst*
AUTHORIZED SIGNATURE

EMAIL:
info@dataflowcom.com

Printed Name
Pamela Grotendorst

Title
Owner/Mgr.
Date
11/7/2022

By my signature I certify that this offer is made without prior understanding, agreement, or connection with any corporation, firm, business entity, or person submitting an offer for the same materials, supplies, equipment, or service(s), and is in all respects fair and without collusion or fraud. I further agree that if the offer is accepted, the offeror will convey, sell, assign, or transfer to the City of DeLand all right, title, and interest in and to all causes of action it may now or hereafter acquire under the Antitrust laws of the United States and the State of Florida for price fixing relating to the particular commodity(s) or services(s) purchased or acquired by the City of DeLand. At the City's discretion, such assignment shall be made and become effective at the time the City tenders final payment to the bidder.

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR RESPONSE

Sec. 25A.5-2. Local bid preference.

- (a) Applicability. This Section shall apply to all purchasing \$25,000.00 and above which is accomplished by the City of DeLand pursuant to an invitation to bid.
- (b) Preference. Where the lowest Bid is submitted by a vendor which is not a Local business, and a Bid is submitted by a Local business which is within five percent (5%) of the lowest Bid, then the Local business submitting the lowest Bid amongst all Local business submitting Bids, and the vendor submitting the lowest Bid, shall each have the opportunity to submit, within five (5) working days of the bid opening, a best and final Bid equal to or lower than the amount of the lowest Bid. The contract shall be awarded to the vendor submitting the lowest final Bid. In the case of a tie between a Local business and a vendor which is not a Local business, the contract shall be awarded to the Local business.
- (c) Exemptions. Notwithstanding the provisions of subparagraph (b) above, this Section shall not apply to any of the following purchasing activities:
1. Purchasing funded, in whole or in part, by an entity prohibiting application of the preference provided by this section by grant agreement, contract or applicable federal, state, or local law;
 2. Items purchased on state contracts, "piggybacked" contracts, sole source purchases, or other purchases which are not accomplished by competitive bids, in accordance with the City's Charter and Purchasing Guidelines;
 3. Emergency purchasing.
- (d) Certification. A vendor claiming to qualify as a Local business for purposes of this Section shall so certify in writing on a form prescribed by the City of DeLand's finance director as part of the request for bids process.
- (e) Verification. Any vendor which has qualified as Local business as prescribed in this Section shall provide all documentation reasonably required by the finance director that demonstrates its status as a Local business prior to the time of purchase or recommendation of award of contract.
- (f) Maintenance of status. A vendor granted a preference under this Section which results in the award of a contract may be required to stipulate to maintaining its status as Local businesses throughout the term of the contract.
- (g) Job openings. A vendor which is granted a preference under this Section which results in the award of a contract shall be required to post job openings related to the contract with such agencies or organizations designated by the city manager.
- (h) Compliance. Noncompliance with this section shall be deemed a material breach of any contract which resulted from a preference granted under this Section, and such breach shall be grounds for termination by the City of DeLand. The terms of this Section are deemed incorporated by reference in any contract resulting from a preference granted under this Section, regardless of whether such contract expressly so states.

GENERAL CONDITIONS AND INSTRUCTIONS

****PLEASE READ CAREFULLY****

- 1. SUBMISSION OF OFFERS:** All offers shall be submitted in a sealed envelope or package. The invitation numbers, title, and opening date shall be clearly displayed on the outside of the sealed envelope or package. The delivery of responses to the receptionist located on the 2nd floor of City Hall prior to the specified date and time is solely and strictly the responsibility of the offeror. Any submittal received after the specified date and time will not be considered.

Responses shall be submitted on forms provided by the City. Additional information may be attached to the submittal. Facsimile submissions are NOT acceptable. No offer may be modified after acceptance. No offer may be withdrawn after opening for a period of sixty (60) days unless otherwise specified.
- 2. EXECUTION OF OFFER:** Offer shall contain a manual signature in the space(s) provided of a representative authorized to legally bind the offeror to the provisions therein. All spaces requesting information from the offeror shall be completed. Responses shall be typed or printed in ink. Use of erasable ink or pencil is not permitted. Any correction made by the offeror to any entry must be initialed.
- 3. OPENING:** Opening shall be public at City Hall immediately following the advertised deadline date and time for receipt of submittals. Pursuant to Section 119.073(3)(0) Florida Statutes (1991) no further information regarding offers submitted will be made public until such time of intended award or thirty (30) days, whichever is earlier.
- 4. PUBLIC RECORD:** The City of DeLand, Florida, is governed by the Public Record Law, Chapter 119, Florida Statutes. Pursuant to chapter 119 only trade secrets as defined in Section 812.081, Florida Statute shall be exempt from disclosure.
- 5. TABULATION:** Anyone wishing to receive a copy of the tabulation of offers is required to enclose a stamped, self-addressed envelope with submittal, or include a written request to have the tabulation emailed to the email address listed above.
- 6. CLARIFICATION/CORRECTION OF ENTRY:** The City of DeLand reserves the right to allow for the clarification of questionable entries and the correction of OBVIOUS MISTAKES.
- 7. INTERPRETATION/ADDENDA:** Any questions concerning conditions and specifications shall be directed to the designated contact person. Those interpretations which may affect the eventual outcome of the invitation/offer shall be furnished in writing to prospective offerors.

No interpretation shall be considered binding unless provided in writing by the City of DeLand in the form of an addendum. Any addenda issued shall be acknowledged by signature and returned with offeror's response. Failure to acknowledge addenda may result in the offer not being considered.
- 8. INCURRED EXPENSES:** This invitation does not commit the City to make an award nor shall the City be responsible for any cost or expense which may be incurred by any respondent in preparing and submitting a reply, or any cost or expense incurred by any respondent prior to the execution of a purchase order or contract agreement.
- 9. PRICING:** Unless otherwise specified, prices offered shall remain firm for a period of at least sixty (60) days; all pricing of goods shall include FOB DESTINATION, all packing, handling, shipping charges and delivery to any point(s) within the City to a secure area of inside delivery; all prices of services shall include all expenses necessary to provide the service at the location specified.
- 10. ADDITIONAL TERMS & CONDITIONS:** The City of DeLand reserves the right to reject offers containing terms or conditions contradictory to those requested in the invitation specifications.
- 11. TAXES:** The City of DeLand is exempt from Federal Excise Taxes and all sales taxes. Florida State Exemption Certificate No. 85-8013842706C-2.
- 12. DISCOUNTS:** All discounts, except those for prompt payment, shall be considered in determining the lowest net cost for evaluation purposes.
- 13. MEETS SPECIFICATIONS:** The offeror represents that all offers to this invitation shall meet or exceed the minimum requirements specified.
- 14. SAMPLES:** When required, samples of products shall be furnished with response to the City at no charge. Samples may be tested and will not be returned to the offeror. The result of any and all testing shall be made available upon written request.
- 15. SILENCE OF SPECIFICATIONS:** The apparent silence of these specifications or any supplemental specifications as to details or the omission from same of any detailed description concerning any point, shall be regarded as meaning that only the best commercial practices are to prevail and that only materials of first quality and correct type, size, and design are to be used. All workmanship shall be first quality. All interpretations of specifications shall be made upon the basis of this statement.
- 16. GOVERNING LAWS:** Any agreement to purchase resulting from this invitation shall be governed by the laws, regulations, and ordinances of the State of Florida and the City of DeLand, Florida. Venue shall be non-jury in the Circuit Court of Volusia County, Florida.
- 17. ASSIGNMENT:** Any agreement to purchase issued pursuant to this invitation and award thereof and the monies which may become due hereunder are not assignable except with the prior written approval of the City.
- 18. CONTENT OF INVITATION/RESPONSE:** The contents of this invitation, all terms, conditions, specifications, and requirements included herein and the accepted and awarded response thereto may be incorporated into an agreement to purchase and become legally binding. Any terms, conditions, specifications, and/or requirements specific to the item or service requested herein shall supersede the requirements of the 'GENERAL CONDITIONS AND INSTRUCTIONS'.
- 19. LIABILITY:** The supplier/provider shall hold and save the City of DeLand, its officers, agents, and employees harmless against claims by third parties resulting from breach of contract or negligence by the supplier/provider.
- 20. PATENTS, COPYRIGHT, AND ROYALTIES:** The supplier/provider, without exception, shall indemnify and save harmless the City of DeLand, its officers, agents and employees, from liability of any nature or kind, including cost and expenses for or on account of any copyrighted, registered, patented, or unpatented invention, process, or article manufactured or used in the provision of goods and/or services, including use by the City of DeLand. If the supplier/provider uses any design, device, or materials covered by letters, patent, copyright, or registration, it is mutually agreed and understood without exception that the quoted price shall include all royalties or costs arising from the use of such design, device, or materials in any way involved.
- 21. TRAINING:** Unless otherwise specified, suppliers/providers may be required at the convenience of and at no expense to the City to provide training to City personnel in the operation and maintenance of any item purchased as a result of this invitation.
- 22. ACCEPTANCE:** Products purchased as a result of this invitation may be tested for compliance with specifications. Items delivered not conforming to specifications may be rejected and returned at bidder's expense. Those items and items not delivered by the delivery date specified in accepted offer and/or purchase order may be purchased on the open market. Any increase in cost may be charged against the bidder.
- 23. SAFETY WARRANTY:** Any awarded supplier/provider including dealers, distributors, and/or manufacturers shall be responsible for having complied with all Federal, State, and local standards, regulations, and laws concerning the product or service specified, and the use hereof, applicable and effective on the date of manufacture or use or date in service including safety and environmental standards as apply to both private industry and governmental agencies.
- 24. WARRANTY:** The offeror agrees that, unless otherwise specified, the product and/or service furnished as a result of this invitation and award thereto shall be covered by the most favorable commercial warranty the offeror gives to any customer for comparable quantities of such products and/or services and that the right and remedies provided herein are in addition to and do not limit any rights afforded to the City of DeLand by any other provision of the invitation/offer.
- 25. AWARD:** As the best interest of the City may require, the City reserves the right to make award(s) by individual item, group of items, all or none, or a combination thereof, on a geographical basis and/or on a Citywide basis with

one or more supplier(s) or provider(s); to reject any and all offers or waive any irregularity or technicality in offers received. Offerors are cautioned to make no assumptions unless their offer has been evaluated as being responsive. Any or all award(s), made as a result of this invitation, shall conform to applicable ordinances of the City of DeLand, Florida.

26. **VIOLATIONS:** Any violation of any of the stipulations, terms, and/or conditions listed and/or included herein may result in the offeror/bidder being disqualified from doing business with the City for a period of time to be determined on a case-by-case basis.
27. **UNIT PRICING:** For purposes of this Invitation and evaluation of responses hereto the following shall apply: unit prices shall prevail over extended prices; written matter shall prevail over typed matters; numbers spelled in word form shall prevail over Arabic numerals ("one" over "1"). When not inconsistent with context words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.
28. **INSURANCE:** Vendor/Contractor shall defend, indemnify and hold harmless the City of DeLand from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and costs of actions (including attorneys' fees), of whatsoever kind or nature arising out of or in any way arising out of the agreement or any act or omission of Vendor/Contractor or its agents, servants, employees, independent contractors, customers, patrons or invitees, unless such claims are as a result of the City's sole negligence.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, a comprehensive public liability insurance policy issued by a responsible insurance company, and in a form acceptable to the City, protecting and insuring against all of the following: claims, demands, damages, fees, fines, penalties, suits, proceedings, actions, and costs of actions, etc. coverage limits of not less than \$1,000,000 for bodily injury to or death to one or more person(s), and \$1,000,000 for damage to any property, or a combined single limit of \$2,000,000 for any occurrence of bodily injury to persons or damage to property, which insurance shall be issued on the occurrence basis. This policy shall name the City of DeLand as additionally insured.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract an automobile liability coverage policy with a minimum of a \$1,000,000 combined single limit per occurrence.

The Vendor/Contractor shall secure and maintain, at its own expense at all times during the term of this contract, Worker's Compensation and Employer's Liability Insurance covering all the persons employed by the Vendor/Contractor in connection with this contract. Worker's Compensation shall be the Statutory Limits.

The Vendor/Contractor shall not commence work under this contract until he has obtained all insurance required and submitted proof thereof to the City's Risk Manager for approval. Certificates shall provide for thirty (30) day cancellation notice to the City. Referenced Certificate to be mailed to Risk Manager, City of DeLand, 120 South Florida Avenue, DeLand, Florida, 32720-5481.

The Vendor/Contractor shall either cover any sub-contractors on its policy or require the sub-contractors to conform to all requirement for insurance contained herein.

Vendor/Contractor agrees that the City of DeLand will make no payments pursuant to the terms of the contract until all required proof or evidence of insurance has been provided to the City's Risk Manager.

29. DEFINITIONS:

CITY – The term "City" herein refers to the City of DeLand, Florida, and its duly authorized representatives.

OFFEROR – The term "offeror" used herein refers to any dealer, manufacturer, representative, distributor, or business organization submitting an offer to the City in response to this invitation.

BIDDER – The term "bidder" used herein refers to any dealer, manufacturer, representative, distributor, or business organization that will be or has been awarded a contract and/or purchase order pursuant to the terms and conditions of the invitation and accepted offer.

30. **PUBLIC ENTITY CRIMES INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

31. **PERMITS:** Contractor shall be responsible for payment of all applicable permit fees.

32. **PAYMENT:** Payment will be made in accordance with Local Government Prompt Payment Act (Florida Statutes 218.70 – 218.80). A City of DeLand VISA Purchasing Card will be used to pay for services or goods you provide, unless you are not currently VISA capable. Ability to accept VISA will not be considered in determining "lowest and best responsive bidder". If you are not currently VISA capable, invoices submitted by the first of the month will be paid with the regularly scheduled accounts payable run for that month unless stated otherwise.

33. **PERFORMANCE BOND:** Upon award the successful bidder will also be required to furnish and pay for a satisfactory contract 100% Performance and Payment Bond to be recorded by the vendor, with the Clerk of the Circuit Court, Volusia County, Florida, to enter into a contract for services with the City of DeLand. The recorded document shall be returned to the City of DeLand, City Clerk's Office, 120 South Florida Avenue, DeLand, FL, 32720

34. **AVAILABILITY OF FUNDS:** A contract shall be deemed executory only to the extent of appropriations available to each department for the purchase of such articles. The City's extended obligation on these contracts, which envision extended funding through successive fiscal periods, shall be contingent upon actual appropriations for the following fiscal year.

35. **E-VERIFY:** In accordance with Florida State Law, Executive Order 11-116, any vendor or company that the City enters into contract with, or issues a purchase order, must utilize the E-Verify system.

THE CITY OF DELAND RESERVES THE RIGHT TO REJECT ANY OR ALL OFFERS, TO WAIVE INFORMALITIES, AND TO ACCEPT ALL OR ANY PART OF ANY OFFER AS MAY BE DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

CERTIFICATION AFFIDAVIT BY CONTRACTOR AS LOCAL BUSINESS

This form must be signed and sworn to in the presence of a notary public or other official authorized to administer oaths.

1. This sworn statement is submitted to the City of DeLand, Florida:

By: (Authorized Individual's name and title)

For: (Name of Company/Individual submitting sworn statement)

2. Local Preference Eligibility:

- a. Vendor has been in business for a minimum of six (6) months prior to the date of bid. Yes or No?
- b. Vendor has attached proof of local business in the form of a business tax receipt from a local jurisdiction per City of DeLand Local Preference ordinance. Yes or No?

3. Job Openings:

- a. There will or there will not be job openings created by award of this contract; yes or no?
- b. Job openings related to award of this bid shall be advertised with:

Center for Business Excellence
846 Saxon Boulevard
Orange City, Florida 32763
(386) 323-7079
businessservices2@cbe-fve.org

- c. Verification receipt of job posting must be provided to the Finance Director within ten (10) days after the job advertisement has been released:

City of DeLand
Finance Director
120 South Florida Avenue
DeLand, Florida 32720

I understand that the submission of this form to the City of DeLand, Florida, is valid through the end of term of the awarded contract. I also understand that failure to notify the City of DeLand of a change in address out of the local area may result in breach of contract.

(Signature)

Pamela Grotendorst

STATE OF FLORIDA
COUNTY OF

Sworn to (or affirmed) and subscribed before me this 15th day of November, 2022,
by Pamela Grotendorst
(name of person making statement)

(NOTARY SEAL)

Sabrina Lynn Morin
(Signature of Notary Public – State of Florida)

Sabrina Lynn Morin
(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification X

Type of Identification Produced FL DL



SABRINA LYNN MORIN
Notary Public
State of Florida
Comm# HH213743
Expires 1/5/2026

NETWORK SWITCHES

B-23-03

SPECIFICATIONS

1. PURPOSE

The purpose of this Invitation to Bid (ITB) is to solicit competitive sealed bids from qualified contractors to provide Network Switches to The City of DeLand.

2. PRICES & TERM

Bidders shall bid unit prices, F.O.B. destination, including all discounts in accordance with units and quantities indicated on the Price Sheet. The prices bid shall be used for payment and shall be deemed to include payment in full for all transportation, labor, and equipment used in delivering all supplies and materials to the point of delivery. Prices must remain fixed up to one year from award.

3. INQUIRIES

Questions shall be directed to the office of the Purchasing Coordinator, Corey McMillen at 386-626-7078 or by email at mcmillenc@deland.org or Purchasing@deland.org. Any bid or specification changes will be communicated via addendum from the Purchasing Coordinator. Questions will be accepted until **November 10, 2022 @ 5:00 P.M.**

4. SUBMITTAL REQUIREMENTS

The following documents, completed and signed wherever applicable, are required with each response:

- Signed Bid Invitation
- Signed Price Sheet/Bidder Acknowledgement Form
- Local Business Certification (if applying)
- Proposer's Certification
- Bid Bond
- Non-Collusion Affidavit
- Contractor Affidavit Regarding Scrutinized Company List
- Drug-Free Workplace Form
- Public Entity Crime Form
- Conflict of Interest Affidavit
- Reference Form

5. RECEIVING OF BIDS

Bids must be received by The City of DeLand Purchasing Coordinator, 120 S. Florida Ave., 2nd Floor, DeLand, FL 32720 no later than **November 18, 2022 @ 3:00 P.M.**

Bids shall be submitted with the "Original" clearly marked and must be accompanied by an equivalent electronic PDF file on compact disc or USB flash drive. **DO NOT MODIFY OR REISSUE THE PRICE SHEET; USE THE PRICE SHEET FORM PROVIDED.**

Note* Please ensure that if you use a third-party carrier (DHL Express, FedEx, UPS, USPS, etc.) that they are properly instructed to deliver your bid only to Purchasing Services on the third (3rd) floor at the above address. Contractors are advised that U.S. Postal Service 1st Class and Express mail is delivered to a P.O. Box and is not delivered to the Purchasing Services Office. Delivery via the USPS is at the Contractor's risk. To be considered, a bid must be accepted by the Purchasing Coordinator no later than the ITB closing date and time. If the bid is delivered anywhere else, it may not reach Purchasing Services in time.

E-VERIFY

In accordance with Florida State Law, Executive Order 11-116, any vendor or company that the City enters into contract with, or issues a purchase order, must utilize the E-Verify system. This documentation is required after award of bid from the awarded bidder(s), if not the City will not be able to enter into contract and will utilize the next lowest bidder who can provide the required E-Verify documentation.

NETWORK SWITCHES
B-23-03
PRICE SHEET/BIDDER ACKNOWLEDGEMENT FORM

Price shall include all labor, materials, delivery/shipping, and equipment to perform all requirements and meet all specifications:

Brand	Model	Est. Quantity	Unit Price	Extended Price
Fortinet	FN-TRAN-SX	32	41.86	1339.52
Fortinet	FN-TRAN-LX	18	85.67	1542.06
Fortinet	FN-TRAN-SFP+SR	50	92.02	4601.00
Fortinet	FN-TRAN-SFP+LR	8	262.25	2098.00
Fortinet	FS-108F-FPOE	7	361.70	2531.90
Fortinet	FS-124F-FPOE	12	943.28	11319.36
Fortinet	FS-148F-FPOE	26	1475.43	38361.18
Fortinet	FS-1048E	4	12798.07	51192.28

Total Cost: 112985.12

ADDENDUM ACKNOWLEDGMENT

Contractor acknowledges receipt of amendments by indicating amendment number and date of issue.

Add. No. _____ Dated _____ // Add. No. _____ Dated _____

Add. No. _____ Dated _____ // Add. No. _____ Dated _____

I hereby acknowledge that I have read, understand, and agree to all terms, conditions, insurance, scope of work, specifications and pricing for B-23-03/Network Switches.

COMPANY NAME Data Flow Communications

ADDRESS 1585 Aviation Center Pkwy. Unit # 702

AUTHORIZED SIGNATURE *Pamela Grotendorst*

PRINTED SIGNATURE Pamela Grotendorst DATE 11/7/2022

TELEPHONE # 3862593119 FAX # 3862593120

EMAIL pamela@dataflowcom.com

PROPOSER'S CERTIFICATION

IN WITNESS WHEREOF, the Proposer hereto has executed this Proposal Form this

15 day of November, 20XX.

By:

Pamela Grotendorst
Signature of Individual

Pamela Grotendorst

Printed Name of Individual

[Signature]
Witness

Business Address 1585 Aviation Center Pkwy. Unit # 702

City/State/Zip Daytona Beach, FL 32114

Business Phone Number 3862593119 Fax Number 3862593120

State of Florida

County of Volusia

The foregoing instrument was acknowledged before me this 15 day of November, 2022 by Pamela Grotendorst, who is personally known to me or who has produced FL DL as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

Sabrina Lynn Morin
NOTARY PUBLIC

Sabrina Lynn Morin

(Name of Notary Public: Print, Stamp, or Type as Commissioned)



SABRINA LYNN MORIN
Notary Public
State of Florida
Comm# HH213743
Expires 1/5/2026

Handwritten notes and scribbles, including the word "SOME" and various illegible markings.

FORM OF BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we,

N/A

(CONTRACTOR)

(PRINCIPAL CONTRACTOR ADDRESS)

(PRINCIPAL CONTRACTOR ADDRESS 2)

(TELEPHONE NUMBER)

(hereinafter called the "Principal"), whose principal business address and telephone number is as stated above; and

(SURETY)

(SURETY ADDRESS)

(SURETY ADDRESS 2)

(TELEPHONE NUMBER)

(AM BEST, NAIC, OR FEIN NUMBER)

(hereinafter called the "Surety"), whose principal address and telephone number is as stated above, a surety insurer chartered and existing under the laws of the State of _____ and authorized to do business in the State of Florida;

are held and firmly bound unto the City of DeLand Commissioners, (hereinafter called "Obligee"), in the penal sum of

_____ Dollars and no cents (\$_____),

good and lawful money of the United States of America, for the payment of which the Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. The Condition of this Obligation is such, that,

WHEREAS the Principal has submitted a bid to the Obligee on a contract for «Network Switches», Bid No. «B-23-03» in accordance with drawings and specifications, which contract is incorporated herein by reference and made a part hereof, and is referred to as the Contract.

NOW THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a contract with the Obligee in accordance with the terms of such bid, and give such bond or

bonds as may be specified in the Bidding or Contract Documents with good, qualified and sufficient surety for the faithful performance of such service for the prompt payment of labor and material furnished in the prosecution thereof, then this obligation shall be null and void; otherwise this bid is to remain in full force and effect for the payment to Obligee of the stated penal sum hereof.

IN WITNESS WHEREOF, we have hereunto set our signatures and seal this 15 day of November, 2022, all pursuant to due authorization.

(Seal)

Principal

By _____
Surety

By _____
As Attorney-in-Fact (Attach Power of Attorney)

STATE OF Florida)
COUNTY OF Volusia) S.S.

I, _____, a Notary Public in and for the State and City aforesaid, do hereby certify that _____, and _____, whose names are signed to the foregoing bond, this day personally appeared before me in my State and City aforesaid and acknowledged the same. Given under my hand and seal this _____ day of _____, 20____.

(AFFIX SEAL or STAMP)

NAME OF NOTARY PUBLIC (PRINTED)

SIGNATURE OF NOTARY PUBLIC

STATE

COMMISSION NUMBER

MY COMMISSION EXPIRES: _____

11

CITY OF DeLAND COMMISSIONERS
INDEMNIFICATION AND INSURANCE REQUIREMENTS
NETWORK SWITCHES
B-23-03

INDEMNIFICATION

The City shall be held harmless against any and all claims for bodily injury, sickness, disease, death, personal injury, damage to property or loss of use of any property or assets resulting therefrom, arising out of or resulting from the performance of the products or from the services for which the City is contracting hereunder, provided such is caused in whole or in part by any negligent act or omission of the Contractor, or any subcontractor or any of their agents or employees, or arises from a job-related injury.

The Contractor agrees to indemnify the City and pay the cost of the City's legal defenses, including fees of attorneys as may be selected by the City, for all claims described in the hold harmless clause herein. Such payment on behalf of the City shall be in addition to any and all other legal remedies available to the City and shall not be considered to be the City's exclusive remedy.

It is agreed by the parties hereto that the Contractor has received specific consideration under this agreement for this hold harmless/indemnification provision.

INSURANCE REQUIREMENTS

The Contractor providing services under this agreement will be required to procure and maintain, at their own expense and without cost to the City, until final acceptance by the City of all products or services covered by the purchase order or contract, the following types of insurance. The policy limits required are to be considered minimum amounts:

General Liability Insurance policy with a **\$1,000,000** combined single limit for each occurrence to include the following coverage: Operations, Products and Completed Operations, Personal Injury, Contractual Liability covering this contract, "X-C-U" hazards, and Errors & Omissions.

Auto Liability Insurance, which includes coverage for all owned, non-owned and rented vehicles with a **\$1,000,000** combined single limit for each occurrence.

Workers' Compensation and Employers Liability Insurance Workers Compensation insurance providing statutory benefits as required in the State of Florida. The Contractor shall require any subcontractor to provide evidence of this coverage. Additionally, if the contract requires working on or around a navigable waterway, the Contractor and all subcontractors shall provide evidence of United States Longshoremen's and Harbor Workers (USL&H) coverage and contingent coverage of Jones Act (Marine Employers Liability) in compliance with Federal statutes or proof of exemption. The Contractor shall be responsible for compliance with these requirements by each subcontractor, Contractor or supplier when applicable.

In the event that the contract involves professional or consulting services, in addition to the aforementioned insurance requirements, the Contractor shall also be protected by a Professional **Liability Insurance Policy** in the amount of **\$1,000,000** per claim.

In the event the contract involves services related to construction projects, the Contractor shall also procure and maintain a **Builders Risk Insurance Policy or Installation Floater** with loss limits equal to the value of the construction project.

In addition to the above, **Specialty Insurance** policies covering specific risks of loss (including but not limited to, for example; Longshore coverage, Crane and Rigging, Inland Marine, etc.) may be required by City of DeLand Risk Management. Any additional specialty insurance coverage requirement will be dictated by the specific goods, products or services provided under the subject contract and insurance underwriting standards, practices, procedures or products available in the commercial insurance market at the time of the contract inception. The Contractor is required to procure and maintain all such specialty coverage in accordance with prudent business practices within the Contractors industry.

The awarded Contractor shall have five (5) days to provide certificates of insurance to the City demonstrating that the aforementioned insurance requirements have been met prior to the commencement of work under this contract. **The certificate(s) of insurance (COI) shall indicate that the policies have been endorsed to cover the City as an additional insured (a waiver of subrogation in lieu of additional insured status on the workers' compensation policy is acceptable)** and that these policies may not be canceled or modified without thirty (30) days prior written notice to the City.

The insurance coverage enumerated above constitutes the minimum requirements and shall in no way lessen or limit the liability of the Contractor under the terms of the contract. Sub-Contractor's insurance shall be the responsibility of the Contractor.



CONFLICT OF INTEREST AFFIDAVIT

By the signature below, the firm (employees, officers and/or agents) certifies, and hereby discloses, that, to the best of their knowledge and belief, all relevant facts concerning past, present, or currently planned interest or activity (financial, contractual, organizational, or otherwise) which relates to the proposed work; and bear on whether the firm (employees, officers and/or agents) has a possible conflict have been fully disclosed.

Additionally, the firm (employees, officers and/or agents) agrees to immediately notify in writing the Finance Director, or designee, if any actual or potential conflict of interest arises during the contract and/or project duration.

Data Flow Communications

Company

1585 Aviation Center Pkwy. Unit # 702

Address

Pamela Grotendorst
Authorized Signature

Daytona Beach, FL 32114

City, State, Zip Code

Pamela Grotendorst-Owner/Mgr.

Printed Name & Title

3862593119

Telephone No.

pamela@dataflowcom.com

Email

3862593120

Fax No.

State of Florida)
City of Volusia)

SUBSCRIBED AND SWORN to before me this 15 day of November, 2022, by

Pamela Grotendorst, who is personally known to me to be the

_____ for the Firm, OR who produced the following

identification: FL DL

Notary Public



SABRINA LYNN MORIN
Notary Public
State of Florida
Comm# HH213743
Expires 1/5/2026

Sabrina Lynn Morin

My Commission Expires: 1/5/2026

NON-COLLUSION AFFIDAVIT

State of Florida)

County of Volusia)

Pamela Grotendorst being first duly sworn, deposes and says that:

- (1) He/she is the Owner, (Owner, Partner, Officer, Representative or Agent) of Data Flow Communications, the Contractor that has submitted the attached Proposal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- (3) Such Proposal is genuine and is not a collusive or sham Proposal;
- (4) Neither the said Contractor nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Contractor, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from bidding in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Contractor, firm, or person to fix the price or prices in the attached Proposal or of any other Contractor, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Contractor, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Contractor or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

By: Pamela Grotendorst
Signature of Individual

Pamela Grotendorst
Printed Name of Individual

Owner/Mgr.
Title of Individual

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Witness

State of Florida

City of South Daytona

The foregoing instrument was acknowledged before me this 15 day of November, 20XX by Pamela Grotendorst, who is personally known to me or who has produced FL DL as identification and who did (did not) take an oath.

WITNESS my hand and official seal.

Sabrina Lynn Morin
NOTARY PUBLIC

Sabrina Lynn Morin
(Name of Notary Public: Print, Stamp,
or Type as Commissioned)



SABRINA LYNN MORIN
Notary Public
State of Florida
Comm# HH213743
Expires 1/5/2026

[Faint handwritten notes or bleed-through from the reverse side of the page.]

CONTRACTOR AFFIDAVIT REGARDING SCRUTINIZED COMPANY LIST

Awarded Contractor shall certify that it and its subcontractors are not on the Scrutinized Companies that Boycott Israel List. Pursuant to Section 287.135, F.S. If the Contract is for more than \$1,000,000 the Contractor further certifies that it and its subcontractors are also not on the Scrutinized Companies with Activities in Sudan, Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or engaged with business operations in Cuba or Syria as identified in Section 287.135, F.S.

For Contracts of any amount, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met. For Contracts \$1,000,000 and greater, if the City determines the Contractor submitted a false certification under Section 287.135(5) of the Florida Statutes, or if the Contractor has been placed on the Scrutinized Companies with Activities in the Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, the City shall either terminate the Contract after it has given the Contractor notice and an opportunity to demonstrate the City's determination of false certification was in error pursuant to Section 287.135(5)(a) of the Florida Statutes, or on a case-by-case basis the City may choose to maintain the Contract if the conditions of Section 287.135(4) of the Florida Statutes are met.

STATE OF FLORIDA

CITY OF South Daytona

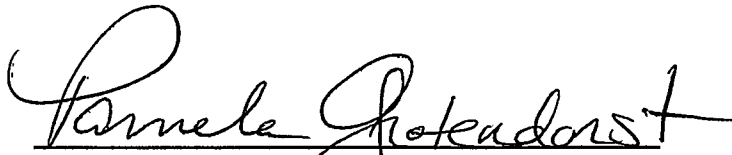
BEFORE ME, the undersigned authority, personally appeared

Pamela Grotendorst, who, being by me first duly sworn, made the following statement:

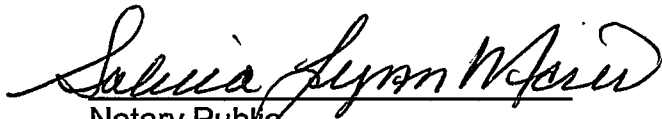
1. The Business address of Data Flow Communications (name of bidder or Contractor) is 1585 Aviation Center Pkwy. Unit # 702 Daytona Beach, FL 32114
2. My relationship to Data Flow Communications (name of bidder or Contractor) is Owner/Mgr. (relationship such as sole proprietor, partner, president, vice president).
3. I understand that "Boycott of Israel" has the same meaning as defined in §215.4725, Florida Statutes, and means refusing to deal, terminating business activities, or taking other actions to limit commercial relations with Israel, or persons or entities doing business in Israel or in Israeli-controlled territories, in a discriminatory manner. A statement by a company that it is participating in a boycott of Israel, or that it has initiated a boycott in

response to a request for a boycott of Israel or in compliance with, or in furtherance of, calls for a boycott of Israel, may be considered by the State Board of Administration to be evidence that a company is participating in a boycott of Israel. The term does not include restrictive trade practices or boycotts fostered or imposed by foreign countries against Israel.

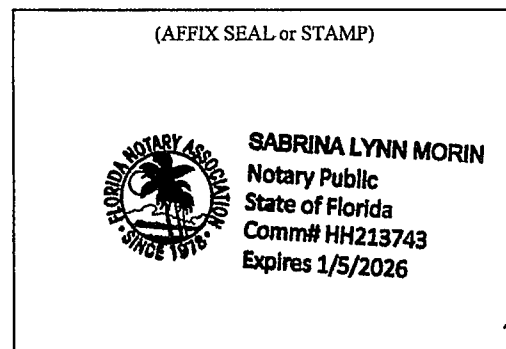
4. I understand that "business operations" means, for purposes specifically related to Cuba or Syria, engaging in commerce in any form in Cuba or Syria, including, but not limited to, acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, military equipment, or any other apparatus of business or commerce.
5. Data Flow Communications (name of the bidder or Contractor) is not on the Scrutinized Companies that Boycott Israel List, created pursuant to s. 215.4725, Florida Statutes, or is engaged in a boycott of Israel.
6. Data Flow Communications (name of the bidder or Contractor) is not on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, created pursuant to s. 215.473, Florida Statutes.
7. Data Flow Communications (name of the bidder or Contractor) is not engaged in business operations in Cuba or Syria.

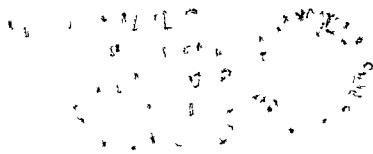

Signature

Sworn to and subscribed before me in the state and City first mentioned above on the 15 day of November, 2022


Notary Public

My commission expires:





PUBLIC ENTITY CRIME FORM

Section 287.133(3)(a), Florida Statutes, on Public Entity Crimes:

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid/quote/proposal on a contract to provide goods or services to a public entity, may not submit a bid/quote/proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids/quotes/proposals on leases of rental property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list.

Acknowledged: Pamela Grotendorst

Date: 11/7/2022

**CITY OF DeLAND
CONFIRMATION OF DRUG-FREE WORKPLACE FORM**

In accordance with Section 287.087, Florida Statutes, "[w]henver two or more bids are equal with respect to price, quality, and service which are received by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. In order to have a drug-free workplace program, a business shall:

- (1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- (2) Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- (3) Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection one (1).
- (4) In the statement specified in subsection one (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- (5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.
- (6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section."

As the person authorized to sign the statement, I certify that this firm complies with the above requirements and the Florida Statutes Section 287.087. This form is in conjunction with The City of DeLand's General Conditions, Drug-Free Workplace.

Data Flow Communications

Business Name

B-23-08 Network switches

Bid Number and Name

Pamela Grotendorst

Authorized Representative's Signature

11/7/2022

Date

Pamela Grotendorst

Name

Owner / Mgr.

Position

REFERENCE FORM

List a minimum of three (3) / maximum five (5) customers for the services specified in the solicitation in the spaces provided.

Note: A contact person shall be someone who has personal knowledge of the Contractor's performance for the specific requirement listed. Contact person must have been informed that they are being used as a reference and that the County may be calling them. Do not list persons who will be unable to answer specific questions regarding the requirements.

Ref #1. Customer/Client: The Gallery at Port Orange
Date of Services: 3/2022-present
Description of Services: Sales, installation & integration of network hardware.
Street Address: 6241 S Williamson Blvd.
City, State, ZIP Code: Port Orange, FL 32128
Telephone #: 904-270-0070 Fax #: _____
Contact Person: Ian Tietjen Email: ian.tietjen@cabletti.com

Ref #2. Customer/Client: Town of Hilton Head Island
Date of Services: 7/2016-present
Description of Services: Sales of network hardware & software subscriptions
Street Address: One Town Center Court
City, State, ZIP Code: Hilton Head Island, SC 29928
Telephone #: 843-682-5128 Fax #: _____
Contact Person: Stephen Ralston Email: stephenr@hiltonheadislandsc.gov

Ref #3. Customer/Client: Westminster Woods on Julington Creek
Date of Service: 5/2016-present
Description of Services: Sales and integration of networking and video surveillance hardware.
Street Address: 25 State Road 13
City, State, ZIP Code: Fruit Cove, FL 32259
Telephone #: 904-287-7300 Fax #: _____
Contact Person: Marcus Orr Email: morrr@westminster.org

Ref #4. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

Ref #5. Customer/Client: _____
Date of Services: _____
Description of Services: _____
Street Address: _____
City, State, ZIP Code: _____
Telephone #: _____ Fax #: _____
Contact Person: _____ Email: _____

CONTRACTOR

NAME f

ADDRESS _____

PRINTED SIGNATURE _____

AUTHORIZED SIGNATURE _____

TELEPHONE # _____ FAX# _____ DATE _____

EMAIL: _____

2022 / 2023

Volusia County Business Tax Receipt

Issued pursuant to F.S. 205 and Volusia County Code of Ordinances Chapter 114-1 by:
Volusia County Treasury and Billing - 125 W New York Ave, Room 120, Deland, FL 32720 - (386) 943-7085



Account #: 200810100012

Expires: September 30, 2023

Business Location: 1585 AVIATION CENTER PKWY STE 702

Business Name: DATA FLOW COMMUNICATIONS LLC

Owner Name: GLEN GROTEENDORST

Mailing Address: 1585 AVIATION CENTER PKWY STE 702
DAYTONA BEACH, FL 32114

BUSINESS TYPE	REQ DOC #	CODE	COUNT	TAX
Business Service		471	5	\$22.00
Retail / Wholesale Sales		482	5	\$30.00

- This receipt indicates payment of a tax, which is levied for the privilege of doing the type(s) of business listed above within Volusia County. This receipt is non-regulatory in nature and is not meant to be a certification of the holder's ability to perform the service for which he is registered. This receipt also does not indicate that the business is legal or that it is in compliance with State or local laws and regulations.
- The business must meet all County and/or Municipality planning and zoning requirements or this Business Tax Receipt may be revoked and all taxes paid would be forfeited.
- The information contained on this Business Tax Receipt must be kept up to date. Contact the Volusia County Treasury and Billing for instructions on making changes to your account.

**THIS PORTION OF THE BUSINESS TAX RECEIPT MUST BE
POSTED CONSPICUOUSLY IN YOUR PLACE OF BUSINESS**

Volusia County Business Tax Receipt

Treasury and Billing - 125 W New York Ave, Room 120, Deland, FL 32720 - (386) 943-7085

DATE PAID: 10/28/2022
RECEIPT #: 488151
TOTAL TAX: \$52.00
PENALTY: \$5.20
TOTAL PAID: \$57.20



Business Name: DATA FLOW COMMUNICATIONS LLC
Owner Name: GLEN GROTEENDORST
Mailing Address: 1585 AVIATION CENTER PKWY STE 702
DAYTONA BEACH, FL 32114

Account #: 200810100012

Expires: September 30, 2023

Business Location: 1585 AVIATION CENTER PKWY STE 702

PLEASE DETATCH THIS PORTION OF THE BUSINESS TAX RECEIPT FOR YOUR RECORDS.



THE CITY OF DAYTONA BEACH

DEVELOPMENT SERVICES DEPARTMENT
PERMITS & LICENSING DIVISION
301 S. RIDGEWOOD, SUITE # 127
DAYTONA BEACH, FL 32114
Phone: 386-671-8140

LOCAL BUSINESS TAX RECEIPT # BT-80985

Business Name: DATA FLOW COMMUNICATIONS
Business Location: 1585 Aviation Center Pkwy
Business Type: BUSINESS SERVICE
License Notes:

BT-80985
9/30/2023
ACTIVE
9/27/2022

Bus Lic No.
Valid To
Status
Date Paid

<u>Fee Code</u>	<u>Description</u>
0260	BUSINESS SERVICE

Mail To: DATA FLOW COMMUNICATIONS
1585 Aviation Center Pkwy
DAYTONA BEACH FL 32114

2023

LOCAL BUSINESS TAX
RECEIPT

DISPLAY AT PLACE OF BUSINESS FOR PUBLIC INSPECTION
THE CITY DOES NOT CERTIFY OR IMPLY COMPETENCE OF BUSINESS.

CONTACT INFORMATION

Bus Owner: PAM & GLEN GROTENDORST PAMELA@DATAFLOWCOM.COM
Mailing Addr: 137 CORAL CIR SOUTH DAYTONA FL 32119

Phone: (386) 259-3119
Fax:

LAST PAYMENT INFORMATION

<u>Fee Code</u>	<u>Description</u>	<u>Reference</u>	<u>Amt Paid</u>	<u>Date Paid</u>	<u>Pay Method</u>
0260	BUSINESS SERVICE	2023	70.00	9/27/2022	CREDIT
		Fees Paid:	\$70.00		
		Receipt #:	WEB-45379		

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Consideration re Scope of Services for Professional Engineering Services for Airfield Marking and Signage Assessment.

DEPARTMENT: Airport

PREPARED BY: Mindy Considine, Admin Coordinator

ATTACHMENTS: AVCON DED Airfield Marking and Signage Assessment

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

The airfield markings are over 10 years old. They have accumulated mildew and are faded and need to be repainted. The attached Scope of Services and Fee Proposal from AVCON, our Airport continuing services consultant, will provide necessary professional services to rehab the airfield markings.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

Safety and Security

SUSTAINABILITY:

N/A

FISCAL IMPACT:

The consultant's scope of services for the planning in connection with this project is not to exceed the amount of \$24,434. Of this amount, 90% or \$21,990.60 will be funded by the FAA, 8% or \$1,954.72 will be funded by the FDOT with remaining funds, 2% or \$488.68 to be provided by the Airport Enterprise Fund budgeted in Project AP2302.

RECOMMENDATION:

Staff recommends that the City Commission approve the proposal from AVCON, Inc. to provide professional services to design Rehab the Airfield Markings & Signage Assessment for a fee not to exceed \$24,434.

BACKGROUND/DISCUSSION:

Completion of the design and subsequent marking project is expected in the summer of 2023.

SCOPE OF SERVICES FOR
Professional Engineering Services For
Airfield Marking & Signage Assessment
DeLand Municipal Airport (DED)

AVCON, INC.

A. Project Description

The proposed work consists of providing design and construction administration for the assessment of existing signage and pavement markings, and the replacement (re-painting) of the existing airfield pavement markings in accordance with FAA AC 150/5340-1M Standards for Airport Markings.

The existing airfield pavement markings are mildewed, faded, and are generally in poor condition. The purpose of this project is to bring all the airfield pavement markings up to current FAA/FDOT standards.

AVCON intends to visual inspect, and then utilize current aerial photography and existing CAD base files to depict the existing airfield markings and signage. From this Master Signage and Marking Plan, AVCON will identify any deficiencies and develop airfield pavement marking plans for coordination with the Statewide Marking Program.

B. Project Team

The professional engineering services for the Project will be solely performed by **AVCON**. The engineering services include project management, designing/developing a set of construction drawings and technical specifications, and construction administration.

C. SCOPE OF PROFESSIONAL SERVICES

1) Airport Pavement Marking and Signage Condition Assessment

AVCON personnel will perform an objective condition assessment and evaluation of the Airport's airfield pavement marking and signage assets. AVCON shall provide a color plan sheet which will depict existing airfield pavement markings and signs, highlight missing markings and signs, call-out non-standard markings and signs, and identify any markings or signs that don't meet FAA AC 150/5340-1M requirements. Efforts will include evaluation of existing markings in the field to determine whether reflective media are still present, or

whether cleaning would be enough to “refresh” the markings. Findings will be reported in a technical memo and a Master Signage and Marking Plan.

2) Marking Rehabilitation - Construction Plans and Specifications

Based on the results of the Condition Assessment, AVCON will develop plans, details, and specifications in accordance with FAA AC 150/5370-10G and 150/5340-1M. Construction plans will include:

- Cover Sheet
- Summary of Quantities
- General Notes
- Project Layout Plan (Site Plan)
- Construction Safety and Phasing Notes
- Construction Safety Phasing Plans
- Marking Demo Plans
- Pavement Marking Plans
- Pavement Marking Details

Technical specifications will follow FAA format using unit cost where applicable. All technical specifications shall conform to the latest FAA Advisory Circular. Pay items and quantities will be developed for each marking type, color, and application.

PDF copies of both the construction plans (11” x 17”) and technical specifications will be provided to the Statewide Marking Program contractor.

3) Coordination w/ Contractor – Statewide Airport Marking Program

The FDOT has a Statewide Airport Marking Program, which allows airport sponsors to procure qualified vendors without the need to bid the project. The Statewide Program has negotiated rates/unit prices for the pavement markings and associated work. Once an agreement is signed with the vendor, the paving work is scheduled (which is usually 6 weeks from execution of agreement). AVCON would coordinate with the vendor and assist the City with execution of the agreement and scheduling of the work.

4) Construction Administration/Quality Assurance

AVCON will observe the application of pavement markings in the field and provide Quality Assurance services. The field observation will not entail full-time inspection services, only periodic review of marking layouts and application procedures. AVCON’s efforts will be directed toward providing assurance for the City that the pavement markings comply with FAA AC 150/5340-1M, FAA AC 150/5370-10G (or current edition), and IPRF 01-G-002-05-1 requirements.

AVCON will coordinate with the Contractor/Vendor during construction and assist the City with review of shop drawings, pay requests, and project related information.

D. DESIGN DELIVERABLES

The anticipated deliverables are listed below:

- ❖ Kick-off Meeting Minutes
- ❖ Airfield Marking and Signage Master Plan
- ❖ Condition Assessment technical memo
- ❖ Construction Documents (100%) Submittal, Cost Estimate
- ❖ Construction Safety and Phasing Plan (CSPP)
- ❖ Conformed Documents

E. PROJECT SCHEDULE

A preliminary schedule has been developed for the project. Milestone dates will be established after NTP.

Milestone	Date
NTP for Design	TBD
Condition Assessment / Master Marking & Signage Plan	30 calendar days
100% Construction Plans and Specs	30 calendar days
Construction	TBD

F. BASIC ASSUMPTIONS

The following is a list of assumptions, which forms the basis of this cost proposal for providing the services for the PROJECT.

- All construction drawings will be digitally produced using 11" x 17" Standard and will be created in AutoCAD and ADOBE PDF format.
- Specifications, reports and other word processing letters/memorandums/reports, etc. shall be created in Microsoft Word.
- Any field data collection efforts requiring AVCON personnel to be within the safety area of runways, taxiways or taxilanes will be performed during daylight hours with the appropriate pavement closed unless otherwise directed by the Airport.
- Airport Operations will be available to escort AVCON personnel on-site for site visit(s).
- The work shall be completed in accordance with the schedule developed and agreed upon during the design of the Project. Failure of the reviewing agencies (City, FAA and/or others) to meet the deliverable dates for provision of review comments may justify granting a schedule extension.
- AVCON will transmit deliverables to the City in electronic format.
- No permits are anticipated for the project.

- No Bidding is anticipated for the project. AVCON will coordinate with FDOT and the Statewide Marking Contractor directly on the agreement and scheduling of work.
- No survey is anticipated for the project. The Master Signage and Marking Plan will represent a graphical depiction of signs and markings. Construction plans for the marking rehabilitation will be based on existing base files, standard details, and aerial data.

G. PROJECT FEE

AVCON will be compensated on a Lum Sum cost basis for all Basic Services (i.e., labor) and on a time-and-materials basis with a not-to-exceed for Direct and Reimbursable Expenses (i.e., expenses).

Refer to the attached fee spreadsheets for a detailed breakdown of manhours and fees for each task.

DELAND MUNICIPAL AIRPORT - AIRFIELD PAVEMENT MARKING PROJECT
BREAKDOWN OF LUMP SUM FEES

Position:	QC REVIEWER		SR. PROJECT MANAGER		PROJECT MANAGER		SENIOR ENGINEER		PROJECT ENGINEER		SR. CADD DESIGNER		ADMINISTRATIVE		TOTAL		
Rate (\$/Hour):	\$240		\$220		\$167		\$142		\$96		\$89		\$65		Labor Hours	Cost	Avg. Rate
	Labor Hours	Cost	Labor Hours	Cost	Labor Hours	Cost	Labor Hours	Cost	Labor Hours	Cost	Labor Hours	Cost	Labor Hours	Cost			
1) AIRPORT PAVEMENT MARKING & SIGNAGE CONDITION ASSESSMENT																	
1.1 Field inspection / condition assessment	0	\$ -	0	\$ -	0	\$ -	2	\$ 284	8	\$ 768	0	\$ -	0	\$ -	10	\$ 1,052	\$ 105
1.2 Evaluation of markings & signage (FAA criteria)	0	\$ -	0	\$ -	0	\$ -	2	\$ 284	8	\$ 768	0	\$ -	0	\$ -	10	\$ 1,052	\$ 105
1.3 Existing Marking & Signage Layout Plan and noted deficiencies/dscrepancies	0	\$ -	0	\$ -	2	\$ 334	8	\$ 1,136	20	\$ 1,920	48	\$ 4,272	0	\$ -	78	\$ 7,662	\$ 98
SUB TOTAL:	0	\$ -	0	\$ -	2	\$ 334	12	\$ 1,704	36	\$ 3,456	48	\$ 4,272	0	\$ -	98	\$ 9,766	
2) CONSTRUCTION PLANS AND SPECIFICATIONS																	
2.1 Construction Plans	2	\$ 480	0	\$ -	0	\$ -	4	\$ 568	24	\$ 2,304	32	\$ 2,848	0	\$ -	62	\$ 6,200	\$ 100
2.2 Technical Specifications	1	\$ 240	0	\$ -	0	\$ -	2	\$ 284	4	\$ 384	0	\$ -	2	\$ 130	9	\$ 1,038	\$ 115
2.3 Cost Estimate	0	\$ -	0	\$ -	0	\$ -	2	\$ 284	2	\$ 192	0	\$ -	0	\$ -	4	\$ 476	\$ 119
SUB TOTAL:	3	\$ 720	0	\$ -	0	\$ -	8	\$ 1,136	30	\$ 2,880	32	\$ 2,848	2	\$ 130	75	\$ 7,714	
3) COORDINATION W/ CONTRACTOR - STATEWIDE PROGRAM																	
3.1 Coordination with State Vendor	0	\$ -	2	\$ 440	4	\$ 668	4	\$ 568	0	\$ -	0	\$ -	0	\$ -	10	\$ 1,676	\$ 168
SUB TOTAL:	0	\$ -	2	\$ 440	4	\$ 668	4	\$ 568	0	\$ -	0	\$ -	0	\$ -	10	\$ 1,676	
4) CONSTRUCTION ADMIN / QUALITY ASSURANCE																	
4.1 Pre-Con Meeting	0	\$ -	0	\$ -	2	\$ 334	0	\$ -	0	\$ -	0	\$ -	0	\$ -	2	\$ 334	\$ 167
4.2 Quality Assurance observation	0	\$ -	0	\$ -	2	\$ 334	4	\$ 568	20	\$ 1,920	0	\$ -	0	\$ -	26	\$ 2,822	\$ 109
4.3 Review of Shop drawings, pay requests, vendor questions	0	\$ -	0	\$ -	2	\$ 334	2	\$ 284	4	\$ 384	0	\$ -	2	\$ 130	10	\$ 1,132	\$ 113
4.4 Record Drawings and Project Closeout	0	\$ -	0	\$ -	0	\$ -	2	\$ 284	0	\$ -	4	\$ 356	0	\$ -	6	\$ 640	\$ 107
SUB TOTAL:	0	\$ -	0	\$ -	6	\$ 1,002	8	\$ 1,136	24	\$ 2,304	4	\$ 356	2	\$ 130	44	\$ 4,928	
TOTAL LUMP SUM LABOR FEE:	3	\$ 720.00	2	\$ 440.00	12	\$ 2,004.00	32	\$ 4,544.00	90	\$ 8,640.00	84	\$ 7,476.00	4	\$ 260.00	227	\$ 24,084	\$ 106
REIMBURSABLES																	
		Cost	SUBCONSULTANTS														
Printing and Reprograhics		\$ 100	None														
Mileage		\$ 250															
SUB TOTAL		\$ 350															
LUMP SUM TOTAL LABOR, REIMBURSABLES, AND SUBCONSULTANTS																\$24,434	

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Resolution Approving Amendment to the City of DeLand's Personnel Rules and Regulations.

DEPARTMENT: Human Resources

PREPARED BY: Mark Hayward, HR Director

ATTACHMENTS: Resolution , Exhibit A- Rules and Regulations

APPROVED BY: Michael Pleus, City Manager, November 29, 2022

SUMMARY/HIGHLIGHT:

The City Commission approved changes to the City's Personnel Rules and Regulations (RR) in 2003, 2005, 2008, 2012, 2014. As with any document, changes must be made to keep the rules current with state, federal laws and common employment practices. The changes are briefly outlined in the background section of this agenda item.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

High Value Government

SUSTAINABILITY:

N/A

FISCAL IMPACT:

All items with financial components are currently included in the FY 2022-2023 budget with the exception of the proposed paid parental leave policy. Paid parental leave is an expense that is unknown at this time and would only be utilized when applicable.

RECOMMENDATION:

It is recommended the City Commission approve the changes to the City's Personnel Rules and Regulations.

BACKGROUND/DISCUSSION:

Over the past 18 months, with the assistance of the City's Insight and Innovations (I & I) Committee and review by the City's labor attorney, a revised personnel rules and regulations is being presented with updates and modifications.

Major formatting changes include:

- Added Appendices section for clarification on incentive programs.
- Added Administrative Policies section for routine and directive type policies administered by the City Manager and the City leadership team.

Specific policy changes:

1. Page 10, General Conditions, Section 6, Amendment of Rules - Add: City Manager recommends all administrative policies to the Commission. This language was added to provide clarity.
2. Page 13, Position Classification Plan, Section 7, Request for Reclassification - Add: City Manager may approve reclassification requests. The prior language did not specify that the City Manager needed to approve a reclassification.
3. Page 15, Recruitment, Application and Employment, Section 1, Recruitment - Add: City of DeLand is an EEO/DEI/Veteran employer.
4. Page 17, Recruitment, Application and Employment, Section 6, Employment Process - Add: Interview/Selection committee will review all qualified applicants. This language was added to create consistency when interviewing for open positions city-wide.
5. Page 20, Recruitment, Application and Employment, Section 11, Relocation Expenses - Add: City Manager reserves the right to modify individual employment contracts. Language was added to allow the City Manager additional flexibility with relocation expenses to secure an applicant in a timely manner.
6. Page 24, Probationary Period/Evaluations, Section 9, Evaluation of Performance - Add: General Employees will get a 90 day evaluation during the 180 day probationary period. Fire and Police will get a 180 day evaluation during their 365 day probationary period. Requested by Insight and Innovation Committee, which provides an additional opportunity for feedback between the employee and supervisor prior to the end of probation.
7. Page 47-48, Compensation, Section 14, paragraph F, Tuition Assistance - Add: City Manager reserves the right to adjust the annual maximum reimbursement due to budgetary limitations.
8. Page 62, Vacation and Leaves of Absence, Section 3, first bullet, Bereavement/Funeral Leave - Add: domestic partner to reflect the City's commitment to Diversity, Equity and Inclusion.
9. Page 65, Vacation and Leaves of Absence - Add Paid Maternity/Paternity FMLA Leave. Six weeks of paid time off for birth or adoption of child(ren). To compete with like-sized employers and address a need requested by today's workforce. Additionally, The Insight & Innovation committee asked for this policy to be implemented to assist with employee retention. The cost of this policy is difficult to estimate due to various variables, which include differences in employee pay, employee's desire to utilize the policy to the full extent and other factors.
10. Page 72, Employee Performance Evaluations, Section 2, #4, Purpose - Add: Establish performance improvement plans (PIP). Language added to reflect current operational procedures.
11. Page 72, Employee Performance Evaluations, Section 3, Probationary Employee Evaluations - Add: Probationary employees will be given evaluations during their probationary periods. General employees at 90 days and Police and Fire employees will be given evaluations at 180 days. The Insight & Innovation committee has asked this be incorporated, which provides an additional opportunity for feedback between the employee and supervisor prior to the end of probation.
12. Pages 89-104, Article XXIV, Purchasing Card: Update to the policy for current accountability and better control.
13. Page 105-115, Article XXV, Travel Policy: Update to clarify allowed and disallowed expenses and includes current government-base reimbursement amounts.
14. Page 117, Appendix A, Career Progression for the City Workforce - Language was modified to provide clarity on progression tracks for certain positions. The career progression plan is a systematic plan for upward mobility and retention.
15. Page 123, Appendix B, Vacation and Sick Leave Accrual Rates - The City Commission approved an increase to sick leave accruals during the budget process, as requested by the Insight & Innovation Committee.
16. Page 124, Appendix C, Certification Pay - Listed all potential certifications that could receive certification pay as outlined in the policy. It is a tool utilized for retention of the workforce. Covers the departments: Public Works, Utilities, Parks and Recreation and Building.

17. Page 126, Retirement Check Recognition Program - Added language clarifying the retirement check program eligibility.

Administrative Policies, Pages 128-193 - These policies are set to assist with the general operational requirements of the City. It gives the City Manager the authority to adjust these policies as needed without coming back to the City Commission for approval. The following policies have been organized under the new Administrative Policies Section:

1. Drug and Alcohol Free Workplace - Moved into administrative policy from main document.
2. Drug Testing by positions - New. Required by Florida Statute 440.102 and DOT requirements for CDL drivers and high risk safety work hazard positions.
3. Nepotism Policy - New. Required to address hiring of relatives in the work force.
4. IT Internet Usage Rights - Moved into administrative policy from main document. Updated to stay on top of the ever changing cyber security operational requirements of the City.
5. Cell Phone Usage/Allowance - Moved into administrative policy from main document. Updated to remove outdated data plan language.
6. Text Messaging Directive - New. Added for compliance with public records law and safety of the work force.
7. City Safety Footwear - Moved into administrative policy from main document. Updated to reflect the increase in cost for footwear.
8. Vehicle Policy - Moved into administrative policy from main document. Outlines proper usage of City vehicle fleet.
9. Issued Property - Moved into administrative policy from main document. Specific for accountability of City issue equipment and tools.
10. Improper use of City Equipment and Public Trust - Moved into administrative policy from main document.
11. Mandatory Recycling Program - New. Added for compliance with green certification requirements.
12. Scrap Material Disposal - New. Added to specific how scrap material is collected and disposed.
13. Lactation Breaks - New. Added to comply with the Fair Labor Standards Act. Rest breaks for new moms.
14. Gender Identity Restrooms and Facilities - New. Added to reflect the City's commitment to DEI.
15. Office Decor and Dress Code - Moved into administrative policy from main document. Minor updates to reflect updated clothing terminology.
16. Employee Recognitions - Moved into administrative policy from main document. No changes from prior policy.
17. Utility Department Shift Differential - New. Added language specific to the Utility Department for shift differential pay.

RESOLUTION NO. 2022-

**A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA,
AMENDING THE PERSONNEL RULES AND REGULATIONS OF THE
CITY OF DELAND; PROVIDING CONDITIONS AND AN EFFECTIVE
DATE.**

WHEREAS, The City Commission approved the City's Personnel Rules and Regulations in August 2001, and was subsequently amended by Resolution Nos. 2003-73, 2004-70, 2005-06, 2005-50, 2006-01, 2007-69 and 2014-11; and

WHEREAS, changes to the Personnel Rules and Regulations must be made in order to keep the rules current with respect to operational requirements to provide the level of service to the citizens of the City of DeLand; and

WHEREAS, the City's Insight and Innovation committee met over the past eighteen months in an effort to thoroughly review and revise the Personnel Rules and Regulations.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
DELAND, FLORIDA:**

Section 1. The City Commission hereby amends the Personnel Rules and Regulations by adopting the revised set of Personnel Rules and Regulations attached hereto as Exhibit "A".

Section 2. If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the remaining portions of this Resolution.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of December, 2022.

Christopher M. Cloudman
Mayor-Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

City of DeLand

Rules & Regulations



City of DeLand Rules & Regulations

Table of Contents

ARTICLE I – GENERAL CONDITIONS OF EMPLOYMENT	9
Section 1. Purpose	9
Section 2. General Policies	9
Section 3. Employee Responsibilities	9
Section 4. Applicability	9
Section 5. Administration	10
Section 6. Amendment of Rules	10
Section 7. Departmental Policies	11
Section 8. Disclosure	11
ARTICLE II – POSITION CLASSIFICATION PLAN	12
Section 1. Purpose	12
Section 2. Contents of the Plan	12
Section 3. Class Titles	12
Section 4. Class Descriptions	12
Section 5. Administration of the Plan	13
Section 6. Classification of New Positions	13
Section 7. Request for Reclassification	13
Section 8. Reclassification of Positions	14
Section 9. Amendments to the Classification Plan	14
Section 10. Official Copy of the Classification Plan	14
ARTICLE III – RECRUITMENT, APPLICATIONS & EMPLOYMENT	15
Section 1. Recruitment	15
Section 2. Personnel Requisitions	15
Section 3. Applications	16
Section 4. References	16
Section 5. Veteran’s Preference	16
Section 6. Employment Process	17
Section 7. Candidate Notice	17
Section 8. Pre-Employment Drug Screening	18
Section 9. Disability Accommodation	18
Section 10. Affirmative Action	19
Section 11. Relocation Expenses	20
Section 12. Limitation of Employment of Relatives	20
Section 13. Certification of Eligibility	20
Section 14. Loyalty Oath	20
ARTICLE IV – APPLICANT TESTING/EXAMINATION	21
Section 1. Competitive Examination	21
Section 2. Types of Testing and Examinations	21
ARTICLE V – CERTIFICATION AND APPOINTMENTS	22
Section 1. Appointments from List of Eligible Candidates	22
Section 2. Types of Appointments	22

ARTICLE VI – PROBATIONARY PERIOD/EVALUATION	23
Section 1. <u>Intent</u>	23
Section 2. <u>Duration</u>	23
Section 3. <u>Reinstatements</u>	23
Section 4. <u>Promotional Appointments</u>	23
Section 5. <u>Demotions</u>	24
Section 6. <u>Extension of Probationary Period</u>	24
Section 7. <u>Dismissal During Probationary Period</u>	24
Section 8. <u>Completion of Probation</u>	24
Section 9. <u>Evaluation of Performance</u>	24
Section 10. <u>Probationary Period Reports</u>	25
Section 11. <u>Lateral Transfers</u>	25
ARTICLE VII - PERSONNEL RECORDS & REPORTS	26
Section 1. <u>Procedure</u>	26
Section 2. <u>Confidentiality of Personnel Records</u>	26
Section 3. <u>Employee Records</u>	26
Section 4. <u>Requests for Personnel and Employee Records Information</u>	26
Section 5. <u>Changes in Personnel Information</u>	27
Section 6. <u>Department Records</u>	27
Section 7. <u>Inspection of Personnel Records</u>	27
ARTICLE VIII – CODE OF CONDUCT	28
Section 1. <u>Acceptance of Gifts, Gratuities, Special Privileges</u>	28
Section 2. <u>Confidential Information</u>	28
Section 3. <u>Conflict of Interest</u>	28
Section 4. <u>Political Activity</u>	29
Section 5. <u>Outside Employment and Private Business Activity</u>	29
Section 6. <u>Smoke-Free Workplace</u>	29
Section 7. <u>Harassment and Discrimination</u>	30
Section 8. <u>Use of City Property</u>	30
Section 9. <u>Use of City Vehicles and Seatbelt Policy</u>	31
Section 10. <u>Code of Ethics</u>	32
Section 11. <u>Complaints from the Public</u>	32
Section 12. <u>Personal Mail</u>	33
Section 13. <u>Personal Telephone Calls and Visitors</u>	33
Section 14. <u>Public Relations</u>	33
Section 15. <u>Failure to Cooperate with Job Related Investigation</u>	33
Section 16. <u>Criminal Charges</u>	33
Section 17. <u>Incarceration</u>	34
Section 18. <u>Loss of Pension</u>	34
Section 19. <u>Solicitation and Distribution</u>	34
Section 20. <u>Bulletin Boards</u>	34
ARTICLE IX – WORKPLACE SAFETY	35
Section 1. <u>Safety Program</u>	35
Section 2. <u>Personal Protective Equipment</u>	35

ARTICLE X – HOURS OF WORK	36
Section 1. Scheduled Hours of Work	36
Section 2. Normal Hours and Work Week	36
Section 3. Overtime	36
Section 4. Meal Periods/Rest Periods	37
ARTICLE XI – TIME AND ATTENDANCE	38
Section 1. General	38
Section 2. Absence	38
Section 3. Exempt Employee Absences	39
Section 4. Supervisory Responsibility	40
ARTICLE XII – PAY PLAN	41
Section 1. Purpose	41
Section 2. Amendments to the Pay Plan	41
ARTICLE XIII – PAYROLL RULES	42
Section 1. Payroll Status of Employees	42
Section 2. Determination of Exempt Status	42
Section 3. Pay Methods	42
Section 4. Payroll Cycle	42
ARTICLE XIV – COMPENSATION	43
Section 1. New Employee Rates	43
Section 2. Merit	43
Section 3. Pay Upon Promotion	44
Section 4. Pay Upon Voluntary/ Involuntary (Non-Disciplinary) Demotion	44
Section 5. Pay Upon Transfer	44
Section 6. Pay Upon Lateral Move	44
Section 7. Pay Upon Demotions	45
Section 8. Pay Upon Re-Employment	45
Section 9. Out of Class Pay for Temporary Work in Higher Classification	45
Section 10. Overtime	45
Section 11. Executive Compensatory Time	46
Section 12. Pay Upon Termination	46
Section 13. Wages Due Deceased Employee	46
Section 14. Tuition Assistance Program	46
Section 15. Required Court Appearance	47
Section 16. Call Back Pay	48
Section 17. On Call/Shift Differential Policy	48
Section 18. Public Accountability Standard for Exempt Employees	49
ARTICLE XV – WORKERS, AND UNEMPLOYMENT COMPENSATION	50
Section 1. Workers Compensation Eligibility and General Provisions	50
Section 2. Procedures for Reporting a Worker’s Compensation Claim	51
Section 3. Light Duty Assignments	51
Section 4. Safety	51
Section 5. Unemployment Compensation	52

ARTICLE XVI – BENEFITS AND LEAVE	53
Section 1. Health Insurance	53
Section 2. Deferred Compensation (457)	53
Section 3. Retirement	53
Section 4. Life Insurance	53
Section 5. Accidental Death and Dismemberment	53
Section 6. Official Holidays	53
Section 7. Holidays Falling on Weekends	55
Section 8. Holidays Occurring During Vacation Leave	55
Section 9. Personal Days	55
ARTICLE XVII – EMERGENCY CLOSURE AND COMPENSATION	56
Section 1. Overview	56
Section 2. Applicability	56
Section 3. Closure of Work Operations	56
Section 4. Compensation for Non-Critical Service Employees	56
Section 5. Compensation for Critical Service Employees	57
Section 6. Employee Notification	57
Section 7. General Provisions	57
ARTICLE XVIII – VACATION AND LEAVES OF ABSENCE	58
Section 1. Vacation Leave	58
Section 2. Sick Leave	59
Section 3. Bereavement/Funeral Leave	62
Section 4. Jury Duty	62
Section 5. Reserve and National Guard Training Leave	63
Section 6. Active Duty Military Leave	63
Section 7. Family Medical Leave Act (FMLA)/Maternity/Paternity Leave	64
Section 8. Other Unpaid Leaves of Absence	70
ARTICLE XIX – EMPLOYEE PERFORMANCE EVALUATIONS	72
Section 1. Scope	72
Section 2. Purpose	72
Section 3. Probationary Employee Evaluations	72
Section 4. Annual Performance Evaluation Procedure	72
ARTICLE XX – DISCIPLINARY ACTIONS	73
Section 1. Purpose	73
Section 2. Responsibilities	73
Section 3. Procedure	73
Section 4. Predetermination Hearing	76
Section 5. Summary Action	76
Section 6. Authority and Disciplinary Review	76
Section 7. Causes for Disciplinary Actions	76

ARTICLE XXI – GRIEVANCE PROCEDURE	81
Section 1. Overview	81
Section 2. Causes of Grievances	81
Section 3. Unacceptable Grievances	81
Section 4. Grievance Procedure	81
Section 5. General Provisions	83
Section 6. Management Prerogatives	83
ARTICLE XXII – SEPARATION FROM CITY SERVICE	84
Section 1. Resignations	84
Section 2. Resignation for Military Duty	84
Section 3. Layoff/Recall	84
Section 4. Retirement	85
Section 5. Medical Dismissal or Retirement	86
Section 6. Dismissal or Discharge	86
Section 7. Death	86
Section 8. Return of City Property	86
Section 9. Exit Interviews	86
ARTICLE XXIII – BENEVOLENT ASSOCIATION	87
Section 1. Purpose	87
Section 2. Membership	87
Section 3. Executive Committee	87
Section 4. Scope and Authority of Executive Committee	87
Section 5. Creation of Funds	87
Section 6. Benefits	88
Section 7. Criteria	88
Section 8. Meetings	88
ARTICLE XXIV- PURCHASING CARD POLICY	89
Section 1. Purchasing Card Policy	89
ARTICLE XXV- TRAVEL POLICY	105
Section 1. Travel Policy	105
APPENDIX A	
Section 1. Career Progression for Administrative & Technical Positions	117
APPENDIX B	
Section 1. Vacation Accrual Rates	123
Section 2. Sick Leave Accrual Rates	123
APPENDIX C	
Section 1. Certification Pay	124
APPENDIX D	
Section 1. Retirement Recognition Check Program	126

<u>ADMINISTRATIVE POLICIES</u>	127
<u>Drug and Alcohol-Free Workplace Policy</u>	128
<u>Drug and Alcohol-Free Workplace Policy Employee Agreement</u>	132
<u>Drug Testing by Position</u>	133
<u>Nepotism Policy</u>	153
<u>IT Policies</u>	157
<u>Cell Phone Policy/Allowance</u>	171
<u>Text Messaging Directive</u>	173
<u>Data Breach Incident Response</u>	174
<u>Purchase of Safety Footwear</u>	176
<u>Vehicle Policy</u>	178
<u>City Issued Property</u>	179
<u>Improper Use of City Equipment and Violation of Public Trust</u>	180
<u>Mandatory Recycling Program</u>	181
<u>Scrap Material Disposal</u>	182
<u>Lactation Breaks Policy</u>	183
<u>Gender Identity</u>	185
<u>Office Décor and Dress Code Policy</u>	186
<u>Employee Recognitions</u>	189
<u>Utility Department Shift Differential</u>	193

Disclaimer

The City of DeLand recognizes the collective bargaining powers of the Police Department through the International Union of Police Associations and the Fire Department through International Association of Fire Fighters.

The City will participate in collective bargaining negotiations with both of these represented units respectively and understands that agreements with these agencies may be different in scope and nature to the non-collective bargaining unit employees.

The City of DeLand is an “at will” employer and follows the current state codes and statutes to at will status.

For the purpose of this document, work days are defined as primarily being Monday through Friday. Exceptions to this standard are made when extraneous schedules are required for operational readiness of the City and divisions within the City.

The City Manager reserves the right to make administrative changes to the Rules and Regulations articles as required by budgetary constraints.

Human Resources will henceforth be referred to as HR throughout this document.

ARTICLE I – GENERAL CONDITIONS OF EMPLOYMENT

Section 1. Purpose

The purpose of these policies is to establish a system of personnel administration that will effectively recruit, select, develop, and maintain a competent and productive work force for the City.

Section 2. General Policies

It is the policy of the City of DeLand to:

- Recruit, select and advance employees with attention to each candidate's relative abilities, knowledge, and skills. The process includes the competition of qualified applications for initial employment.
- Establish pay rates consistent with the principles of equal pay for equal work.
- Train employees, as needed, to ensure high quality performance.
- Retain employees on the basis of adequacy of performance, correct inadequate performance when possible, and terminate employees when performance inadequacies persist after recommended correction is made.
- Assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, age, sex, religion, disability, or any other characteristic or status protected by federal or state law.
- Reassure employees of the City's protection against partisan political coercion.

Section 3. Employee Responsibilities

Each employee of the City has certain basic responsibilities to the City and to the taxpayers of the City of DeLand. These include:

- Coming to work regularly and on time.
- Performing work as competently as possible.
- Taking exceptional care of City property.
- Actively finding ways to perform more efficiently.
- Working with others as a team.

Section 4. Applicability

The City's personnel Rules and Regulations, in general, apply to all employees. All benefits apply to full time employees. Retirement benefits are available only to full time employees. Different or additional rules apply to personnel appointed by the City Commission (City Manager, City Attorney and City Clerk). The City Charter or an employment agreement supersedes the personnel Rules and Regulations when there is a conflict.

Section 5. Administration

- **City Commission:** The City Commission approves and adopts personnel policies and procedures, as well as the pay and position classification plan.
- **City Manager:** The City Manager administers and approves the personnel policies and procedures, the pay and position classification plan, and any other matters that pertain to administrative policies. The City Manager may delegate day-to-day administration to the HR Director and other City Department Heads.
- **HR Director:** The HR Director's duties may limitlessly include:
 - a. Assisting management in collecting and analyzing employment data
 - b. Developing statements of rule
 - c. Affirmative action recruitment techniques designed to comply with the equal employment rules of the City
 - d. Complying with various statutory record keeping and notice requirements in order to ensure full compliance with all employment-related statutes and regulations
 - e. Assisting supervisory personnel in arriving at solutions to specific related personnel problems
 - f. Serving as liaison between the City and government agencies, minority and women's organizations and other community groups
 - g. Keeping management informed of the latest developments in the area of equal employment opportunity.
- **Department Heads:** Department Heads are responsible for the effective administration of the City's personnel Rules and Regulations within their respective departments.

Section 6. Amendment of Rules

The City reserves the right to amend its personnel policies, procedures, Rules and Regulations from time to time. The City Manager maintains the authority to recommend to the City Commission any revisions or amendments to the personnel Rules and Regulations.

Revisions and amendments are approved by the City Commission and implemented by the City Manager. Copies are to be posted on all City bulletin boards and distributed to all departments for information and compliance. The continuation of individual employment constitutes acceptance of all approved revisions or amendments.

The City Commission has delegated authority to the City Manager to amend the personnel Rules and Regulations without further approval in the following areas:

- Requirements for original employment
- Applications
- Examinations
- Employment Lists
- Certification and Employment
- Probation and Transfer
- Training of Employees
- Performance Ratings
- Resignations
- Administrative Policies

Section 7. Departmental Policies

Departmental policies and procedures are considered supplemental to the City's personnel Rules and Regulations. In the event of a conflict, the City's Rules and Regulations govern.

Section 8. Disclosure

The City's Rules and Regulations are policies by which municipal employment shall be governed. The articles of these Rules and Regulations shall not be construed as a contract between the City and any employee.

ARTICLE II – POSITION CLASSIFICATION PLAN

Section 1. Purpose

The charge of this municipality is to provide a holistically uniform and objective system for classifying all positions in the City, as well as to establish proper internal relationships between specific classifications based on difficulty of duty, level of responsibility, and minimum required qualifications to assure the institution of equal pay for equal work

Section 2. Contents of the Plan

The Classification Plan shall consist of:

1. Classes of positions which are fundamentally similar in duty, degree of difficulty and level of responsibility. As such, each position in the group will;
 - a. Be given the same class title
 - b. Require predominantly similar training and experience
 - c. Be filled by substantially the same methods of selection
 - d. Be of relative value and thus deserves the same salary range.
2. A class title which thoroughly describes and is the official title of all positions in the class
3. Written class descriptions.

Section 3. Class Titles

- The title of each class shall be the official title of every position allocated to the relevant class and must be used explicitly for administrative purposes. This includes undertakings such as payroll, budget, financial, personnel forms, and records.
- No person shall be appointed or promoted to any full-time position in the City under a title not included in the Classification Plan.
- Alternative job titles may be employed in the course of departmental routine to indicate level of authority, status, special assignments, or administrative rank. However, these designations are "working titles" in departmental routine and correspondence. Therefore, they are not associated with the administrative personnel processes covered in these Rules and Regulations.

Section 4. Class Descriptions

- Each class shall have a written description consisting of a statement describing the nature of the work, examples of typical duties, and the required minimum knowledge. It will also include any essential skills, training, abilities, experience and any special qualifications necessary for entrance into the class.
- Class descriptions are intended to be representative of the varied positions within the class and provide illustrations of the type of work that is to be performed. However, they do not necessarily include all of expectations of duty for each position of employment. Particular phrases or precise exemplar of typical duties are not to be singled out and used for class identification.
- Class descriptions are not intended to be restrictive. The use of (or absence of) a particular illustration of duties shall not be held to exclude or limit the authority of a Department Head to assign other duties which are similar and related to the work.

Section 5. Administration of the Plan

The HR Director shall have the primary responsibility, with approval of the City Manager, to administrate and ensure the daily maintenance of the Classification Plan and is authorized to:

- Complete studies of proposed new positions and make allocations to costing classes, reestablish a former class, or establish a new class.
- Provide studies of existing positions upon the occurrence of substantial change in the understood duties and responsibilities; which ultimately justify consideration of possible reclassification.
- Conduct periodic studies and request necessary assistance to ensure the classification plan sustains its uniformity and currency.
- Require the submission of position questionnaires, or any other related information, when deemed necessary for the proper maintenance of the plan.
- Develop forms and procedures to be used as necessary to determine the proper classification of each position.
- Practice routine revisions to class description contents including: additions and deletions of illustrative tasks, qualification requirements, title changes, and other such amendments provided. However, adjustments in salary ranges shall not be accomplished under this section.

Section 6. Classification of New Positions

- Department Heads who seek to propose the establishment of new positions must first provide the HR Director with a drafted description of the potential duties, skills, knowledge, abilities and other work performance requirements in sufficient detail, and in such form and manner as may be prescribed, as may be necessary to properly classify the position.
- Department Heads shall promptly notify the HR Director of the need for new classifications and allow sufficient time for the required classification study.
- Upon completion of the classification study, and with the approval of the City Commission, the HR Director shall allocate the new position to an existing class.
- There shall be no action taken to fill any new position in the City until the City Commission has finalized its approval.

Section 7. Request for Reclassification

Requests for reclassification of a position should, whenever possible, be made to become effective at the beginning of a fiscal year to allow for proper position budgeting. Positions approved for reclassification during a fiscal year will become effective only if the Department Head and Finance Director determine funds are available, only after the approval of the City Manager. A Department Head who desires to have a classification reviewed shall request in writing such review to the HR Director. Requests for reclassification may be made as a result of added responsibilities, reorganization, technical changes, etc.

Section 8. Reclassification of Positions

Established positions may be reclassified from one class to a different class under the following conditions:

- There have been significant changes in the actual duties and responsibilities through a natural redistribution of workload.
- The changes in duties and responsibilities are of a permanent nature.
- The reclassification is based upon new or added elements in the job and not on the performance of the individual.

Reclassification shall not be affected when:

- The added duties and responsibilities do not represent a substantial increase in the skills or abilities required for the position and would be a logical function of the class.
- The added duties and responsibilities are to be performed for a temporary period.
- The only change involved is an increase in the employee's workload.
- The primary purpose is to raise the employee's salary.

No position shall be reclassified within six months of its original date of classification nor more than once in a twelve-month period; unless the reclassification is to a smaller class, the original class, or during a general classification study.

Reclassification shall only be accomplished succeeding a review by the HR Director, and after the reclassification has been approved by the City Manager.

An employee whose position is reclassified to a higher-level position may continue in the reclassified position without competition.

Section 9. Amendments to the Classification Plan

The HR Director may delete position classes from the Plan when the classification title has not been used for a period of more than one year or when it becomes known that the function to which the class relates, will no longer be performed.

Section 10. Official Copy of the Classification Plan

The HR Director shall have custody and maintain the master set of all approved job classifications which will contain the date they were adopted, revised or amended. The plan will be adopted in full every year as an element of the approved budget.

ARTICLE III – RECRUITMENT, APPLICATIONS & EMPLOYMENT

Section 1. Recruitment

Education Requirements Disclaimer:

A high school diploma or general education diploma (GED) from a U.S. Department of Education accredited institution is required. High school diplomas and transcripts from other countries are acceptable as long as their graduation requirements are equivalent to that of a U.S. high school diploma. In order to determine if the high school diploma or transcript is equivalent, the applicant will need to have the document evaluated by an evaluation service.

Individuals will be recruited from a geographic area as wide as is necessary to assure that well-qualified candidates for the various types of positions are effectively obtained. Recruitment and selection for the positions of City Manager, City Clerk and City Attorney are at the direction of the City Commission.

The HR Department shall prepare recruiting notices to publicize vacancies to provide candidates for vacant positions. The following procedures will be utilized in recruiting:

- Unless otherwise stated, all full-time authorized positions will be posted internally for a period of five to ten work days.
- The HR Director may authorize external posting concurrent with the internal posting.
- All internal applicants will be considered. However, HR is responsible for reviewing stated qualifications and will provide the Department Head with a list of equally qualified candidates.
- An incumbent in a part-time position who has advanced to a full-time position may, at the request of the Department Head, be placed into the full-time position without opening the position. This does not apply to temporary personnel.
- Should no fully qualified candidate be found through the internal posting, the position will be further advertised as follows:
 - The vacancy can be advertised in the local newspaper, or be posted on the City's website, search engine platforms and professional publications. A full job description will be provided upon request to the HR Department and can be found on the City's website when job vacancies are announced.
 - When advertising, all publicity shall reflect the City's compliance with applicable employment laws.
 - The City of DeLand is an EEO/DEI/Veteran's preference employer.

Section 2. Personnel Requisitions

Departments may request positions be filled in the event of the vacancy or approval of new positions within the adopted budget. Any position that is to be filled must be identified as having previously been vacant through the position control system maintained by the HR Department.

Section 3. Applications

Filing of Applications:

- Applications are accepted from outside candidates who are not active or current City employees only after a position vacancy has been opened externally. Such applications must be intended for a specific position. All applications will be retained as active for 60 days after receipt and will become inactive after this period of time.
- No individual will be denied the right of filing an application for employment in any job classification within the City for which there is a vacancy that is subject to their right to apply for positions when posted internally or when such postings have opened up for outside applicants.
- All applications shall be signed by the applicant which therefore attests to the integrity of all statements contained in the application form.

Rejection of Applications:

The HR Director may reject any application or applicant when it has been determined that:

- The application was not received on or before the closing date established for the receipt of applications.
- The applicant lacks any of the required attributes set forth in the minimum qualifications section of the job description.
- The applicant falsified or failed to complete the application form.
- The applicant has been convicted of a felony or first-degree misdemeanor directly related to the position of employment being sought.
- The applicant was previously employed by the City and was dismissed for cause or did not resign in good standing.

Application by Elected City Officials:

Per City Charter, former elected City Officials may not hold compensated City employment until at least one year after the expiration of the term for which they were elected. Current Elected City Officials may not otherwise work concurrently as an employee of the City while serving in office.

Section 4. References

As part of the pre-employment procedure, a candidate's listed references and information should be verified. HR or the Department Head will make these reference verifications by personal or telephone contact and will document them as part of the applicant's file. These verifications should precede an offer of employment and the information is to be handled as explicitly confidential. Additionally, all applicants being considered for positions within the City will undergo a criminal background check.

Section 5. Veteran's Preference

It is the policy of the City of DeLand, in accordance with State and Federal law, to give preference to specific veterans regarding positions of employment with respect to both their appointment and retention. Such veterans include those who served during a wartime period and have an honorable discharge or are disabled veterans who have service-connected disabilities which are compensable. Such compensation could potentially extend to their spouse or un-remarried widow or widower, within the constraints of certain circumstances. When exercised, employment preference expires when the veteran has been employed. Applicants desirous of applying for veteran's preference must submit a DD-214 or a letter from the Veteran's Affair office with their application.

Section 6. Employment Process

Each department will carefully review the applications received for their open positions. Qualified candidates include those applicants who have relevant prior job knowledge, skill set and abilities reflected in the job description.

- Interview/Selection committee will review all qualified applicants.

For Internal Candidates.

- Employees meeting all minimum qualifications may apply for internal positions and receive an interview as determined by the Department Head. Internal applications must be sent to the HR department for processing which will then be forwarded to the appropriate department.

For External Candidates.

- Department Heads or their designee will review the online applications received for their departments.
- The Department Head must submit a list to HR of those candidates interviewed with their selection of the person who is best qualified.

Section 7. Candidate Notice

- A *Conditional Offer of Employment* will be extended to the candidate with follow-up conducted by HR.
- The Department Head must also document that veteran's preference requirements have been met. HR will then initiate and review all necessary background checks and make the final offer of employment.

The HR Department Will:

- Arrange for pre-employment physical/drug screen/background check if applicable and in accordance with state or federal law. (All positions)
- Schedule an appointment for a psychological evaluation – (Police and Fire only)
- Arrange for a cardiac scan. (Fire only)
- Provide CVSA testing (Police Officer only)
- Set the employment date of hire.
- Schedule the new employee for an initial employment session to include completion of necessary benefits forms, employment eligibility form (I-9 Form), W-4 Form, fingerprinting (when applicable), Oath of Office, and establish probationary period dates.
- Establish the time for which processing and orientation will take place.

Section 8. Pre-Employment Drug Screening (Job Description Changes)

The City of DeLand is a Drug and Alcohol-Free Workplace. All candidates chosen for employment, subsequent to their being awarded the position, are required to submit to a pre-employment physical examination by a physician appointed and paid for by the City. Additionally, all candidates chosen for employment will submit to a drug screening in accordance with the City's Drug Free Workplace Policy.

Per Florida Statue 440.102, "mandatory-testing position" means, with respect to a public employer, a job assignment that requires the employee to: carry a firearm, work closely with an employee who carries a firearm, perform life threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, maintains a job assignment that requires an employee security background check, pursuant to s. 110. 1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person. (See City of DeLand Drug Testing Positions)

Drug screens should be completed within a timely manner after the prospective employee has been advised of selection. A person who does not satisfactorily complete the drug screen is ineligible for any position consideration for a period of twelve months. Once twelve months has passed the individual may apply and be considered for positions within the City.

Note: The fact that an applicant is hired and serves in a position as an employee of the City is not indicative of their status in terms of an indefinite time length of contractual employment. Employees who are under an employment contract are the exception to this standard. An employee may terminate employment at any time, subject to a proper two-week notice (10 working days – Monday through Friday). Likewise, the City may terminate, with or without just cause, an employee during their initial probationary period.

Section 9. Disability Accommodation

It is the practice of the City to reasonably accommodate the disabled in order to provide employment opportunities for them. For that reason, it is against City Rules and Regulations to discriminate, in any manner, against a qualified individual with a disability.

- "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of the individual. An individual, who has such impairment or is regarded as having such impairment, is classified as a "disabled" individual.
- A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodations, can perform the essential functions of the employment position that they hold or to which they have applied.
- The City will seek to provide reasonable accommodations for all individuals who qualify for a position. Such accommodations may include altering equipment or facilities, or realigning duties within a work area.
- Accommodations may not be possible if there is undue hardship for the City. Undue hardship refers to an action requiring significant difficulty or expense to the City.
- An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for (nor retained in) that position.
- For each position, the job description will identify essential job functions. The HR Department, in cooperation with the Department Heads, will review job descriptions to eliminate any functions which have become nonessential as deemed necessary to ensure that they are at least in conjunction with the Charter mandated pay plan study.

- All employees are expected to comply with all safety procedures. The City will place qualified individuals with disabilities only in those positions for which they do not pose a direct threat to themselves nor the health and safety of others. A direct threat is cited as a significant risk to the health and safety of the individual or others that cannot be eliminated by reasonable accommodations.
- The City will endeavor to coordinate its Rules and Regulations regarding qualified individuals with disabilities such as safety, drug testing, job sharing, etc.
- Those employees who become disabled are eligible to participate in the Employee Assistance Program. This program provides counseling for chemical dependency, psychological counseling following an injury or illness. etc.
- All information obtained concerning the medical condition or history of an applicant will be retained in a separate medical file. All such information will be treated as confidential information, which will only be disclosed as necessary.

Section 10. Affirmative Action

The City of DeLand will provide equal opportunity to all employees and applicants applying for employment. No person is to be discriminated against on account of race, religion, color, sex, age, marital status, national origin, disability, gender identity, sexual orientation as well as any other characteristic or status protected by federal or state law.

This rule applies to all terms, conditions and privileges of employment which limitlessly include: hiring, probationary periods, training, placement and employee development, promotions, transfers, compensation benefits, educational assistance, layoffs and recalls, social and recreational programs, employee facilities, terminations and retirements.

The City will make every effort in its employment practices to ensure its work force is demographically reflective of the population of the City of DeLand.

Any line of communication from an applicant for employment, an employee, a government agency, or an attorney concerning any equal employment opportunity matter directed to the City should be referred to the HR Director.

While overall authority for implementing this rule is assigned to the HR Director, an effective equal employment opportunity program cannot be achieved without the support of supervisory personnel and employees at all levels. Any applicant or employee who believes that they have been subjected to discrimination or that a violation has occurred should immediately contact their supervisor. As such, the City will work to resolve the dispute.

Section 11. Relocation Expenses

Reimbursement for relocation expenses are not normally provided. However, if approved by the City Manager, the constraints of how such expenses may be reimbursed are as follows:

1. Relocation expenses will only be authorized for key professional or managerial personnel.
2. An employee requesting relocation reimbursement must provide two written quotations in advance of the move. Reimbursement will be at the amount contained in the lower quotation.
3. Receipts of actual cost must be submitted prior to any expenses being paid.
4. All such expenses shall be paid from the budget of the incumbent's department or office.
5. An employee leaving voluntarily prior to fulfilling two years of employment may be required to pay back the relocation expense they were allocated, if any, will be pro-rated for the time employed.
6. City Manager reserves the right to modify individual employment contracts.

Section 12. Limitation of Employment of Relatives

A City Official, Department Head, or other supervisory staff may not appoint, employ, or promote to any City position, or advocate such action for any individual who is a relative of such official, Department Head, or supervisory personnel in accordance with F.S. 112.3135.

A “relative” is defined as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.

As referenced in the Florida Statutes Code of Ethics, it is essential to the proper conduct and operation of government that public officials be independent and impartial and cognizant that public office is not be used for private gain other than the remuneration provided by law. Public interest, therefore, requires that the law provides protection against any conflict of interest and establishes standards for the conduct of elected officials and government employees in situations where conflicts may exist in accordance to F.S 112.313.7 (See Nepotism Policy under Administrative Policies).

Section 13. Certification of Eligibility

All employees are required to complete an “Employment Eligibility Verification (I-9)” form within 72 hours of their hire date and provide documents proving their authorization to work and identity.

Section 14. Loyalty Oath

In accordance with F.S. 876.05, all new employees are required to take an oath of loyalty to the Constitution of the United States and the State of Florida before any person authorized to take acknowledgments of instruments for public record in the State of Florida.

Such document shall be filed in the employee’s personnel file prior to approval of any voucher for the payment of any salary or other compensation.

ARTICLE IV – APPLICANT TESTING/EXAMINATION

Section 1. Competitive Examination

Applications for certain employment or promotions in the City may be subject to testing or examination. When conducted, all such testing or examinations shall be either assembled or unassembled as provided for in these Rules and Regulations.

Section 2. Types of Testing and Examinations

A fitness test held to establish qualifications or to establish a list for any class may include, but may not be limited to, one or more of the following:

- A. Computer Skills Testing – Certain positions within the City require the measurement of a candidate's computer skills. When such testing is required it will be administered by HR or other designee.
- B. Written Exam – Examinations may be used to establish an eligibility list for any position as requested by the Department Head. The HR Director shall be responsible for documenting the certification of all tests used in the hiring process. They will include a written demonstration designed to show the knowledge of subject matters, of which are relative to the position that they seek employment or promotion. Any written examination used in employment decisions must first be reviewed and approved by the HR Director or designee.
- C. Interview/Oral Review Board – This part, when required, shall include a personal interview and/or Oral Review Board with candidates for employment or promotion. An Interview and/or Oral Review Board may also be conducted when a written exam is unnecessary or impractical. (All interview/Oral Board members must have undergone city training on interview skills.
- D. Performance Examination – This part, when required, shall include examinations of performance, or the ability of mental and manual skills of applicants to perform the work involved for specific job functions. Such examination and testing shall be in accordance with applicable laws.
- E. Drug Screening – All applicants selected for hire and returning employees will be subject to a mandatory urinalysis test to detect the presence of illegal drugs. The selection and hiring process will not be complete until the test has been administered and the results are known. Applicants who test positive for illegal drugs will be ineligible for hire by the City of DeLand.
- F. Psychological Exam – This part, when required, shall include any examination to determine psychological alertness, general capacity of applicants to adjust their thinking to new problems, or to ascertain special character traits and aptitudes.
- G. Polygraph Evaluation – This part, when required, shall include any examination to determine the well-being and moral character of applicants.
- H. Training and Experience – This part, when required, shall be marked from the statements of the education and experience contained in the application form or from such supplementary data as may be required. Results of reference checks shall be part of the evaluation of training experience.
- I. Cardiac Scan – This testing will be administered to all Fire Fighter candidates seeking employment with the City of DeLand.

ARTICLE V – CERTIFICATION AND APPOINTMENTS

Section 1. Appointments from List of Eligible Applicants

Appointments shall only be made to positions in the City, that have been established in accordance with the provisions of these personnel Rules and Regulations or other adopted procedures approved by the City Manager. Department Heads shall make selections to established positions in the City from the names contained on the Applicant Referral List.

Section 2. Types of Appointments

The following types of appointments may be made to the City in conformity with the Rules and Regulations established: Full-Time, Part-Time, Seasonal, Student/Intern, Trainee, and Temporary. All employment other than regular appointments are considered to be “At Will” employees. Department Heads, Division Heads and Assistant Department Directors are considered “At Will” employees and serve at the pleasure of the City Manager. Regular appointments are considered as "At Will" until satisfactory completion of their initial probationary period.

ARTICLE VI – PROBATIONARY PERIOD/EVALUATION

Section 1. Intent

The probationary period shall be considered an integral part of the examination process for regular full-time and regular part-time employees. The probationary period shall be utilized to evaluation an employee's performance and adaptability to the position, to secure the most efficient adjustment of a new or promoted employee to the position, and to reject any employee who does not meet the desired standards of performance.

Every person who is employed in an established position in the City shall serve a probationary period as provided herein before such appointment is considered regular full or part time.

Section 2. Duration

Unless waived or shortened by the City Manager, the duration of probationary periods shall be for a minimum period of six continuous months of uninterrupted service from the date of original appointment. Police Officers and Firefighters shall serve a one-year initial probationary period.

Employees who are designated as "Trainee" shall have a probationary period governing their trainee status. However, effective with the date the training is completed, or if they otherwise become qualified for the position, they will commence an original appointment probationary period for the position.

Unless otherwise provided in these Rules and Regulations, a person leaving part-time or other status in one classification and entering full-time employee status in another classification shall serve a probationary period as if it was an original appointment. Probationary periods are defined as six months for general employees and one year for Fire Fighters and Sworn Police.

Section 3. Reinstatements

An employee who has been reinstated (i.e., to the same position or different position, returning military, etc.) will not be required to serve a probationary period. However, they may be required to recertify, if certification is required, within an established time period.

Section 4. Promotional Appointments

Unless otherwise provided, a general employee who is promoted shall serve a probationary period of 90 days in the higher class. Police and Fire promotions will serve a 365 day probationary period. Promotional probationary periods may be extended by the Department Head by request to the HR Director for additional evaluation. This extension shall be not greater than 90 days at the end of the promotional probation.

See [Appendix A](#) for promotional track information in administrative and technical positions.

Section 5. Demotions

Upon a non-disciplinary demotion, a probationary employee shall serve the balance of the unserved original probationary period but an employee who has completed their original probationary period will not be required to serve another probationary period.

An employee demoted for disciplinary reasons may be required, upon consultation with the HR Director, to serve a new probationary period of up to three months beginning with the effective date of the demotion. The Department Head shall advise the employee at the time of the demotion if a new probationary period is to be served.

Section 6. Extension of Probationary Period

A Department Head requesting an extension of the established probationary period must notify the HR Director no less than ten working days prior to the probationary period expiration date. An extension of the initial probationary period shall be no greater than an additional six months for all classifications. During this extension the employee will remain "At-Will."

Section 7. Dismissal During Probationary Period

At any time during the original probationary period the Department Head, upon approval of the City Manager and in coordination with the HR Director, may remove an employee with or without cause. HR must be a key part of this process.

An employee, who has completed their original probation period and is serving a probationary period as a result of a position change or promotion, may not be returned to the position and status held immediately prior to the change if the position is filled or no longer vacant.

Section 8. Completion of Probation

Employees hired into full-time positions are no longer in an "At Will" status upon satisfactorily completing their probationary period. In order to do so, they must receive a satisfactory performance evaluation and not have documented evidence of a major disciplinary action against them.

Section 9. Evaluation of Performance

Employees who are in their initial probationary period shall have a preliminary performance review given in writing by the employee's supervisor; General Employees at 90 days of their 180-day probationary period and Fire Fighters and Police Officers at 180 days of their 365-day probationary period from their dates of hire. Police Officers and Fire Fighters promoted to greater responsibility have a 365-day promotional probationary period. The Department Head may request an abbreviated probationary period no less than 30 days prior to the original end of the probationary date and provide adequate justification for approval by the HR Director.

Section 10. Probationary Period Reports

Prior to the expiration date of an employee's probationary period, the HR Department shall instruct the Department Head to conduct an evaluation to determine whether the service of the employee has been satisfactory and whether the employee will continue in the position. If it has been determined by the Department Head that the employee has not met satisfactory performance standards, the Department Head may request an extension of the initial probationary period pending approval of the HR Director. This request must be received by the HR Director no less than 10 business days prior to the expiration of the initial probationary period.

Section 11. Lateral Transfers

An employee who transfers to another position within the same pay grade will serve a 90-day probationary period from the effective date of the transfer.

****Employees serving in their initial probationary period are eligible to apply for an open position within the City.**

ARTICLE VII – PERSONNEL RECORDS & REPORTS

Section 1. Procedure

The City will maintain records on applicants, employees, and former employees in compliance with appropriate government record keeping and reporting requirements as well as to document employment-related decisions. All managers and employees shall comply with and assist in carrying out the intent of the personnel rules, including the furnishing of records, reports, and information as may be requested by the HR Director.

The HR Department is the clearinghouse for all reference requests on employees and former employees. This will ensure that any information released is accurate, authorized, and representative of the City's position on the provision of reference requests.

Section 2. Confidentiality of Personnel Records

The records of the HR Department are open to public inspection, excluding those that are considered confidential, by and in accordance with Chapter 119, Florida Statutes.

Section 3. Employee Records

The HR Director is designated as the official custodian of all records pertaining to an employee's appointment, advancement, tenure, and separation from the City and shall be responsible for establishing and maintaining such personnel records and reports as may be required by law.

Section 4. Requests for Personnel and Employee Records Information

- It is the position of the City that all requests for information containing current and former employees should be handled in a consistent and appropriate manner. Such requests usually invoke personal and professional references, descriptions of job duties and respective responsibilities.
- The action outlined herein is to be followed by all personnel who are approached either formally or informally and are asked to provide information about employees or former employees of the City.
- An "informal" request in this context usually refers to a telephone or oral request for reference.
- A "formal" request in this context is one which is stated in writing.
- All informal requests for information about employees or former employees should be referred to either a Division Head, Department Head or the HR Department.
- All written responses to requests for information about employees or former employees must be submitted to the HR Director for their approval.
- A copy of any information provided in writing will be placed in the personnel file of the individual.

Section 5. Changes in Personnel Information

Supervisory personnel should notify employees of the importance of keeping their personnel records current. The HR Department should be notified immediately of any changes in:

- Employee Name
- Address or Telephone Number
- Name(s) of Beneficiary for Life Insurances and Retirement Plans
- Number of Dependents
- Marital Status
- Name of Individual to be Notified in Case of Emergency

Final responsibility for providing correct information and timely changes rests with the employee.

Section 6. Department Records

Each department shall maintain such records as it may be necessary to verify employee attendance and eligibility for pay or other records as may be required by law. Each department will provide the HR Director access to such records when requested.

Section 7. Inspection of Personnel Records

Requests to inspect personnel records of City employees will be handled in accordance with the provisions of Chapter 119, Florida Statutes. Inspection of personnel records shall be subject to the following procedure:

- As HR is the official location of the personnel files of employees, requests for personal inspection of a personnel file must be made to the HR Department. A current employee may review their file during normal working hours. However, should an employee request a review of another employee's file, such review will be scheduled when they are not on duty.
- Upon request for personal inspection of a personnel file, HR will notify the employee whose records are being or have been inspected to the extent reasonably possible.
- The HR Director or designee will ensure that requested inspections are allowed within a reasonable time and will ensure the protection of records. All examinations will be made in the City's HR Department under the supervision of the HR Director or designee.
- When a request for copies of records is presented by mail, HR will obtain the requested documents or information. Subsequently, HR will notify the requesting party of any duplication or clerical fees which are due. Once this has been paid, the material will be mailed or made available for pick up from the HR department.
- Employees may inspect their own personnel records and may copy, but not remove, documents in their file. Such an inspection will be scheduled at a mutually convenient time and will be supervised by the HR Director or their designee.

Supervisory and Management employees who have an employment-related need for information about another employee may inspect the personnel files of that employee without notification to the employee.

ARTICLE VIII – CODE OF CONDUCT

Employees are responsible for knowing and understanding the City's Rules and Regulations governing the conduct of employees. The following policies are in accordance with F.S. 112.313 and F.S. 104.31 and intend to enable employees to perform their duties without undue influence.

Section 1. Acceptance of Gifts, Gratuities, Special Privileges

- Employees shall not accept any gifts, loans, rewards, favors, services or anything of value that may reasonably and inappropriately influence them, or have the appearance of influence, in the performance of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value, which are distributed generally.
- Employees shall not use, or attempt to use, their position to secure special privileges and exemptions for themselves or others.

Section 2. Confidential Information

- Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit. This is subject to the requirements of F.S. 119.07.
- Employees shall not accept employment, nor engage in any business or professional activity, which they may reasonably expect would require or induce them to disclose confidential information acquired by them by way of their official position.

Section 3. Conflict of Interest

- If an employee of the City is an officer, director, agent, member of, or owns interest in any entity which is subject to the regulation of, or which has financial commitments with the City, he or she shall file a sworn statement to this effect with the City Clerk.
- An employee shall not transact any business in his or her official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest, excluding civic, charitable, or religious organizations.
- An employee shall not have a personal investment in any enterprise that will create a conflict between a personal private interest and the public interest.

Section 4. Political Activity

- No person employed by the City of DeLand shall either publicly or otherwise hold themselves out as a candidate in any DeLand city election while holding employment with the City of DeLand.
- No City employee shall take any active part in the political management or political campaigns for the election of any member to the City Commission of the City of DeLand during any period of time for which they are expected to perform work or receive compensation from the City.
- No City employee, official or other person shall solicit, orally or by letter, or be involved in any other manner concerned with the obtainment of any assessments, contributions, or services for any political party from any employee during his or her hours of duty, service, or work with the City.
- The City in no way seeks to influence employees in their choice of party affiliations or candidates and recognizes that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as they chose, to express opinions on political subjects and candidates, to maintain political neutrality, to attend political parties after working hours, or to campaign actively during off duty hours in all areas of political activity.

Section 5. Outside Employment and Private Business Activity

- City employment shall be considered to be the primary employment of all full-time employees. No employee may engage in outside employment, or in private business activities, which will interfere with the interests of City service.
- Prior to accepting outside employment or becoming involved in a private business venture, an employee shall obtain written approval from his or her Department Head which indicates the name of the outside employer or private business, the nature of the work, the hours of work, and the address and telephone number where the employee can be reached. This information will become a part of the employee's personnel record.
- Employees also are required to obtain Department Head approval for any change in a previously approved outside employment request.
- Any employee engaging in outside employment or private business activity shall arrange with the outside employer or business to be available to respond immediately to any emergency call of duty whenever the Department Head should determine that the employee's services are necessary. Failure to comply with the provisions of this Section will result in disciplinary action.

Section 6. Smoke-Free Workplace

The City of DeLand is continually striving to improve working conditions and protect the health of its employees and the general public. In accordance with the "Florida Clean Indoor Act" (Florida Statute 386), the City will provide a healthy, comfortable and safe environment in all respects by prohibiting smoking and the use of all tobacco products, to include e-cigarettes in all City owned buildings and all city owned automotive vehicles which are occupied by employees of the City.

Any supervisor who observes an employee in violation of this rule will remind the employee of the rule and its intent. Violations will subject the employee to disciplinary action. Any employee who notices a member of the general public not observing the no smoking requirement should graciously inform this citizen of the City's rule on this subject.

Section 7. Harassment and Discrimination

- A. All employees have the right to work in an environment free of discrimination and any form of harassment based on race, religion, color, sex, age, gender identity, sexual orientation, marital status, national origin, disability as well as any other characteristic or status protected by federal or state law.
- B. To help ensure that no employee feels themselves to be subject to harassment, the City also prohibits any offensive physical, written, or spoken conduct regarding any of these subjects; including conduct of a sexual nature. Such conduct may constitute harassment when engaged in by City personnel in a position to influence employment decisions when (1) submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or (2) submission to or rejection of such conduct by the recipient is used as the basis for repeated and unwelcome physical, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.
- C. If an employee believes that they are being subjected to any of these forms of harassment or believes they are being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, they must bring this to the attention of the City. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers their discontent with the appropriate City representative. Consequently, in order for the City to manage the complaint, employees must report such offensive conduct or situations to any member of management to include Division and Department Heads, the HR Director, or the Assistant City Manager. If an employee is uncomfortable consulting with one of the above-mentioned avenues they may contact the City Manager, or another Department Head that they feel they can confide in.
- D. It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, have the problem handled swiftly and confidentially, and be assured that the registering of the complaint will in no way be used or held against them, nor will it have any adverse impact on the complainant's employment status. A record of the complaint and the findings will become a part of the complaint investigation record and the file will be maintained separately from the employee's personnel file.
- E. Employees found to be using such allegations to discredit, embarrass, or otherwise cause harm to another employee's employment status also shall be subject to appropriate disciplinary action.

Section 8. Use of City Property

- An employee who has been provided City equipment such as tools, vehicles, materials, uniforms, etc. is expected to exercise reasonable care in the use and preservation of such equipment.
- Personal use of City-owned equipment, except when authorized by the Department Head or City Manager, is strictly prohibited and may subject an employee to disciplinary action, including dismissal.
- City equipment shall not be loaned for personal use by anyone and may subject an employee to dismissal.
- City equipment may be loaned for official business with expressed permission of the City Manager.

Section 9. Use of City Vehicles and Seatbelt Policy

- It is necessary for many City employees to have City vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with the utmost care and discretion at all times.
- City employees are permitted to use City-owned vehicles for performance of their official duties only. Unless specifically authorized by the City Manager, they cannot be used for personal business, except for de-minimis use of the vehicle.
- An employee driving a City vehicle must have, on their person a valid driver's license issued by the State of Florida (Commercial Driver's License as mandated by law). Additionally, employees are required to maintain a satisfactory safe driving record in order to operate City vehicles. Employees are required to notify the HR Department, through their supervisor, of any change of status in their license. Suspension or revocation of licenses may affect the person's status of employment, with dependence on any job requirement for the employee to operate a City vehicle in the course of their job duties. The city reserves the right to check the validity of any employee's driver's license prior to granting permissions to operate a city vehicle.
- All mechanical defects or malfunctions must be reported as soon as possible to the Vehicle Maintenance Division.
- The cleanliness of the interior and exterior of each vehicle is the responsibility of the person to which the vehicle is assigned. Each other person who uses a vehicle is responsible for keeping it orderly and litter free. Internal cleanliness will be constant; external cleanliness will be as constant as weather permits.
- If a City vehicle is involved in an accident, the employee must immediately notify the Police Department and their immediate supervisor. The supervisor or Department Head is responsible for reporting the incident to the Risk Management Division within 48 hours.
- Smoking or any use of tobacco products is not permitted in any City vehicles. This includes but is not limited to, the following products: cigars, cigarettes, dip, chew, snuff, chewing tobacco, and e-cigarettes.
- All employees driving or riding in City vehicles are required to wear their seatbelt at all times. Violation of this provision will result in a first-time offense write up by the employee's Department Head. A second offense will result in an 8-hour suspension without pay. Additional offenses could include more suspension of pay up to and including a discharge from employment.

Section 10. Code of Ethics

- To avoid any misunderstanding and conflicts of interest that could arise, the City will follow the Chapter 112, Part III, of the Florida Statutes, "Code of Ethics for Public Officers, and Employees."
- Any clear infraction of applicable laws or the Florida Statute regarding ethical and legal conduct will be cause for potential discipline, up to and including termination. Such action will be determined by the seriousness of the offense.
- As an example, any employee who, in addition to the conditions described in the statute, engages in price fixing, bid rigging, falsifying City records, intentional misrepresentations to City or outside auditors, bribery for the purpose of gaining or keeping certain business, dishonesty or theft of any kind, illegal kickbacks, or illegal political contributions may be subject to termination.
- Any Department Head, division head or supervisor who approves or directs any such action, has knowledge of them and fails to take prompt and corrective action, or fails to fulfill his or her management responsibility to ensure that the employees affected by this rule are properly and adequately informed about this objective will be subject to the disciplinary provisions of Section B above.
- It is expected that all employees with major management responsibilities will have a sound working knowledge of permissible activities associated with their area of responsibility. Should questions arise regarding this rule, guidance should be sought from their supervisor. It is also the responsibility of each employee of the City, who may affect compliance with appropriate laws and ethical or legal standards to comply and enforce this rule.

A. Requests for Clarification:

- Department Heads and employees may request an opinion from the City Labor Attorney to determine compliance with this rule.
- An employee requesting such opinions shall submit a written statement containing all pertinent facts of the issue and the specific question that is to be resolved. Statements shall be submitted through the employee's Department Head to the HR Director. The Human Resources Director will then submit the written statement to the City Manager for processing to the City Labor Attorney.
- HR will maintain a master file of all such requests and will promptly notify the employee, through the Department Head, of decisions rendered by the City Labor Attorney or Attorney General.

Section 11. Complaints from the Public

- Complaints or grievances on the part of any citizen which are brought to the attention of an employee of the City shall immediately be relayed, through their supervisor, to the Department Head. The Department Head is responsible for reporting, as they deem necessary, those which require City Manager knowledge or involvement. Every City employee shall be specifically charged with this responsibility as an inherent part of the duties and responsibilities of their respective position.

Section 12. Personal Mail

Employees are expected to use their home address or post office boxes to receive personal mail. Use of City stationary or postage is not permitted. However, personal mail with affixed postage may be placed in the box which goes to the post office.

Section 13. Personal Telephone Calls and Visitors

Telephone lines to the City are limited. The City recognizes the need for occasional personal telephone calls. These, and emergency long distance calls may only be made with the approval of the supervisor. Personal use of City telephones must be closely monitored by employees and supervisors in order to keep official phone lines open.

The receiving of personal visitors on City time is discouraged, and such activities are to be kept to a minimum.

Section 14. Public Relations

Employees shall remember that they represent the City as a whole when serving the public. They shall conduct themselves in a manner that projects a desirable image of the City and follows the guidelines set forth in the City's Communication Policy.

Section 15. Failure to Cooperate with Job Related Investigation

An employee upon due notice may be required to cooperate in a job-related hearing or inquiry. In such instances, employees are required to appear and answer questions relating to duties performed. Failure to do so may result in disciplinary action up to and including termination. If the possibility of criminal action is involved, the matter may also be referred to the State Attorney or Police Department for action.

Section 16. Criminal Charges

An employee is responsible for immediately notifying their Department Head when information has been filed by a prosecuting official against them for an offense or violation of law, or when indicted by a Grand Jury. Failure to do so shall result in disciplinary action.

If the affected employee is retained in City service following the indictment or charge, pleads nolo contendere or guilty to any charge or indictment, and/or is found guilty of the charge, the City shall determine the extent to which disciplinary action may be warranted. In doing this, the degree of job relatedness of the offense or violation or effect on the image of the City shall be a significant factor.

If the employee is found to be not guilty, is acquitted of the charge, or if the charges are dropped, the City will further review the employee's status and advise the employee of the results of the review.

If the indictment or charge is directly work-related, nothing shall preclude the City from initiating disciplinary action independent of any judicial hearings or proceedings.

Section 17. Incarceration

An employee who is incarcerated shall notify their immediate supervisor and HR Director as soon as possible. (Within 24 hours) Such employee may request leave with or without pay. The City will review the employee's employment status and advise the employee whether they will be retained, and if so, under what conditions.

Section 18. Loss of Pension

If dishonest conduct that is injurious to the City is committed by an employee during the lifetime of the participant but within one year after service is terminated with the City or within one year after retirement under the plan, the retirement committee, upon notice from the City Commission of DeLand, may discontinue such an employee's interest and benefits under the plan and trust fund.

The dishonest conduct injurious to the City committed by an employee shall be determined and decided by the retirement committee only after a full investigation of such alleged dishonest conduct and an opportunity has been given the employee to appear before the retirement committee to present their case. The decision made by the retirement committee in such cases shall be final and binding on all employees or other persons affected by such decision.

Section 19. Solicitation and Distribution

- Employee contributions to recognize charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- Employees are prohibited from soliciting any other employees of the City on behalf of any organization during working hours or the working hours of the employee sought to be solicited unless the solicitation has been expressly approved by the City Manager, Division or Department Head.
- The distribution of printed literature in work places where it might impede employees' performance or present a danger to workers' safety is strictly prohibited.

Section 20. Bulletin Boards

The various bulletin boards of the City are to be reserved for the posting of official notices and official activities of the City. Personal messages or business advertisements are prohibited, except by permission of the Department Head.

ARTICLE IX - WORKPLACE SAFETY

Section 1. Safety Program

It is the rule of the City to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees in positions requiring public contact may be required to wear clothing selected by the City to insure for personal safety that they are clearly recognized as representing the City. Such classification of employees will be identified by Department Heads and approved by the Risk/Event Manager. Employees are expected to comply with all safety and health requirements whether established by management or by federal, state or local law. All Department Heads and Supervisors and employees must recognize their responsibility in the City Safety Program. Safety adherence and performance will be considered an important measure of supervisory and employee performance evaluations. Safety is the responsibility of every employee.

Section 2. Personal Protective Equipment

Personal protective equipment such as foot, head, ear and eye protection must be worn at all times while working, by employees who are in occupations which have been recommended by the department and approved by the City's Risk/Event Manager as being at risk areas or positions. When conditions require the use of protective equipment it is the employees' responsibility to make sure that their equipment is in good working order and fits properly. When equipment is found unserviceable, the supervisor will be notified immediately.

ARTICLE X - HOURS OF WORK

Section 1. Scheduled Hours of Work

- The City of DeLand complies with requirements governing hours of work established by the Fair Labor Standards Act (FLSA), as amended.
- The City Manager designates the number of hours that constitutes a regular work week for all classifications of employees. The number of hours in a regular work week for different job classes may vary depending on the nature and demands of each classification's responsibilities. A 30-hour work week is the minimum that qualifies an employee for full-time status. Department Heads shall file work schedules for the department with the City Manager, upon request.
- If an employee's work week is 40 hours or less, no overtime or compensatory time accrues until after 40 hours are worked in that week.

Section 2. Normal Hours and Work Week

- With the exception of those positions in the Fire Department where a 56-hour work week is scheduled, and the Police Department where a 42-hour workweek is scheduled, 40 hours shall constitute a normal workweek, exclusive of meal periods, for all full-time employees unless a different work week has been approved by the Department Head.
- Employees filling executive, supervisory, administrative, professional or certain other positions that qualify and are designated as exempt from overtime under the FLSA are compensated on the basis that extended workdays and/or work weeks may be required to accomplish the expected assignments of the positions. Employees filling such positions are expected to work whatever hours are necessary to complete their assignment.
- When the operational and service needs of the City require a work schedule different from the normal work week described above, the Department Head upon approval of the City Manager is authorized to change or adjust any work schedule.
- The above sections do not guarantee or place a limitation on the number of hours to be worked on any day, or the number of days per week, or any other work period.
- For less than full-time positions in the City, work hours will vary with the position.
- Deviation from the hours an employee is scheduled to work may be changed only by the Department Head. Unapproved absences and tardiness may subject the employee to disciplinary actions.

Section 3. Overtime

- Work in excess of a normal work week shall be kept to a minimum and should be avoided whenever possible.
- Except for emergencies, all overtime must be approved in advance by the Department Head or, when designated by a Department Head, a subordinate supervisor.
- It is the responsibility of the Department Head to ensure that accurate records of all hours worked, including overtime, are maintained.
- Employees shall be required to work overtime when requested, unless excused by their supervisor.
- Overtime compensation is covered in [Article XIV, Section 10](#).

Section 4. Meal Periods/Rest Periods

- One half hour up to a maximum of one hour is the normal time allotted for meal periods depending on department schedule.
- Employees may also take a meal period of less than an hour in special situations, which have been approved by the Department Head.
- Meal periods are to be scheduled in a manner to best serve the service demands of the department.
- Rest breaks are authorized twice daily. Such breaks must be arranged so as not to interfere with City business. Normally the breaks are scheduled so that one is taken in the first half of the shift and the other in the last half of the shift, unless the Department Head authorizes the breaks to be taken commensurate with lunch. Misuse of rest breaks is subject to disciplinary action and it is the supervisor's responsibility to monitor and manage this provision.

ARTICLE XI - TIME AND ATTENDANCE

Section 1. General

- A. An employee shall be in regular attendance at work in accordance with these rules and general departmental regulations. All departments shall keep daily attendance records for its employees. Punctual and regular attendance is an essential responsibility of each employee. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, others must perform his or her work. Absenteeism also detracts from the desirable level of service the City provides to its citizens. No matter how skilled an employee, if they do not have a good attendance record, their contributions to the functioning of The City of DeLand are diminished. An employee who exhibits frequent unapproved absenteeism or a pattern of absenteeism shall be subject to counseling and discipline as provided for in these rules.
- B. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled work hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of the City and minimize unscheduled absences.
- C. Any employee who fails to report to work without prior notification to their supervisor for a period of three days or more will be considered to have voluntarily terminated their employment relationship.

Section 2. Absence

- A. Absence is defined as failure to report for and remain at work as scheduled, including arriving late and leaving early. Absence includes all time lost from the job whether excused or un-excused, avoidable or unavoidable.
- B. Excused absence occurs when all five of the following conditions are met:
 - 1. The employee provides sufficient notice to his or her supervisor.
 - 2. The reason is found credible or acceptable by his or her supervisor.
 - 3. Such absence request is approved by his or her supervisor
 - 4. The employee has sufficient accrued time to cover such absence.
 - 5. Employees must take earned time for every absence unless otherwise allowed by the City Rules and Regulations.
- C. Unexcused absence occurs when one of the four conditions in Section 2 is not met. If it is necessary for employee to be absent or late for work because of illness or an emergency, he/she must notify their supervisor a minimum of one hour prior to the employee's scheduled starting time on that same day (Public Safety in accordance with Departmental Policies).
- D. Progressive discipline will be administered according to the City of DeLand's Rules and Regulations.
- E. Employees who have been absent for three consecutive work days due to illness or injury must give the City of DeLand proof of physician's care.
- F. If the illness or injury prevents an employee from performing their regularly scheduled duties, a physician's statement must be provided verifying:
 - 1. When the employee will be able to return to work, if applicable and/or
 - 2. Whether the employee is capable of performing their regularly scheduled duties.
- G. The employee is responsible for providing the City of DeLand with the written proof of physician's care.
- H. Without an acceptable excuse, the employee may be subject to progressive discipline.

- I. Sufficient Notice – To be considered an excused absence as defined in Section 2, subsection B, sufficient notices must be given to the supervisor. Sufficient notice is:
- A. For a scheduled absence of one work shift or more, employees must give a notice of one week (five working days).
 - B. For a scheduled absence of less than 8 hours, employees must give a notice of three working days.
 - C. For an emergency absence occurring:
 - a. At the beginning of the employee's shift, employees must notify their supervisor within 30 minutes after the beginning of their shift and (Public Safety in accordance with Departmental Policies)
 - b. During the employee's shift, employees must notify their supervisor prior to leaving the premises.

Your supervisor must approve any exceptions to this provision or any conflicts in scheduling.

- An employee who fails to report to work at the time they are scheduled to be at work, is tardy (late). Tardiness will be considered in the employee's attendance record and may be cause for disciplinary action. Employees are required to call their supervisor if they know in advance that they will not be at work on time. If you can't report to work as scheduled, you should notify your supervisor no later than 30 minutes before your regular starting time. This notification does not excuse the tardiness but simply notifies your supervisor that a schedule change may be necessary.
- Progressive Discipline for Unexcused Absences

First Instance	Verbal Warning
Second Instance	Written Warning/Reprimand
Third Incident and Thereafter	Suspension, in accordance with City Rules and Regulations, up to and including termination of employment

Section 3. Exempt Employee Absences

- When an exempt employee is absent for a time greater than or less than a full day, and has not worked 80 hours during the payroll period, the absence or required portion of the absence necessary to complete the 80-hour payroll period will be charged against the employee's accrued leave.
- When an exempt employee is absent for less than a day and the employee's accrued leave balance is insufficient to cover the period of the absence, the employee's pay shall not be subject to reduction.
- When an exempt employee is absent for one or more full days and has worked less than eighty hours during the payroll period, and the employees accrued leave balance is insufficient to cover the period of the absence, the employee shall be deemed to be on leave without pay for all hours which are in excess of the employee's accrued leave balance.
- When an exempt employee is absent due to being sick, regardless of the number of hours worked during the pay period, their sick leave balance will be charged for this sick time taken or other benefit time. (Vacation or comp time)

Section 4. Supervisory Responsibility

- Supervisors are responsible for the generation of exception reports for when an employee does not fall within the guidelines set forth in this section of the Rules and Regulations.
- A supervisor must generate an exception report daily/weekly/payroll-ending for all time and attendance issues in their department/division.
- The supervisor has the ability to approve or disapprove any exceptions.
- The supervisor should track when grace periods are used in excess so corrective action can be taken.

ARTICLE XII - PAY PLAN

Section 1. Purpose

- In accordance with City Charter provision Section 59.1, the City Commission shall establish a Pay Plan for all permanent employee positions of the City and shall review that pay plan no less often than every five (5) years. A copy of the Pay Plan shall be filed with the City Clerk-Auditor and official copy on file with HR Director. The Pay Plan shall include rules for its installation and administration.
- It shall be the duty of the City Manager to administer the Pay Plan in accordance with its provisions.
- The Pay Plan is directly related to the Position Classification Plan and provides the basis for compensating employees in the City's service.

Section 2. Amendments to the Pay Plan

- A. The following criteria are considered in developing the Pay Plan:
- Relative difficulty and responsibility existing between the various classes of work.
 - Prevailing rates of pay for similar types of work in the City's geographic area, or relative market area, whichever is most appropriate.
 - Economic conditions of the area.
 - Financial condition of the City.
- B. The HR Director evaluates the Pay Plan annually prior to each new fiscal year and recommends necessary revisions to the City Manager. With the approval of the operating budget for each fiscal year, the Pay Plan is adopted for use during that fiscal year.

ARTICLE XIII - PAYROLL RULES

Section 1. Payroll Status of Employees

The Fair Labor Standards Act (FLSA) separates out employees into categories called "Exempt" and "Non-Exempt." For our purposes in the City, this means:

- Non-Exempt - All employees whose duties and responsibilities dictate that they must be paid overtime or provided compensatory time for hours worked over 40 hours in a work week for regular full time, 42 hours in a work week for a Police Officer, and 53 hours in a work week for a 24-hour shift Firefighter/EMT.
- Exempt Employee - All employees whose duties and responsibilities dictate they are exempt from the provisions of the Fair Labor Standards Act, which are not compensated for time worked over 40 hours in a work week.

Section 2. Determination of Exempt Status

Rule:

- For the purpose of salary administration and labor law compliance, each salaried employee must be classified by HR for payroll records as either Exempt or Non-Exempt on the basis of whether in the performance of the job to which a person is assigned they meet the tests for the Executive, Administrative, Professional exemption, or any other exemption from minimum wage or overtime provided for by the FLSA.

Acting Assignments to Exempt Positions

- In as much as it is the position which is classified as being exempt, anyone holding such a position (in full week increments) is exempt from the overtime provisions of the Act, even if assigned on an Acting or Temporary basis.

Section 3. Pay Methods

The City's only method of payment for all full and part-time employees will be through direct deposit.

Section 4. Payroll Cycle

- The City of DeLand recognizes a payroll cycle of 26 pay periods in a standard fiscal year. Benefit and insurance deductions will be taken twice per month, (24 times per year). Should one month contain 3 pay dates, no insurance deductions will be withheld from the third pay date of that month.
- Each pay period consists of a 14-day cycle, running from Saturday to Friday and repeating for the second week. Pay days are on the Thursdays following the end of a payroll cycle, except when major holidays fall on a Thursday and the City pays the business day before the Thursday holiday.

ARTICLE XIV – COMPENSATION

Section 1. New Employee Rates

- A. New appointees to positions in the City shall annually be paid at the minimum rate of the pay range established for the job classification. No employee shall be paid less than the minimum rate established for the position for which they are being hired or in which they are being retained, except as provided in Subsection B below.
- B. An appointment can be made below the minimum rate when extensive recruitment efforts have not been productive. A temporary classification of “Trainee and/or Police/Fire Cadet” may be created for the position and the employee hired at a rate of five percent below the minimum. Such an appointment should be considered only when it is expected that the new employee will be able to meet the position's qualifications within one year of the date of appointment. At such time as the employee meets the qualifications, he or she will be raised to the established minimum rate for the class. If an existing employee is promoted to the new position and is classified as a “Trainee and/or Police/Fire Cadet” they will receive 1/2 their promotional increase upon appointment to the position and the remaining 1/2 will be received upon completion of their training.
- C. The City may hire and promote above the minimum rate when an applicant’s qualifications are substantially above those required, or when there are no qualified candidates available at the minimum rate, or when it is deemed necessary and in the best interests of the City to do so. Therefore, the City Manager has the latitude to determine appointment pay rates within the pay plan for the position.
- D. Appointments for exempt executive and management positions may be made within the pay plan base on needs of the City and current market set values for the appointment. In addition, the following factors may be included, but not limited to the following:
 - 1. Appointee’s experience, qualifications, skills and training are substantially above those required by the position.
 - 2. To remain competitive with that of other public agencies.
 - 3. Conditions of the labor market.
 - 4. Critical nature of the position and or when it is deemed necessary for internal equity or other reason in the best interest of the City.

Section 2. Merit

- The purpose of the Merit program is to reward employees for good performance. Merit performance increases may be granted annually, by Commission approval, at the beginning of the fiscal year. The basis for each employee’s merit increase will be their annual performance evaluation.
- All full-time and part-time employees are eligible to receive merit increases providing they were employed as of October 1st of that Fiscal Year.
- Employees hired on or before September 30th and currently serving their initial probation period as of October 1st, will be eligible for the current year’s merit increase once they have successfully completed their probationary period and received at least a satisfactory on their end of probation evaluation.
- Annual merit increases may be awarded in accordance with the following procedures:
 - 1. During the month of September his or her supervisor, on a form provided by the HR Director, will evaluate each full-time and part-time employee.

2. Each year, the City Manager will determine the increase based upon the levels of performance indicated on the performance evaluation form.
3. Once the performance evaluations are completed and endorsed by the Department Head, the HR Director will initiate the increase to employee's hourly rate of pay by the appropriate percentage associated with the employees' level of performance.

Section 3. Pay Upon Promotion

- Upon being promoted to a new position an employee's pay will be adjusted to the greater of 5% over their previous pay or the minimum of the range for the new position. The general employee must satisfactorily complete a required three-month probationary period in the new position. Police Officers and Fire Fighters shall serve a 12-month promotional probationary period in the new position. However, upon approval by the City Manager, an employee can be promoted at a rate of pay above the new minimum in accordance with Section 1, Subsection C of this Article.
- A participating member in the General Employee 401A Retirement plan who is promoted to a department head must, within 30 days of promotion date, be given the opportunity to make a written election to:
 1. Continue to participate in the General Employee's 401A Retirement Plan or
 2. Elect to participate in the Department Head 401A Retirement Plan.
- The City Manager shall have the authority to adjust the promotional increase of an employee who is promoted from a non-exempt position to an exempt position to ensure that the promoted employee's pay rate would not be, in effect, a pay reduction from his prior overall compensation. The salary rate of employees in the pay grade to which the promotion is made may also be adjusted if deemed necessary for internal equity.

Section 4. Pay Upon Voluntary/ Involuntary (Non-Disciplinary) Demotion

- The employee will move to the lower position with their pay being adjusted by 5%. In no case will the maximum of the range be exceeded. Under no circumstances will an employee be returned to a former position at a rate which is higher than they would have accomplished had they remained in their former position. Under this Section, the employee will not be required to complete a probationary period.

Section 5. Pay Upon Transfer

- An employee who is transferred to another position in the same job classification and same pay grade shall not be eligible for a pay increase upon such transfer.

Section 6. Pay Upon Lateral Move

- Employees who are granted a lateral move (within the same pay grade) will go into their new classification at the same rate of pay and will serve the three-month probationary period.

Section 7. Pay Upon Demotions

- In the case of the demotion for cause, organizational/administrative reasons, or for the purposes of an accommodation, the pay rate will not necessarily be decreased in the manner described above for a voluntary demotion. The salary reduction for an involuntary demotion will be determined by the HR Director and City Manager based upon the circumstances.

Section 8. Pay Upon Re-Employment

- Before an absence of twelve months, an employee who receives a re-employment appointment may, at the request of the Department Head, be paid at the rate they earned when separated from City service, (provided they left the City in good standing) plus an amount equal to the merit increase that was awarded to other employees within their job classification during the period of time the employee was separated. The employee will serve a new probationary period of six months from the date of re-hire.

Section 9. Out of Class Pay for Temporary Work in Higher Classification

- An employee required to perform work in a higher classification on a temporary basis of less than two consecutive work days may do so with no increase in pay. Shall the temporary assignment be for three work days or more, the employee may be given a temporary promotion and out of class pay of 5% and up to 10% above the employee's current salary, effective the date of the temporary assignment. Pay for a temporary class will only drop down one level in the chain of command. (Note: Police and Fire Fighters will compile in accordance with the current CBA in place.)
- Such temporary assignments shall ***not exceed six months*** unless further extension is justified, requested by the Department Head through the HR Director and approved by the City Manager.
- Upon completion of the temporary assignment, the employee's rate of pay shall be returned to the previous rate of pay.

Section 10. Overtime

- The City of DeLand complies with the requirements of the Fair Labor Standards Act (FLSA) as amended. The City uses partial exemption from the overtime pay requirements of Section 7 (K) of the FLSA for fire protection who work a 24-hour shift and have a work cycle of 21 days. Police officers who work a 12-hour shift have a work cycle of 14 days. The list of exempt positions is a part of the pay plan established each budget year.
- A Department Head may require employees to receive compensatory time. Any employee who is eligible for overtime pay under the FLSA and works more than the standard work week, shall be entitled to receive compensatory time off instead of overtime pay at the rate of 1-1/2 times the number of hours worked in excess of 40 hours for general employees, 42 hours for police officers and 53 hours for firefighters. Actual time worked counts toward the 40 hours needed for overtime calculation. Time off with pay such as vacation, holiday or compensatory leave shall count as hours worked for purposes of computing overtime.
- Compensatory time off for employees who are subject to FLSA may be accumulated up to a maximum of 80 compensatory hours for general employees, 84 compensatory hours for law enforcement officers and 112 compensatory hours for fire fighters. Any hours worked in excess of the maximum limit on accumulation shall be paid at the rate of 1-1/2 times the number of hours worked in excess of the maximum accumulation. Upon termination of employment, all compensatory time accumulated but not taken or paid yet shall be paid at the employee's then current rate of pay.

- An employee who has accumulated compensatory hours is entitled to use it within a reasonable period of time, but the use of compensatory time may not be taken at a time or in a manner that would unduly disrupt the normal operation of the department. An employee may use earned compensatory time up to 40 hours a week per pay period.

****All payroll changes will become effective at the beginning of a payroll cycle.**

Section 11. Executive Compensatory Time

An exempt employee who works more hours than the standard 40-hour per week work period may accumulate compensatory time at a *straight time* rate for hours worked in excess of 40. An exempt employee may earn up to a maximum of 80 hours of compensatory time. Fire Battalion Chiefs are authorized to accrue a maximum of 168 hours of compensatory time due to their 56-hour workweeks.

Section 12. Pay Upon Termination

- Employees terminating from the City will receive their final paycheck on the next regularly scheduled payday following the date of termination. Final paychecks shall include any unused leave, which may be due the employee as is provided for elsewhere in these Rules and Regulations. Employees are required to return all City property prior to receiving their last paycheck or their pay may be reduced to minimum wage for all hours worked until such property is returned.
- An employee, who has attained permanent employment status, is entitled to be paid for all unused vacation leave upon termination of employment and compensatory time if applicable.

Section 13. Wages Due Deceased Employee

- In the event of the death of an employee all wages, including any unused vacation and compensatory time which may be due shall be paid in the name of the employee to the financial institution on file.

Section 14. Tuition Assistance Program

- A. The City of DeLand encourages all employees to improve their job-related skills through enrollment in courses offered by accredited educational institutions. The City of DeLand's Tuition Assistance Program is designed to financially assist employees who are pursuing college degrees. This program will reflect the Florida Educational tuition rates. The maximum number of hours that may be taken per semester are eight hours.
- B. Eligibility: All full-time employees who have completed their initial probationary period and submitted a Tuition Reimbursement Letter of Intent to the HR Director are eligible to receive benefits under this program. Letters of Intent notifications are sent to employees at the beginning of each fiscal year and must be returned to the HR Director by the requested due-date. Tuition Reimbursement requests will not be approved or processed if a Letter of Intent has not been completed and returned by the due date.
- C. Eligible Programs: Any City of DeLand job-related college degree, Law Enforcement Academy, Crossover Academy and non-degree seeking courses. Classes that are applicable to your work assignment or for career advancement.

- D. **Service Obligation:** Employees who participate in this program must agree to remain in the employ of the City for at least twelve (12) months following course completion. Employees who separate from employment for any reason within this twelve (12) month period shall reimburse the City for the educational assistance benefits paid. Reimbursement shall be by cash payment or may be deducted from any non-wage separation benefits due the employee. (i.e., Vacation or compensatory time.
- E. **Financial Assistance:** Employees whose application is approved will be entitled to reimbursement of tuition and related costs (e.g. Books, lab fees, supplies) only upon successful completion of approved courses in accordance with the following schedule:

Program	A	B	C	<C	Pass	Fail
Undergraduate Degree Program	100%	85%	75%	0%	100%	0%
Graduate Degree Program	100%	75%	0%	0%	100%	0%

- F. Employees will be reimbursed only to the extent that they are not receiving funds through other grant-in-aid programs. The City will pay for textbooks, lab fees, or other course materials. All course work must be accomplished outside normal work hours. Subject to budgetary limitations, the maximum reimbursement per fiscal year, to include textbooks, lab fees, and other course materials shall be determined and approved annually during the budgetary process. The City Manager reserves the right to adjust the annual maximum reimbursement due to budgetary limitations. This is in accordance with annual State of Florida Tuition amounts. These payments are subject to IRS regulations and may be subject to taxation.
- G. **Procedure:**
1. Employees must submit a Tuition Reimbursement Letter of Intent to receive tuition assistance.
 2. Employees pay all tuition costs directly to the college or university.
 3. Within 30 days of semester/course work completion, employees must submit a Tuition Assistance Reimbursement Request form attached to the following documentation:
 - o Cost of course, lab fees, and or books. (Must be provided by the educational institution).
 - o Proof of payment by the employee.
 - o Final grade or certification of completion received for each course
 4. It is the employee's responsibility to ensure that all documentation is received by the Human Resources department in a timely manner.

Section 15. Required Court Appearance

An employee required to be on jury duty, on a court summons, in a civil juror pool, testify on behalf of the City, or because of circumstances related to employment with the City (except where the employee is bringing claims against the City), shall be paid for all hours required in court. Any witness fees or other fees which the employee receives for this service shall be promptly endorsed to the City and transmitted to their supervisor for delivery to the Finance Department.

Section 16. Call Back Pay

A non-exempt employee who is off-duty and required to return to work on an unscheduled basis shall be eligible for call back pay. Such employees shall be paid for the actual hours worked at overtime if over 40 hours in the work week for General Employees, with a minimum guarantee of two hours pay.
(Police and Firefighters in accordance with their collective bargaining agreements)

Section 17. On-Call /Shift Differential Policy

A. Scope

- The On-Call policy applies to employees within the Public Services Department. No initial probationary employees are allowed to participate in this program unless specifically authorized by the Department Head in writing. This policy does not apply during City-wide emergencies or inclement weather situations.

B. Policy Guidelines

- The Public Services Management Team will establish an on-call list which operators will use to call out needed personnel for on-call requirements. The list of on call employees will rotate each week.
- The on-call duty duration should be determined by the Department Head. Eligible employees once notified shall report to work within 60 minutes or less when they are called. If the employee cannot report to work within 60 minutes, they shall notify the operator who initiated the call out within 10 minutes.

C. On Call Employee Compensation

- On call personnel will earn \$0.75 per hour on call compensation above their hourly rate during the week they are scheduled to be on call. This additional on call incentive compensation is paid for on call non-working hours outside the employee's normal working hours (Monday through Friday).
- For example, an employee's normal work week may be from 8:00 a.m. to 5:00 p.m. on Monday through Friday. The employee will receive \$0.75 per non-working hour from 5:01 p.m. to 6:59 a.m. on Monday through Friday and all day on the weekends for the week that they were notified that they were on call.
- The on-call employee may be called in to work at any time outside of their normal work week but will receive on call compensation for that week whether they are actually called in to work or not.

D. Compensation Ineligibility - On call compensation does not take effect in the following circumstances:

- The on-call employee is already receiving vacation, sick, bereavement, workers compensation, compensatory time, jury duty or other approved time off.
- The on-call employee does not report to work within 60 minutes and does not contact the City afterwards within 10 minutes about reporting to work.
- In an emergency when the employee cannot report to their on-call duty, the on-call compensation rate stops on the days that are missed.
- The employee is called to work during their normal 40-hour work week.
- There is a City-wide emergency or inclement weather situations.
- The employee is an initial probationary employee, unless specifically authorized by the Department Head in writing.

E. Failure to Respond

- Failure to respond to on call status by the employee will result in due process disciplinary action. The first offense results in a written reprimand and removal from the on-call rotation list. The second and third offenses result in suspension without pay and termination as a last resort.

Section 18. Public Accountability Standard for Exempt Employees

Any employee exempt from the Fair Labor Standards Act shall not be disqualified from the exemption on the basis that such employee is paid according to the City of DeLand's pay system or practices established pursuant to the principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness for not less than one workday when accrued leave is not used by an employee because:

- Permission for its use has not been sought or has been sought and denied
- Accrued leave has been exhausted
- The employee chooses to use leave without pay
- Deductions from the pay of an employee of the City for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

ARTICLE XV – WORKERS, AND UNEMPLOYMENT COMPENSATION

Section 1. Workers Compensation Eligibility and General Provisions

- All City employees are covered by the Florida Worker's Compensation Law and are entitled to the benefits for job-related injuries. Current State law provides that a general employee will be paid up to 66 2/3 % of their wages during temporary disability period, subject to certain exceptions.
- **General Employees:** In accordance with Florida statute, worker's compensation benefits begin on the 8th calendar day of disability. By law, employees will not be compensated by the city's third-party administrator for the first seven calendar days of disability. Employees are required to use their accrued sick leave for the first seven days. Thereafter, an employee may use their available sick leave, compensatory time or vacation leave to supplement their compensation. If an employee remains out of work for 21 consecutive calendar days, worker's compensation benefits will become effective and the employee will be reimbursed for the initial 7 days by the third-party administrator.
- Sworn police officers and certified firefighters, who are injured while on duty, shall receive 100 % of their wages during any period of time when they are otherwise entitled to receive temporary disability benefits. For purpose of this section, sworn police officers shall be deemed to be "on duty" if they are injured while acting within the course and scope of employment as defined in Section 440.091, Florida Statutes.
- Payments are made for permanent disability or death in accordance with the provisions of Florida Law.
- Sick leave and vacation leave will continue to accumulate during the period of a worker's compensation disability, unless the employee is terminated because the position is eliminated.
- Injured employees may be required to be examined by a medical doctor, specified and provided by the City, who shall determine the employee's condition and fitness for full or partial return to duty.
- Employees sustaining injuries while engaged in approved outside details are eligible to receive benefits under the City's Worker's Compensation program.
- The provisions of Chapter 440, Florida Statutes and judicial interpretation thereof shall be controlling and superseding in the event that any provisions herein are conflicting with Florida's workers' compensation law, as defined by either statute or the courts.

Section 2. Procedure for Reporting a Worker's Compensation Claim

- Employees shall immediately report the injury to their supervisor upon discovery of injury or illness that is work related.
- First Aid is furnished to the employee or they are sent to designated health care provider for aid.
- A **First Report of Injury** and **Supervisor's Report** must be completed by the employee and their supervisor and sent to the Worker's Compensation Administrator within **48 hours** of injury as specified in the Safety Manual.
- In cases of life threatening or serious on the job injury, the employee or supervisor should immediately call 911 for medical assistance and notify the Workers Compensation Administrator by telephone.
- When an employee returns to work after losing time from the on the job injury or illness (excluding day of injury) a return to work slip from the attending physician must be presented to the employee's supervisor and the Worker's Compensation Administrator before the employee is allowed to return to work.

Section 3. Light Duty Assignments

If a medical provider verifies that an employee may return to work and perform light duty, such assignments (on a case by case basis) potentially may be made available for employees until such time as they are able to assume the full responsibilities of their positions. Light duty will be considered a temporary assignment, will be without reduction in pay, and must be approved by the HR Director and the Department Head. **NON-JOB**-related accidents are at the discretion of the City Manager for light duty assignments.

Section 4. Safety

All Department Heads and supervisors are responsible for enforcing compliance with and ensuring that all employees are aware of the policies, procedures and recommended practices outlined in the City's Safety Manual. Safety/Risk Management and Department Heads will coordinate safety training for City employees.

Section 5. Unemployment Compensation

A. Overview

Florida unemployment compensation law provides for financial assistance to those persons who lose their jobs through no fault of their own and are unable to find other employment. Generally, an individual is not entitled to unemployment compensation if:

- The person voluntarily left employment without good cause connected with work, or
- The person was discharged for misconduct connected with work.

B. Claims Administration

It's the responsibility of the HR Director to ensure that the Unemployment Compensation program and the applicable procedures and controls are properly administered.

C. Claims Processing

Forms received from the Florida Department of Labor and Employment Security, Division of Unemployment Compensation will be completed in a timely manner with the information given strictly in accordance with the payroll and personnel data on file. Special attention is to be given to the section requiring details of "reason for separation" ensuring that the correct reason is shown. Any available supporting documentation should be attached.

D. Department Responsibility

In an effort to further manage unemployment compensation claims, departments are required to communicate with the HR Director on all situations where an employee's performance and/or actions could result in their being released from City employment.

E. Claims Control

In the event an employee is denied benefits and appeals the decision, or the City appeals what is felt to be an incorrect decision, the HR Director or designee and the claimant's immediate supervisor will attend the hearing at which time the appeal is reviewed.

ARTICLE XVI - BENEFITS AND LEAVE

Section 1. Health Insurance

The City of DeLand will offer health insurance to all full-time individual employees. Couple/Single Parent or Family coverage is available to the employee at his or her expense.

Section 2. Deferred Compensation (457)

The City makes available a 457 Deferred Compensation plan whereby employees are authorized to contribute incomes before they are taxed. Participation in this plan is voluntary and the amounts contribution amounts are determined by the Employee. This plan is governed by federal law and information on it is available through Human Resource and Payroll.

Section 3. Retirement

All full-time general employees, police officers, and firefighters are provided a retirement plan in accordance with Chapter 23 of the Code of City Ordinances.

Department Heads are provided a retirement plan (401A).

Section 4. Life Insurance

The City pays the premium for life insurance coverage on each employee to an amount that equals one times the employee's gross annual pay, up to \$50,000.

Section 5. Accidental Death and Dismemberment

The City pays the premium for accidental death and dismemberment insurance in an amount equal to an employee's life insurance coverage. Sworn police officers, Firefighters/Paramedics/EMTs have two additional accidental death and dismemberment policies. Premiums are paid by the City.

Section 6. Official Holidays

The following days shall be official paid holidays:

1. New Year's Day - January 1st
2. Martin Luther King, Jr.'s Birthday - Third Monday in January
3. Memorial Day - Last Monday in May
4. Independence Day - July 4th
5. Labor Day - First Monday in September
6. Thanksgiving Day
7. Day After Thanksgiving
8. Christmas Eve - December 24th
9. Christmas Day - December 25th

- All full-time and permanent part-time employees (employees working less than 30 hours per week) are eligible for holiday pay. Holiday hours paid are based on employee's normal work schedule.

- When, in the opinion of the Department Head, it becomes necessary to require a full time or permanent part time employee to work on an official holiday, such employee shall be compensated, at time and one-half, for time actually worked. The employee then takes the holiday off at a later date within 30 calendar days after the holiday or, at the discretion of the Department Head, receives straight time pay for the holiday.
- In order to receive pay for any observed holiday, an employee must be in a full-time or permanent part time employment status and must not have been absent without approval on the work day before the holiday nor absent without approval on the work day after the holiday. Vacation taken the day before a holiday and the day after a holiday must be scheduled in advance. In the event an employee is absent due to sickness the day before a holiday or the day after a holiday, the employee may be requested to furnish a statement from a physician to verify sickness.
- Employees who are terminating for any reason must work a regularly scheduled workday immediately following the holiday to be eligible for holiday pay.
- Employees on extended sick leave due to a non-work-related accident or illness and are on a paid status may be approved for holiday pay for a holiday that occurs within 30 days of the start of the employee's sick leave.
- Should an official holiday occur when an employee has been authorized to take sick leave, the holiday shall not be charged against the employee's sick leave balance.
- Employees on leave without pay or an unpaid leave of absence or who have received workers compensation pay for the day of the holiday, shall not be eligible for holiday pay for any holidays occurring while in such unpaid status.
- A full-time or part time hourly employee who is eligible for overtime pay and who is required to work on the actual day of the holiday is compensated for hours worked at one and one-half times their current hourly rate.
- A full-time hourly employee whose regular day off coincides with a holiday may at the discretion of the Department Head, be paid straight time for the holiday or be allowed to take the holiday off within 30 calendar days after the holiday. Holidays accrued, but not taken or paid in September, are either taken by October 31st or forfeited.
- Fire Department personnel who work a 24-hour shift receive 108 hours of holiday leave per year or 12 hours per City holiday.
- Holiday pay for Police patrol, traffic and K-9 are paid 12 hours each. Holiday pay for all other police department personnel are consistent with general employees for the City and paid at 8 hours.
- Requests for holiday leave taken at any time other than the holiday must be made in writing and approved by the Department Head.
- An employee who is scheduled to work on a holiday and who, without notice or valid reason, fails to report for such work may, at the discretion of the Department Head, be ineligible for holiday pay for the number of hours they would have otherwise worked.

Section 7. Holidays Falling on Weekends

Holidays falling on a Saturday will normally be observed on the preceding Friday. Those falling on a Sunday will normally be observed on the following Monday. For full-time employees on a work week other than Monday through Friday, the City Manager shall designate the workday to be observed. All shift personnel observe the holiday on the actual day of the holiday.

Section 8. Holidays Occurring During Vacation Leave

If an observed holiday falls during the employee's vacation leave, the vacation will be extended or reduced by one day, providing it has previously been approved by the Department Head.

Section 9. Personal Days

The City awards two (2) personal days per year for all full-time employees who have completed their initial probationary period. Employees who have not completed their initial probationary period are ineligible to take a personal day until their probationary period ends. Personal days must be taken prior to the end of the fiscal year or the employee forfeits the day(s). Employees are extended the same number of hours for a personal day as for other holidays. Upon termination of employment payment is not made for any personal day awarded but not taken.

ARTICLE XVII - EMERGENCY CLOSURE AND COMPENSATION

Section 1. Overview

Hurricanes, severe storms, and other possible emergencies create the need for us to be concerned over the need to maintain City operations while still recognizing the needs of City employees. At first indication that an emergency closure is probable, supervisors will be sent reminders of this rule and will be instructed to advise employees of how they will be affected and compensated.

Section 2. Applicability

The provisions of this rule are applicable during City declared emergency conditions. All employees whose work schedules require them to be at work shall be required to work when work operations are not closed during a declared emergency period. Supervisors may, based on a valid emergency request from an employee, approve personal leave, vacation time, or leave without pay for the time away from work for employees who are unable to report to work. Or, in lieu of being charged leave, the supervisor may authorize for the employee to make up the time within the same work week (FLSA provisions may apply). Employees shall be compensated in accordance with the City's normal pay rules.

Section 3. Closure of Work Operations

The City Manager or their designee reserves the right to close or restrict work operations when conditions warrant such closure. If there is a need to restrict or close operations on an as needed basis, employees would be compensated as follows:

- Employees classified as “Essential” will be expected to report to work as instructed by their supervisors. They will be compensated pursuant to the City's normal pay practices.
- Employees classified as “Non-Essential” may be directed to not report to work, and given leave without pay or they may be reassigned to best meet the needs of the City at the discretion of the Department Head and City Manager. Employees so assigned will be compensated pursuant to the City's normal pay practices. Employees placed on a leave status may elect to be paid using vacation or accrued compensatory time.

Section 4. Compensation for Non-Critical Service Employees

When non-critical work operations are closed on a City-wide basis, (directed by the City Manager and approved by the elected body), affected employees (employees who are directed to not report to work) shall be released from duty and paid as follows:

- Where the closure of normal City business work operations occurs during an employee's regular work shift and the employee is released from work, they would be paid for hours worked and be granted administrative leave with pay for the remainder of their scheduled shift.
- For the purpose of this rule, the day shall be from 0001 hours to 2400 hours.

Section 5. Compensation for Critical Service Employees

- Non-Exempt employees who are assigned to positions which are required to work to provide services when City operations are closed will be paid for all hours worked, including overtime (in accordance with the Fair Labor Standards Act (FLSA)).
- Exempt employees who are required to work to provide services during an emergency closure will be paid on an hour-per-hour basis, for all hours worked in addition to their normal work schedule. It is in our policy to compensate an exempt employee hour-by-hour during an officially declared emergency.

Section 6. Employee Notification

Employees will be notified of their status as outlined in the Comprehensive Emergency Management Plan (CEMP).

Section 7. General Provisions

- An employee who does not work during an emergency period and who is on pre-approved vacation, sick leave, or any other pre-approved leave, shall be charged the leave for which they were approved and will not receive paid time off for the declared emergency period. Pre-approved leave is any leave approved prior to the declaration of an emergency period.
- An employee who is on a regularly scheduled day off shall not receive paid time off for the day(s).
- All employees are required to contact their supervisors by 0800 hours immediately following a closure.
- As employees of a public employer, any and all employees may be required to report to work in their regular or other positions as determined by the City in an emergency period. Any employee who fails to report to work as required in an emergency period may be subject to discipline up to and including termination.

ARTICLE XIX - VACATION AND LEAVES OF ABSENCE

Section 1. Vacation Leave

The purpose of vacation leave is to rejuvenate both physical and mental faculties. The City strongly encourages employees to use their vacation time.

1. Eligibility:

- All full-time employees hired on or after October 1, 2008 who are filling established positions in the City shall be entitled to earn 10 days of vacation leave per year. Employees will earn an additional day of vacation beginning the 11th year of employment, increasing one additional day per year up to a maximum of 15 days per year at year 15.

*(See [Appendix B](#) for vacation accrual rates for full-time employees hired on or before October 1, 2008.)

- A newly hired, full-time employee may not take vacation leave until after they have successfully completed their initial probationary period. Employees who terminate or resign before completion of their initial probationary period are not entitled to receive vacation pay.

2. Accrual of Vacation Leave:

- Vacation leave accrues to the credit of an employee who is on leave with pay due to use of vacation, sick, jury duty or compensatory time. Employees out on unpaid part-time disability, Family Medical Leave, or workers compensation, will not accrue vacation leave.
- Employees serving a probationary period on an original appointment will accrue vacation time from their date of employment which may be used after the successful completion of their probationary period.
- Vacation leave may be accrued up to a maximum of 30 days. Hours earned in excess of the maximum must be used during the fiscal year or be forfeited on September 30th of each year.
- Police Department Sworn Personnel on a 12-hour shift and Fire Department Personnel on a 24-hour shift will accrue vacation leave hours according to their respective Collective Bargaining Agreements

3. Use of Vacation Leave:

- Requests for vacation shall be made in advance of use. In the event of an emergency the Department Head may waive this requirement. The requirements of an employee's job may require the Department Head to restrict the scheduling of vacation during certain periods of the year. In any event, each Department Head must make every effort to ensure that each employee is able to use vacation leave. At the discretion of the Department Head, recommending to the HR Director and with the approval of the City Manager that an employee may have his vacation maximum extended past the September 30th cutoff date for up to sixty days (60). Department Heads may restrict vacation usage in City wide emergencies.
- If no other accrued pay is available, vacation leave may be used to supplement workers compensation to bring the total to 100% of normal gross pay.
- With the approval of the supervisor, vacation and compensatory time may be used to supplement sick leave, when an employee's sick leave accumulation is exhausted.
- Designated Family Medical Leave Act (FMLA) time will require the employee to utilize accrued sick, compensatory, and vacation leave in that order.

4. Vacation Buy-Back Policy: Allows employees the opportunity to sell off unused days from the current year.

Accrued Vacation Buy-Back Provision:

- Only employees with at least 10 years of full-time service qualify for Vacation Buy-Back and must have used at least 2 weeks of vacation time in the current fiscal year before they can sell vacation time back.
- In the event that accrued vacation time is not used by the end of the fiscal year, employees may carry unused time forward to the next fiscal year, up to the designated vacation accrual cap.
- The rate of compensation for paid-out vacation, shall be the employee's then-current rate of pay at the time the request is made, and will be calculated at a straight time rate. All applicable taxes and withholding shall apply.

5. Holidays while on Vacation Leave:

- Should an official holiday occur while an employee is on approved vacation leave, the holiday shall not be charged against the employee's vacation balance.

6. Illness while on Vacation Leave:

- When sickness occurs within a period of vacation leave, the period of illness may be charged as sick leave and the charge against vacation leave reduced accordingly. Application for such substitution should be made within two (2) days after return from vacation and must be supported by a physician's note.

7. Death in Family during Vacation Leave:

- When bereavement leave occurs within a vacation period, the vacation period can be extended to cover this period and such time charged to bereavement leave as authorized - or the vacation leave will be reduced accordingly. If a second situation should arise during the first, the last leave period will be ended and a second one started.

Section 2. Sick Leave

Sick leave with pay is a privilege granted by the City for the benefit of an employee.

A. Eligibility:

- All full-time employees are entitled to accrue sick leave.

B. Rate of Accrual:

- All full-time general employees accrue sick leave starting with the first day of employment at the rate outlined in [Appendix B](#), page 123.
- Fire Department Personnel on a 24-hour shift will accrue sick leave in accordance with their Collective Bargaining Agreement.
- Police Department Sworn Personnel on a 12-hour shift will accrue sick leave in accordance with their Collective Bargaining Agreement.
- Sick leave accrues to the credit of an employee who is on leave with pay such as vacation, sick, compensatory, court, military, and worker's compensation leave.

C. Maximum Accumulation:

- There is no maximum limit on the number of sick leave days or hours, which may be accumulated by an employee if hired before October 1st, 2008. Employees hired after October 1st, 2008 have a maximum accumulation of 600 hours of sick leave.

D. Sick Leave Usage:

- An employee is required to notify their immediate supervisor of an illness and the expected period of absence no later than one hour after their normal scheduled starting time for work. The employee must follow this procedure each day the employee is unable to work, unless prior approval is given by the Department Head or designee.
- Shift work and other special circumstances may require different notification methods in some departments. Department Heads should explain any other method to the employee at the time of employment or when the change in departmental policy occurs. Sick leave can be used for the following reasons:
 - Personal illness.
 - Physical incapacitation resulting from causes beyond the employee's control.
 - Serious illness of a member of the immediate family. (Spouse, children, step children, parents, legal guardian, or dependent living in the employee's household).
 - Serious illness is defined as the covered family member being admitted to the hospital and/or the covered member needing the presence of the employee. A medical verification may be required.
 - Enforced quarantine of the employee in accordance with County health regulations.
 - Employee medical, dental or eye appointment which cannot be made outside of working hours
 - Sick leave may be used to supplement workers compensation to bring the total to 100% of normal gross pay.
 - Sick leave shall be used for time requested by the employee and approved by the HR Director, when such is for time taken under the Family Medical Leave Act.

E. Certification by Physician

- A medical certificate signed by a licensed physician may be required by Department Heads to substantiate a request for sick leave for the following reasons:
- Any period of absence consisting of three or more consecutive days or for periods greater than 24 hours for Fire Department personnel who work a 24-hour shift. Any employee who has been out at least three days must refer to the policy outlined in Article XIX, Section 5 on Family Medical Leave Act.
- To support a request for sick leave during a period when the employee is on vacation leave.
- Leave of any duration, if absence from duty recurs frequently or habitually, provided the employee has been warned that a medical certificate will be required.

The City reserves the right to investigate, in any manner it deems necessary, any possible abuse of sick leave.

F. Original Appointment Probationary Period:

- Employees serving a probationary period on an original appointment will accrue sick leave from the date of employment, which may be used immediately as accrued.

G. Sick Leave Conversion: (November of each year)

- An employee who has completed his or her initial probationary period may convert to cash payment 25 percent of their unused earned sick leave accrued for that year.
- Such time shall be deducted from the employee's sick leave balance. The base period of calculation of this benefit is from the last week in November of the previous fiscal year to the last week in November of the year in which the benefit is paid.

H. Pay for Unused Sick Leave:

- An employee who is separated from employment with the City for any reason other than retirement shall not receive pay for unused sick leave.
- An employee who does not participate in any of the City sponsored retirement/pension plans is considered retired for the purposes of this policy. If they separate from the City, employment retirement requirements are the same or equivalent to those of the General Employee's Pension, Fire, or Police Pension plans, whichever would apply.
- Upon retirement with at least 20 years of full-time service, an employee is entitled to 50% of unused sick leave not to exceed 600 hours for General employees and Police; or 600 hours for Fire Department Personnel who work a 24-hour shift. Retirees with less than 20 years of service are entitled to 35% of unused sick leave not to exceed 400 hours for General employees and Police or 560 for Fire Department Personnel who work a 24-hour shift. Such sick leave payments are not included in computing the employee's retirement benefits. All employees will conform to the specific retirement plans per Deferred Contribution Plan(s)

I. Sick Leave Contribution

- Paid time may be donated by an employee from sick leave account to a temporary "donated time" account which Payroll will establish for another employee. Such time may only be used for sick leave, and under the following circumstances:
 - The recipient employee has exhausted all vacation, sick, and compensation leave and must have, as of the original date of illness, a time off request for contribution of sick leave.
 - Probationary employees are not eligible to receive donated sick leave under this provision.
 - An employee out on worker's compensation is not eligible to receive sick leave contributions.
 - The illness or injury must be considered a serious situation as determined by the Department Head and reviewed by the HR Director prior to approved by the City Manager.
 - The Department Head is responsible for certifying in writing to the HR Director that the above conditions have been met.
 - Employees who wish to donate time may do so by a signed memo to HR. Once the City Manager has approved a donated time account, the HR Director will forward the contributor's notices to payroll.
 - If contributed sick leave is used by the recipient, each contributor is charged a pro rate share of the time used to the nearest half-hour. If the contributed sick leave time is not used, the time is returned to the contributors. No charges are made until actual use occurs. Sick contribution does not count as hours used for the sick incentive. If a contributor retires with contributed time in a donated account, that time is forfeited for purposes of cash reimbursement.
 - An employee in the process of separating from employment is not eligible to receive or donate sick leave.

Section 3. Bereavement/Funeral Leave

Death in Family

In the event of the death of an employee's immediate family, the employee will be granted three (3) workdays bereavement leave (48 hours for Firefighters on a 24-hour shift). At the Department Head's discretion an additional two (2) days may be granted, but in no event shall an employee be granted more than five (5) workdays. Such time is not chargeable to the employee's sick or vacation leave.

- Immediate family is defined as employee's spouse, domestic partner, parent, child(ren), grandparents, grandchild(ren), brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepchild(ren), stepparents and legal guardian. NOTE: Aunts, Uncles and Cousins are not covered under this policy.
- If services are interrupted by time (i.e. the wake is at one time and the committal is at a later date), and if the employee requests such consideration, the employee shall be allowed to split the bereavement entitlement and use any remaining day(s) to attend the later services. The maximum time for this is six (6) months from notification of death.
- Shall an employee require additional time other than provided for above, additional time may be requested from the Department Head and shall be charged to the employee's accrued vacation or compensatory leave. When bereavement leave occurs while a person is on sick leave, sick leave will not be charged against the employee's balance during the bereavement leave period.

Proof Requirement:

- Each employee requesting and receiving paid funeral leave may be required to provide evidence of the nature of the leave and the name and relationship of the immediate family member who is involved. Such evidence includes a newspaper report or other document establishing the relationship.

Section 4. Jury Duty

Jury and Court Leave:

1. Full-time employees who are called for jury duty on a regularly scheduled workday shall be granted time off with pay upon the presentation of a summons. Any fees received for jury duty shall be retained by the employee, unless they are being compensated by the City in which case they will transmit the fees to the City. The employee shall not be eligible for reimbursement by the City for any meals, lodging, travel, or other expenses incurred while serving as a juror. Employees are not eligible for daily or weekly overtime pay if their jury duty extends beyond eight hours in a day or forty hours in a week (42 hours for Police Officers working 12-hour shifts, 53 hours for Firefighters on a 24-hour shift).

2. An employee subpoenaed as a witness or defendant on behalf of the City, shall be considered to be on duty and be entitled to be paid meal and travel expenses in accordance with the City's travel rules and procedures (excluding cases where an employee is a plaintiff against the City). Any fees awarded shall be returned to the City. Whenever applicable, the following will apply to *administrative leave* taken under this section:
 - Employees required to attend court while on scheduled vacation leave shall not be charged vacation for that court time upon presentation of the required documentation.
 - An employee who appears in court as a witness, plaintiff or defendant due to personal litigation or criminal charges or when appearance is voluntary, shall be required to use vacation leave or leave without pay for any such absence from work.
 - Employees who attend court (see (2), above) for only a portion of a regularly scheduled work day are expected to report to their work site after being excused or released by the court.

Section 5. Reserve and National Guard Training Leave:

- A full-time employee who is a member of the United States Armed Forces Reserve or the National Guard and who is ordered to engage in annual training, or other temporary active duty, shall, upon presentation of a copy of his or her official orders to the HR Director for validation and may be granted leave with pay. Such leave will be in accordance with the Uniformed Service Employment and Reemployment Rights Act of 1994 and/or Florida Statute 115.

Section 6. Active Duty Military Leave:

Employees who are on orders for deployment for national emergencies, Reserve or National Guard duties must present to their supervisor a copy of the deployment orders or annual training orders to comply with the Uniformed Services and Reemployment Rights Act (USERRA). Under this reemployment act, the City of DeLand must comply with the deployment and other orders that are administrated. For purpose of pay, vacation, sick accrues, and work schedule all facets will be reviewed in accordance with the USERRA. Once orders are received the employee and supervisor should come to the HR Office and have a review of the orders.

Pay for Active Duty Military Leave:

The City will pay the difference in salary to the employee if the employee is called up to active military duty by presidential or gubernatorial order and will keep the employee health insurance benefit current. If the employee's full-time military pay is greater than what the City is paying, the City will not pay any additional wages to the employee but will keep the employee health insurance benefit current. If the military pay is less than what the employee is being compensated by the City, the City will pay the difference in salary for one year from deployment date. The first 30 days of any such leave of absence shall be with full pay.

The maximum number of days allowed for normal annual military training for Federal Reservist and National Guardsmen will be 30 days per year. Any additional time after the initial 30 days will require updated deployment of annual training orders from the military chain of command. The City must hold the position or like type position of federal/state or National Guardsmen called for service for 60 months.

Section 7. Family Medical Leave Act (FMLA)/Maternity/Paternity Leave

Purpose: The purpose of this policy is to establish conditions and required procedures for utilization of Family and Medical Leave within the City of DeLand in accordance with the Family and Medical Leave Act (FMLA) of 1993. It is the employee's responsibility to notify their supervisor and HR of their need of FMLA.

Policy: It is the policy of the City of DeLand to allow personnel to utilize Family and Medical Leave to the extent authorized by the Family and Medical Leave Act. Any leave in addition to leave authorized pursuant to FMLA shall be solely at the discretion of and upon the specific approval of the City Manager.

Definitions:

- **Certification of Physician or Practitioner** – A medical certification form, completed by a health care provider, supporting the FMLA leave request to care for an employee's seriously ill family member or for leave due to a serious health condition rendering the employee unable to perform regular job functions.
- **Child** – for the purposes of this policy, includes a child who is either under age 18, or an older child who is incapable of caring for themselves due to physical or mental disability, and who is related to the employee as a biological, adopted, foster, or stepchild, or legal ward.
- **Eligible Employee** – An employee who has been employed by the City of DeLand for at least 12 months, and has been actively at work for at least 1,250 hours during the 12-month period immediately preceding the start of the leave.
- **HR Director** – The staff member designated by the City Manager to work with employees and supervisors in all matters concerning Family and Medical leave. The HR Director will schedule the duty status, accommodations, reassignments, etc. of employees who are temporarily disabled and ensure the proper recording and documentation of such events.
- **Family and Medical Leave Application/Imposition of Leave** –A form documenting formal request for Family and Medical Leave stating the reason for the leave, the beginning and ending dates, the number of hours being requested, and the employee's accumulated sick and vacation time available.
- **Health Care Fitness for Duty Report** – A form filled out by the employee's health care provider certifying whether the employee can perform the functions of their job.
- **Immediate Family Member** – As defined by the FMLA, an immediate family member is restricted to: spouse, children, and parents. The FMLA has afforded no provision for in-laws.
- **Key Employee** – A salaried "eligible" employee who is among the highest paid 10% of employees in the City of DeLand.

- **Serious Health Condition** – An on-the-job or off-duty illness, injury impairment, physical or mental condition that involves one of the following:
 - Inpatient Care – in a hospital, hospice, or residential medical care facility including any period of incapacity or subsequent treatment in conjunction with or consequent to such inpatient care.
 - Continuing Care – for more than three (3) consecutive work days that also involves:
 - Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g. a physical therapist under orders of, or on referral by, a health care provider); or
 - Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the supervision of the health care provider.
 - Pregnancy – Any period of incapacity due to pregnancy or prenatal care.
- **Chronic Conditions Requiring Treatment(s):** A chronic condition that:
 - Requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider
 - Continues over an extended period (including recurring episodes of a single underlying condition)
 - May cause episodic rather than continuing periods of incapacity (e.g. asthma, diabetes, epilepsy, etc.).
- **Permanent/Long Term Conditions Requiring Supervision** – A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. The employee or their family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer’s, severe stroke, or the terminal stages of a disease.
- **Multiple Treatment (non-chronic conditions)** – Any period of absence to receive multiple treatments including any period of recovery there from) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than two weeks without medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

Maternity/Paternity FMLA Leave

- Upon the birth of a child(ren), (with proof of a state certified birth certificate), or legal adoption (signed court documentation required), the City will authorize up to six (6) consecutive weeks of paid administrative leave to the employee. The employee will be responsible to use their accumulated sick, vacation or compensatory time for the remaining six (6) weeks of FMLA.

Established Couples (Within City Departments)

- An eligible couple who both work for the City will be limited to a combined total of 12 weeks in a calendar year if leave is taken for:
 - The birth of a child or to care for a newborn.
 - Placement of an adopted or foster child with the employee or to care for the child after placement.

When both employees use part of the total 12-week FMLA entitlement for one of the purposes above, each employee would be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for a purpose other than those contained above. For example, if each spouse took six weeks of leave to care for a newborn child, each could use an additional six weeks due to his or her own serious health condition or to care for a child with a serious health condition.

Procedures:

- FMLA entitles an eligible employee to take up to a total of 12 work weeks of leave during any 12 months period. The 12-work week period of FML eligibility shall not exceed a total of:
 - Twelve (12) work weeks x 40 hour/week = 480 work hours – General Employees
 - Twelve (12) work weeks x 42 hour/week = 504 work hours – Police Officers
 - Twelve (12) work weeks x 53 hour/week = 636 work hours – Fire Fighter/EMT personnelwhether taken continuously or intermittently, if intermittent leave is authorized, for a full-time employee whose regular work schedule is 40, 42, 53 hours per week etc.
- The 12-workweek period for a part-time employee shall be pro-rated based on the part-time employee's regular work schedule; i.e., a part-time employee whose regular (budgeted or authorized) schedule is 24 hours per week shall have a 12-work week eligibility period which will not exceed a total of 240 work hours, whether taken continuously or intermittently, if intermittent leave is authorized.
- The City of DeLand designates a "rolling" 12-month period to calculate FMLA eligibility; eligibility is determined by measuring backward from the date the leave would commence to establish that the employee has been employed for at least 12 months and has been actively at work for the required 1,250 hours in order to be eligible for FMLA.
- Employees of the City of DeLand who qualify for Family and Medical Leave shall be required to first use accumulated paid leave (sick, vacation, compensatory and/or donated leave), if available, as part of their 12-week FMLA Leave. The order in which paid leave is used is based upon the reason for leave; e.g., for a leave for the serious health condition of the employee, child, spouse or parent, sick leave must be used first, followed by accumulated vacation leave, and, finally, compensatory or donated leave.
- The Department Head will be responsible for notifying the HR Department when an employee has used more than three (3) consecutive days of sick leave to determine the applicability of FMLA.

Qualified Events for FMLA Leave

1. A serious health condition of the employee, who will be absent from work for more than three (3) consecutive workdays.
2. Birth of a child and/or to care for the newborn child. (Leave must be completed coincident with the birth; and cannot be taken on an intermittent basis).
3. Placement of an adopted or foster child with the employee. (Leave must be completed coincident with the placement and cannot be taken on an intermittent basis.)
4. To care for the employee's spouse, child, or parent who has a serious health condition.
5. Care of a returning disabled military veteran up to 26 weeks from deployment return.

Requesting Leave/Imposition of Leave**Foreseeable Events:**

- The employee must provide at least 30-days written notice to the immediate supervisor when the leave is foreseeable; i.e., the birth of a child; placement with the employee of a child for adoption or foster care; and planned or elective surgeries.
- Employee requesting leave must submit a completed FMLA application by chain of command to the HR Director. The HR Department will issue a Family and Medical Leave Response to the employee FMLA application within two (2) days of request.

Medical Emergencies:

- The 30-day advance notice is waived for medical emergencies. The employee should submit a completed FMLA Application to their immediate supervisor indicating the need for FMLA as soon as practical under the facts and circumstances of the particular case. It is expected that the employee will give this written notice to the immediate supervisor within one or two days of learning of the need for leave, except in extraordinary circumstances.
- The immediate supervisor will forward the completed FMLA application to the appropriate member of management/supervision for review and approval.
- The Department Head will then forward the completed FMLA application to the HR Director.
- When the employee has not notified the supervisor before beginning leave, or has not requested Family and Medical Leave for a condition that is known by supervision/management to be a qualifying event (e.g., on-the-job injury for which temporary, total disability will exceed three (3) consecutive work days), the supervisor will notify the HR Director, by telephone or in person, within one business day.
- Within two (2) business days of notification by the supervisor of the absence of an employee for a qualifying event, the HR Director will send a completed Imposition of Leave Form to the employee imposing Family and Medical Leave, and defining the terms and conditions, as outlined in this policy. A copy will also be forwarded to the employee's supervisor.
- When leave is imposed by the HR Office, the leave will commence effective the date of the notice to the employee; the leave cannot be retroactively begun as of the first date of the absences.
- The HR Director will determine the eligibility of the employee for FMLA and ensure that all documentation is in order before obtaining the final approval of the City Manager.
- The employee must submit a completed Certification of Physician or Practitioner directly to the HR Director. Forms to be completed: Medical Certification Statement/Employee if the requested leave is based on the serious health condition of the employee, or Medical Certification Statement/Family Member if requested leave is based on the serious health condition of the employee's spouse, child, or parent.
- The employee must submit supporting legal documentation directly to the HR Director if the requested leave is for the placement of a child for adoption or foster care.
- The Human Resources Director has the right to have the employee examined and/or the medical documentation reviewed by a physician/mental health professional chosen by the HR Director, and paid by the HR Director's office.
- All information relating to health conditions is confidential medical information; this information must be sealed in an envelope marked "Confidential, Medical Information," for internal and external mail: and must be maintained in confidential, medical files, which are not public records, as outlined in F.S. 119.
- Family Medical Leave will be imposed on employees who are unable to perform their essential job functions due to an on the job injury and miss more than three (3) consecutive work days.

Intermittent or Reduced Schedule Leave

An eligible employee may take FMLA on an intermittent basis or by reducing their normal work schedule to care for a seriously ill family member, or for an employee's own serious health condition, if medically necessary.

Intermittent leave is not allowed for a birth or placement for adoption or foster care.

The employee may be transferred to an alternative position to accommodate intermittent leave or a reduced work schedule, if the employee is qualified for the position, and the transfer accommodates the recurring periods of leave better than the employee's regular position. The equivalent position must have equivalent pay and benefits, but not necessarily equivalent duties.

Rights of Eligible Employees

The employee returning from FMLA (with certain exceptions for “key” employees) must be restored to his or her original job, or to an equivalent job with equivalent pay, benefits and other terms and conditions of employment. The “equivalent job” must also require substantially equivalent use of skills, effort, responsibility, and authority. However, if the employee unequivocally states that they will not return to work, or the City Manager’s Office can show that the employee “would not otherwise have been employed if leave had not been taken,” restoration to the employee’s position may be denied.

- The employee’s use of FMLA qualified leave cannot result in the loss of any employee benefit that the employee earned or was entitled to before using FMLA leave, or that they would have attained had the employee not taken leave. However, there shall be no sick/vacation accrual or credit for seniority during any unpaid portion of FML effective the first full pay period of unpaid leave.
- The City may not interfere with, restrain, or deny the exercise of any right provided under FMLA. Furthermore, it is unlawful to discharge or discriminate against any individual for opposing any practice that would violate FMLA, or because the employee was involved in a proceeding related to FMLA.
- The City Manager’s Office will not discriminate against employees who take FMLA and may not consider the taking of FMLA leave as a negative factor in employment actions, such as promotions, evaluations, or disciplinary actions.
- FMLA rights cannot be waived. For example, employees cannot “trade off” the right to take FMLA leave against another benefit offered by the City. Furthermore, the City is prohibited from inducing any employee to waive their rights under FMLA.
- The employee has the right to continued health coverage while on FMLA under the same terms and conditions that applied before the employee went on leave.
- An employee shall be required to use all available paid sick and vacation leave (for conditions for which accrued leave is allowed) concurrently with FMLA; i.e., paid leave time is included in the determination of the 12-week period, not in addition to 12-weeks of unpaid time.

Key Employees:

- A “key” employee who is granted Family and Medical Leave is not necessarily guaranteed reinstatement at the conclusion of the leave. The employee will be notified of their status as a “key” employee in response to the employee’s application for leave. If the City Manager determines during the leave period that reinstatement will be denied, the employee will be notified of this decision and the reasons for the decision. The notification to a “key” employee while on FML that their reinstatement is denied will offer the employee a reasonable opportunity to return to work from FMLA after receipt of the notice.
- “Key” employees are eligible for all other benefits during the entire leave period, even if not reinstated; e.g., a “key” employee who requests a 12-week leave and who is notified by the City Manager after 4 weeks that reinstatement is denied will still be eligible to continue in the group insurance program for the 12-week period.

Second Opinion

The HR Director has the right to require a second medical opinion by a physician of the City's choosing, if the City deems it necessary to determine if the leave is warranted under this policy. The cost of the second opinion will be paid by the City.

A Third Opinion by a physician mutually agreed upon by the parties may be necessary if the first two opinions conflict. The cost of the third opinion will be paid by the City.

Health Insurance Benefits

- Health insurance benefits must be maintained on the same basis as coverage would have been provided if the Employee had been continuously employed during the FMLA period.
- Employees who contribute toward health insurance premiums must continue to do so while on leave, and must pay any increase in premiums that occurs while on leave. The employee's share of premiums will continue to be deducted from their paycheck as long as the employee is on paid leave.
- Payment of the employee's portion of insurance premiums is to be made by the employee to the HR Director on or before the first day of each month if the employee is not receiving a check from the City (unpaid FMLA, Workers' Compensation, etc.).
- The City's obligation to maintain health insurance coverage ceases if any employee on FMLA fails to make a premium payment within 30 days of the date the payment is due.

Fraud/Other Basis for Termination of Employment During Leave

An employee who fraudulently obtained FMLA forfeits the Act's protection. For example, if the employee claims the need for leave to care for their seriously ill child, but in reality, took the leave to travel or to look for a new job, FMLA does not protect the employee from termination because the leave was fraudulently obtained. An employee who takes another job while on FMLA shall be subject to termination by the City Manager's Office.

Periodic Reports of Employee's Status and Intent to Return to Work

Employees on FMLA are required to submit periodic reports to the HR Director regarding their status and intent to return to work **once every 30 days**. The City may require periodic re-certification of the serious health condition on which the leave is based.

Return to Work (Following FMLA)

- Employees returning from FMLA based on their own serious health condition must submit, prior to their return to work, a Health Care Provider's Fitness for Duty Report completed by their health care provider, certifying that the provider has reviewed the job description for the position held by the employee and found the employee medically qualified to perform the essential functions of their job without any restrictions, or list any restriction and/or limitation that apply.
- The Fitness for Duty Report must be submitted directly to the HR Director who will schedule the employee's return to work. Supervisors are specifically prohibited from allowing an employee to return to work without prior approval of the HR Director.

Section 8. Other Unpaid Leaves of Absence

Interpretation:

- Leave without pay is a temporary non-pay absence from duty granted at an employee's request, or for the benefit of the City. The approval of a leave of absence without pay is a matter of management discretion.
- Except in a few circumstances, employees cannot demand a leave without pay as a matter of right. The exceptions include members of the National Guard or the U.S. Armed Forces Reserve requesting leave without pay for military duties.
- Before granting an extended leave without pay the appointing authority should expect at least one of the following benefits will result, increased job knowledge, restoration of the employee's health, retention of a desirable employee, or the interest of the City is served.
- The decision to grant leave of absence without pay is a matter of administrative discretion. It will be incumbent upon each Department Head to weigh each request and to determine each case on its own merits.

Authorization:

- A request for leave of absence without pay not to exceed three working days is made to the employee's supervisor and must be approved by the Department Head. Leave without pay for more than three days must also contain the approval of the City Manager.
- Normally leaves of absence will not be granted to an employee who has not completed a probationary period. However, an exception may be considered to meet extraordinary situations where it appears to be for the good of the City and must be approved by the City Manager.

Medical Leave of Absence:

Should an employee become unable to perform normal duties because of an illness or injury the Department Head may require the employee to furnish a medical report describing the nature of the disabling condition and probable date the employee can resume normal duties.

In the absence of such a report, the employee may be required to submit to a medical examination by a physician named and paid for by the department. Failure to provide the requested information or refusal to submit to a medical examination or treatment may be grounds for dismissal.

Employee Rights:

Once a leave of absence has been granted, the employee shall be entitled to return to their former position provided the employee can meet current qualification standards, is able to perform the essential duties, and provided the position has not been abolished. If the position has been abolished and no similar position is available under the same department, a City employee shall be eligible for other similar positions for a period equal to their length of service up to one year.

Limitations and Conditions:

- No leave of absence without pay shall exceed six months unless a longer period of time or an extension has been authorized by the City Manager.
- Except for medical leaves of absence, any unused vacation and sick leave shall remain on deposit and credited to the employee upon return to work. If the employee fails to return to work following a leave of absence, payments for unused annual and sick leave shall be made in accordance with this rule.
- All leaves of absence without pay, which exceed 30 calendar days, shall be deducted from the employee's length of service record (and evaluation date changed).
- An employee who fails to return to work following the expiration date of a leave of absence may be dismissed from their position.
- Employees on Military Leave of Absence shall have their benefits and conditions of employment adjusted in accordance with applicable state and federal laws.

Health Insurance:

The health insurance of an employee will be continued for the first 90 days of unpaid leave of absence, provided the employee pays for their portion of the health insurance. Health benefits will expire when an employee reaches the 90-day unpaid leave. (COBRA provisions apply).

ARTICLE XX - EMPLOYEE PERFORMANCE EVALUATIONS

Section 1. Scope

The HR Director shall establish and administer a system for evaluating the work performance of all employees.

The employee performance evaluation program shall be designed to permit the evaluation of an employee's job performance and effectiveness in an objective and fair manner.

Section 2. Purpose

The primary purpose of the performance evaluation is to assist the employee in improving their job performance through well-defined directions in overcoming weaknesses in order to achieve the desired goals and objectives of the department. It is used as an opportunity for training and development, as well as a basis for making intelligent decisions on pay raises, promotions, regular appointments, reprimands, etc.

It shall not be used primarily as a device for highlighting employee weaknesses, or as a "praise session", where no constructive suggestions are offered for improvement. An effective evaluation program will serve four basic purposes:

1. To inform the employee about their performance.
2. To help the employee improve their behavior and skills.
3. To set realistic goals for them to attain.
4. To establish performance improvement plans. (PIP)

Section 3. Probationary Employee Evaluations

- Employees who are in their initial probationary period shall have a preliminary performance review given in writing by the employee's supervisor: General Employees at 90 days of their 180-day probationary period and Fire Fighters and Police Officers at 180 days of their 365-day probationary period from their dates of hire. Police Officers and Fire Fighters promoted to greater responsibility have a 365-day promotional probationary period.
- Department Heads may conduct more frequent reviews for departmental purposes.

Section 4. Annual Performance Evaluation Procedure

The HR Director shall annually prepare a form for evaluation of all employees. This form shall be distributed to all Department Heads for use in evaluating each employee's performance. Each department shall determine the procedure for conducting evaluations. Once each evaluation is signed by the employee and Department Head it will be forwarded to the HR Director for calculation of any commission-approved merit increase and posting in the employee's personnel file.

Performance evaluations will be prepared on full-time and part-time employees, regardless of employment status, at least once annually.

ARTICLE XXI - DISCIPLINARY ACTIONS

Section 1. Purpose

It is the intent of the City that effective supervision and employee relations will avoid most matters which necessitate action. To this end, the City encourages to the fullest that employee behavior is positive and supportive of the goals of management. The purpose of the rules and the disciplinary actions for violations of those rules is to ensure the rights of all employees and to secure cooperation and orderliness.

Section 2. Responsibilities

Department Heads, division heads, and supervisors are responsible for monitoring the conduct and job performance of employees under their supervision.

Department Heads are responsible for instructing and monitoring their subordinates in the formulation of conduct and job performance standards and the administration of discipline.

The City Manager or their designee is responsible for instructing and monitoring the Department Heads in the formulation of conduct and job performance standards and the administration of discipline.

The HR Director is responsible for monitoring all disciplinary actions in the City to ensure that basic employee rights are protected and to ensure that appropriate and consistent action has been taken.

Section 3. Procedure

The following procedure is intended to assist supervisors and Department Heads in determining a proper course of action when discipline is needed. An employee who violates any of the established personnel policies, administrative directives or operational, safety or departmental rules is disciplined on the basis of the severity and/or frequency of the violation. Severity is interpreted as follows:

- **Minor** - Not a threat to the safety or well-being of persons, property or the organization.
- **Major** - Intentional need for performance or behavior correction to include greater disciplinary action items. This includes steps to discipline to possibly include suspension.
- **Serious** - Intentional or repeated violation of the City's Rules and Procedures or violations of local, state or federal law. A threat to the safety or well-being of persons, property or the organization. Or such an egregious violation of the City rules and procedures or violation of local, state or federal law that poses such a threat to the safety or well-being of person, property or the organization that employment of the individual committing the violation cannot be continued

Progressive Disciplinary Action

Disciplinary action may be taken for any just cause. Generally, employee misconduct should be dealt with using a progression of disciplinary actions. However, in recognition of the fact that each instance differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future.

Disciplinary Actions:**Use of Past Record:**

- In imposing disciplinary measures on a current charge, the supervisor will not take into consideration any prior infraction of the City or departmental Rules and Regulations which occurred more than three years previous, unless the prior infraction is progressively connected with the current charge.

Verbal Counseling:

- Verbal Counseling shall consist of the supervisor verbally reminding or cautioning the employee concerning their behavior or work performance and counseling the employee on how to improve. The Supervisor will make written record of the counseling session and the Verbal Counseling will remain in a local departmental file.

Written Warning:

- A written warning (reprimand) shall be used when the verbal counseling has not resulted in a satisfactory change in conduct or when verbal counseling is deemed insufficient for the offense. A written reprimand should include the following information:
 - Reference to recent verbal counseling or similar violations if germane to the reason for verbal counseling.
 - Specific charge of misconduct with reference to the City or departmental rules or a supervisory order.
 - Warning regarding management's course of action if violations occur in the future.
 - The supervisor's signature.
 - The employee's signature and date acknowledging receipt of the reprimand. The employee's signature does not imply that they agree with the warning. If the employee refuses to sign the written reprimand, it shall be noted and witnessed.
 - Written warning (reprimand) will be maintained in the office personnel file for a time period not to exceed five years from date of final disposition.

Suspension:

- Suspension shall be used as a disciplinary action when a written reprimand has not resulted in a satisfactory change in the employee's conduct or when written warning is deemed insufficient for the offense. All suspensions greater than three days must be approved by the City Manager.
- Before completing or processing a suspension, unless deemed to be in the immediate and best interest of City government, the Department Head shall coordinate such action with the HR Director and conduct a pre-determination hearing as provided in Section 4 of this Article.

The suspension document should contain the following information:

- Reference to previous disciplinary actions if germane to the reason for suspension.
- Specific charge of misconduct with reference to a violation of City or departmental rules or a supervisory order.
- Warning regarding management's course of action if a violation occurs in the future.
- The date of the pre-determination hearing and any pertinent information brought forward at that hearing.
- Reference to employee's rights to grieve or appeal.
- The supervisor's signature.
- The Department Head's signature.
- The employee's signature and date which acknowledges receipt of the suspension document. The employee's signature does not imply agreement and refusal to sign shall be noted and witnessed.

Demotion and/or Reduction in Pay:

- This shall be used when other forms of discipline have not resulted in a satisfactory change in an employee's work performance or when other forms of disciplinary action are deemed inappropriate for the offense. All demotions and/or reduction in pay must be approved by the City Manager.
- Before completing or processing a notice of demotion and/or reduction in pay, the Department Head shall coordinate such action with the HR Director and conduct a pre-determination hearing as provided in Section 4 of this Article.

The demotion and/or reduction in pay notice shall contain the following:

- Reference to previous disciplinary action(s) if germane to the reason for demotion and/or reduction in pay.
- Specific areas of non-performance or charge of misconduct with reference to a violation of City or departmental rules or a supervisory order.
- Warning regarding management's course of action for future violation(s).
- The date of the pre-determination hearing and any pertinent information brought forward at that hearing.
- Reference to the employee's appeal rights.
- The supervisor's signature.
- The Department Head's signature.
- The employee's signature and date which acknowledges receipt of the document. The employee's signature does not imply agreement and failure to sign should be noted and witnessed.

Dismissal

- A dismissal is initiated when all previous disciplinary actions have failed to bring a satisfactory change in conduct or when lesser action is deemed insufficient for the offense. All dismissals must be approved by the City Manager.
- Before completing or processing the notice of dismissal, the Department Head shall coordinate such action with the HR Director and conduct a predetermination hearing as provided in Section 4 of this Article.

The dismissal document should contain the following information:

- Reference to previous disciplinary action(s) if germane to the reason for dismissal.
- Specific charge of misconduct with reference to a violation of City or departmental rules or a supervisory order.
- The date of the pre-determination hearing and any pertinent information brought forward at that hearing.
- Reference to employee's right to appeal.
- The Department Head's signature.
- The employee's signature and date which acknowledges receipt of the dismissal document. The employee's signature does not imply agreement and failure to sign shall be so noted and witnessed.
- Employees who are dismissed will be offered a post-termination hearing within seven calendar days of the dismissal letter date. At such hearing, the employee will be provided the opportunity to introduce into the record any statements he/she may wish.
- Scheduling for this post termination hearing will be through the HR Director.

Section 4. Predetermination Hearing

Purpose:

A pre-determination hearing is provided to all full-time employees prior to the implementation of the disciplinary actions of suspension, demotion and/or reduction in pay, or dismissal. The hearing provides employees with the opportunity to refute charges.

Scheduling:

Upon awareness that an employee's actions may require discipline in one of the prescribed forms described above, the employee will be notified in writing or verbally with witness if a written statement is not possible, at least twenty-four (24) hours in advance. The notice shall include a description of the pending charges. However, the decision of what action will occur will not be provided.

Conducting Hearings:

At the hearing, the Department Head will:

- Confirm that the employee has a copy of the charges
- Explain the charges and the type of disciplinary action being contemplated
- Provide the employee with an opportunity to offer any contrary evidence, explanation, and/or comments.

Postponement of Hearings:

Hearings may be postponed, rescheduled, or continued on a different date under reasonable circumstances. Employees who fail to appear or fail to reschedule their pre-determination hearing will forfeit this right; however, they retain the right to grieve or appeal the disciplinary action as otherwise provided.

Section 5. Summary Action

In the event that a Department Head concludes that immediate imposition of disciplinary action is necessary for public interest or safety, discipline may be taken summarily. The employee may be suspended with pay. The employee will be contacted as soon as possible and advised of the decision regarding discipline.

Section 6. Authority and Disciplinary Review

The authority to impose disciplinary actions involving suspensions, demotions or reductions in pay, or dismissals is normally reserved for the Department Head. All such actions must be coordinated with the HR Director and be approved by the City Manager.

Section 7. Causes for Disciplinary Actions

The following represents typical grounds for disciplinary actions leading up to and including dismissal. Examples listed here are not intended to be all inclusive. Penalties for offenses not listed will be prescribed in consistence with offenses of comparable gravity.

Penalties for disciplinary offenses should normally fall within the suggested range; however, these ranges are merely guidelines and are not intended to limit the right of management to determine what constitutes an appropriate penalty. Depending on the nature of the offense, the past record of the employee, or extenuating circumstance, a more severe penalty, a lesser penalty, or a penalty outside of the range may be imposed. Should more than one offense be under consideration, the violations do not necessarily have to be identical in order to be classed as a second or third offense.

Minor Offense Penalties:

1. First Offense: Verbal counseling
2. Second Offense: Written reprimand/or up to three days suspension without pay
3. Third Offense: Up to five days suspension without pay (City Manager Approval)
4. Fourth Offense: Up to Discharge/Termination of employment

Examples of Minor Offenses

- Poor housekeeping or occasional substandard work quality.
- Selling or soliciting on City property without prior authorization.
- Failure to obtain approval before engaging in other than City employment or business activity, when necessary to do so.
- Failure to report absence from work in a timely manner to the immediate supervisor or their designee. (Call-in times in this rule may be adjusted in each operation to comply with functional requirements. Employees shall be provided with notification of specific requirements.)
- Neglect, carelessness, or disregard of common safety practices.
- Any act of negligence which results in a failure to complete assigned tasks or responsibilities in a timely and/or satisfactory manner.
- Use or possession of another employee's working equipment without the employee's consent.
- Malicious mischief (horseplay, wrestling, gossiping, making derogatory remarks about other employees, or other undesirable conduct).
- Excessive tardiness. (Guide: three times, without medical substantiation, within 30 workdays.)
- Excessive absence. (Guide: three incidents of sick leave use, without medical substantiation, within a 3-month period).
- Creating or contributing to unsafe or unsanitary conditions.
- Loafing, neglect of duties or otherwise wasting work time.
- Smoking in designated non-smoking areas in City facilities and City vehicles.

Major Offenses

1. First Offense: Written reprimand up to three days suspension without pay
2. Second Offense: Up to five days suspension without pay
3. Third Offense: Up to discharge/Termination of employment

Examples of Major Offenses

- Leaving the job during working hours without notice to or permission from supervisor.
- Absence without approved leave. (Guide: three days within 30 workdays, or failure to report after leave has been disapproved, revoked or canceled).
- Failure to report for work or overtime without good reason.
- Failure to report a personal injury or equipment damage immediately to one's supervisor.
- Careless use of City property resulting in damage.
- Excessive number of accidents or an accident resulting in personal injury, due to carelessness, neglect, or disregard of safety practices.
- Distribution of or posting written or printed matter of any description unless approved.
- Unauthorized removal of notices or signs from City bulletin boards.
- Sleeping during working hours unless otherwise authorized, as in the Fire Service.
- Fighting, threatening, intimidating, coercing, or otherwise interfering with the rights of other persons.
- Gambling on City property.
- Loss of City property through carelessness or negligence.
- Conduct which is considered disrespectful, or the use of insulting, abusive or obscene language or actions/gestures to or about fellow employees or the public.
- Hindrance of operations because of excessive absenteeism or tardiness.
- Improper or unauthorized use of City property, or equipment, to include City computers.
- Smoking in an area designated as non-smoking because of safety considerations.
- Operation of any City owned vehicle or equipment while under the influence of any legal medication/drug which causes drowsiness or other physical or psychological impairments.
- Not notifying a supervisor or Department Head when incarcerated.

Serious Offense Penalties

1. First Offense: Written reprimand up to three days suspension without pay
2. Second Offense: Three to five days suspension without pay
3. Third Offense: Up to discharge

Examples of Serious Offenses

- Frequent display of substandard work quality.
- Conduct which is considered disrespectful, or the use of insulting, abusive or obscene language or actions/gestures to or about fellow employees or the public.
- Failure to obtain approval before engaging in other than City employment or business activity, when necessary to do so.
- Failure to report absence from work in a timely manner to the immediate supervisor or their designee.
- Neglect, carelessness, or disregard of common safety practices.
- Failure to complete assigned tasks or responsibilities in a timely and/or satisfactory manner.
- Use or possession of another employee's working equipment without the employee's consent.
- Conduct that endangers the safety of other employees.
- Excessive tardiness and absence.
- Creating unsafe or unsanitary conditions.
- Repeatedly neglecting duties or wasting work time.

Dismissible Offenses

First Offense: Discharge

Examples of Dismissal Offenses

Reasons for dismissal of an employee may include, but are not be limited to the following:

- Wanton or willful neglect in the performance of assigned duties.
- Deliberate misuse, destruction or damage to any City property, or the property of another person. City reserves the right to collect payment for repairs and/or deductibles when misuse or neglect is founded.
- Deliberate misuse of City's time, personnel and/or property for personal purpose.
- Failure to return to work upon expiration of a leave of absence.
- Abandonment of position by being absent from duty for three consecutive workdays without proper authorization.
- Insubordination by disobeying or refusing to follow a direct order or by refusing to perform assigned work or to comply with an official and legal supervisory directive, or by demonstrating an antagonistic, insolent, disrespectful or belligerent attitude toward management.
- Violation of safety rules or regulations resulting in an injury or death.
- Refusal to use proper safety equipment when provided.
- Misappropriation of City funds; unauthorized sale or disposal of City property for personal gain or profit; or violation of any other public trust.
- Falsification of any City records, reports, documents or correspondence.
- Providing false information to a supervisor or member of management.
- Conviction or guilt of any felony crime or a misdemeanor concerned with immoral conduct.
- Engaging in an illegal strike, work stoppage, slow down, or acts of sabotage or vandalism.
- Refusal to sign or execute an oath of citizenship, oath of loyalty or other document required by law or City regulations.
- Possession of firearms, explosives, or other weapons on City property, or in a City vehicle, except as authorized by proper authority or in accordance with Florida Statute 790.251.
- The sale of narcotics or other illegal substances either on or off City property.
- Liability or unfitness to perform assigned duties.
- Providing entrance or access to City facilities or property to unauthorized persons (without the express permission of the Department Head).
- Theft, concealment or removal of City property or the property of another employee without proper authorization.
- Demonstrated pattern of inefficiency or incompetence in the performance of assigned duties.
- Making false claims or deliberate misrepresentations in an attempt to obtain sickness or injury benefits, workers' compensation or other such benefits.
- Threatening physical violence, striking a supervisor or citizen.
- Loss or suspension of a required license, certification, permit or other requirement needed by employee to perform the duties of their position.
- Failure to cooperate in an official investigation related to work.
- Conduct that raises obvious questions as to the employee's ability to maintain the public trust.
- Racial or Other Harassment - Any unwelcome verbal comments or physical acts of a racial nature or based on any characteristic or status protected by law which interferes with an employee's ability to perform his or her duties or which creates an offensive working environment.

- Sexual Harassment- Any unwelcome verbal or physical conduct of a sexual nature which interferes with an employee's ability to perform his or her duties or which creates an offensive working environment.
- Possession or use of intoxicating beverages, non-prescribed drugs, or illegal controlled substances at place of work, in City vehicles or while on official duty.
- Reporting for duty under the influence of intoxicating beverages, non-prescribed drugs, or illegal controlled substances.
- Solicitation or acceptance of any gift, gratuity or other form of compensation of any value whatsoever by an employee that is based on any understanding that the performance/non-performance of any duties or responsibilities associated with employment by the City or any official action or judgment of the employee would be influenced by such gift, gratuity or other form of compensation.
- Any other incidents or series of incidents which, when considered on their merit, are equal in gravity to the offenses listed above.

Criminal Conduct

- Any employee arrested for any crime shall notify their supervisor within 24 hours of the arrest or as soon as practical and advise what the charges are and their availability status.
- When an employee is formally charged with criminal conduct which is job related and/or affects the public's trust and confidence in the employee and/or City government, the Department Head, following the procedures set forth in Section 4 of this Article, will render a preliminary determination to either:
 - Allow the employee to continue to perform duties pending the outcome of the departmental investigation and final administrative determination.
 - Reassign the employee to other, less sensitive duties pending the outcome of the departmental investigation and final administrative determination.
 - Suspend the employee without pay pending the outcome of the departmental investigation and final administrative determination.
 - Suspend the employee with pay.

In making the preliminary determination, the following factors will be considered:

- The nature, weight, basis, and character of the criminal charges against the employee.
- Any explanation offered by the employee.
- The extent to which the criminal charges, alleged conduct and surrounding circumstances may affect the public's trust and confidence in the employee and in the City government.
- The extent to which the criminal charges, alleged conduct and surrounding circumstances may affect the employee's ability to carry out their duties and responsibilities effectively.

Following the preliminary determination, the Department Head will conduct a comprehensive investigation to determine what, if any, disciplinary action is appropriate. Although this investigation will be more thorough than the preliminary determination, it is not intended to establish the employee's guilt or innocence of the formal criminal charge. Any disciplinary action taken will consider the same factors used in making the preliminary determination, and will not be dependent upon the legal outcome of the criminal charges.

ARTICLE XXI - GRIEVANCE PROCEDURE

Section 1. Overview

The grievance procedure is established to provide full opportunity for employees to bring to the attention of management the dissatisfaction that the employee feels needs attention or adjustment.

It is the intent and desire of the City to resolve grievances informally and as quickly as possible. Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be some grievances, which will be resolved only by this formalized system.

The submission of a legitimate grievance by an employee shall in no way adversely affect the employee or their employment with the City.

Section 2. Causes of Grievances

An employee may file a grievance to address a serious concern, dissatisfaction, complaint, or alleged wrong. It may also be used to modify or eliminate any disciplinary measures taken against them, such as a letter of reprimand, suspension from work etc.

Section 3. Unacceptable Grievances

The grievance procedure is for an individual employee's use to solve a personal problem relating to the personnel Rules and Regulations of the City. Grievances will not be accepted if led by one employee on behalf of another, or group actions.

Section 4. Grievance Procedure

In order to assure every employee of a method in which they can get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided. Please note, working days are considered Monday through Friday when City Hall is in operation.

1. Step One: The grievant shall, within five (5) working days from the date the employee could reasonably be expected to have knowledge of the existence of the facts constituting the grievance, discuss and explain their complaint or grievance orally with their immediate supervisor, who may call higher level supervision into the discussion in an effort to achieve a prompt satisfactory resolution. The immediate supervisor will decide and notify the employee within five working days after the discussion with the employee.
2. Step Two: If the grievant feels that the matter has not been settled or adjusted to their satisfaction by their immediate supervisor, they may submit the matter in writing to the Department Head within five (5) working days of receiving a response from Step 1. The written grievance must contain the following information:
 - A statement of the dissatisfaction, complaint, or alleged wrong (grievance) and the specific facts upon which it is based. If this involves a specific personnel rule or regulation, such rule or regulation must be identified.
 - The allegation of the specific wrongful act, and the harms done or which will be done.
 - A statement of the resolution or remedy being sought.

The Department Head will schedule a meeting with the employee within ten (10) working days after receiving the grievance. If the matter is not resolved at this meeting, the Department Head shall give their written answer within five (5) working days after the scheduled meeting.

3. Step Three: If the grievance is not resolved to the employee's satisfaction by the decision of the Department Head, they may appeal to the HR Director within ten (10) working days.

The HR Director shall schedule a meeting with the grievant and any other person they deem necessary within five (5) working days. At this meeting the HR Director will obtain the facts and will forward their recommendations for settlement to the City Manager. The City Manager will, within ten (10) working days, have the option to:

Consider the grievance on the basis of the written submission from the HR Director.

- Meet with the employee, accompanied by a representative if the employee so desires, to discuss the grievance.
- Establish an ad hoc grievance committee, in accordance with Subsection E of this Section, to hear the grievance and submit a recommended resolution.
- The City Manager shall communicate a decision in writing to the employee within twenty (20) working days following receipt of the grievance from the HR Director.

Grievance Committee Procedures:

Decisions of the City Manager in this grievance procedure shall be final and binding on the parties without further right to appeal.

Ad Hoc Committee:

- A. The HR Director or their designee shall serve as non-voting chair of the committee.
- B. The City Manager shall select from the current personnel roster two City employees to serve as members of the committee.
- C. One of the voting employees will be a supervisory, professional, or managerial employee from a department other than the department of the grievant.
- D. The other voting employee will be non-supervisory and will be from a department other than the department of the grievant or the other voting members.
- E. The grievant may appoint one City employee from a department other than the department in which they work. All membership of the committee shall be persons who have no personal relationship with any party to the grievance, that is, not related by blood or marriage, business partners, close personal friends, or other relationship or circumstance that would tend to bias the judgment of the committee members for or against any party to the grievance.
- F. There shall be no private one-to-one conversations between individual committee members and any party to the grievance concerning the merits of the grievance at any time during the course of the grievance proceeding.
- G. The Chair shall determine the procedural rules for the ad hoc grievance committee meeting, and may request the City Attorney to serve as legal advisor to the committee.
- H. The grievance committee shall hold a hearing on the grievance, at which all appropriate witnesses and evidence shall be heard as determined by the committee. After the hearing, the committee shall make its recommendation to the City Manager.
- I. The City Manager, after considering the committee's recommendation, shall issue a decision.

Section 5. General Provisions

The time limits of this grievance procedure may be extended by management or the employee, for reasons due to illness, vacation, business trips, or some other emergency situation. Approval of such extension is at the discretion of the HR Director after consulting with the employee and the City Manager. If an extension of time is required, the employee and appropriate management will be notified by HR.

Under the grievance procedure, the employee and management have the opportunity to call witnesses at Step Two and Three.

Any grievance shall be considered settled at the completion of any step unless it is appealed within the limits set forth. Failure to initiate a grievance within the time limit prescribed shall be deemed a waiver of the grievance. Failure at any step to communicate the decision on a grievance within the specified time limit shall permit the employee to proceed to the next step.

On all grievances filed, there shall be an information copy to the HR Director on the date of receipt at all steps.

All grievances, at their conclusion shall be forwarded to the HR Director for coordination and filing. The HR Director will review and analyze all grievances annually to determine patterns, trends, or recurring problems needing attention.

The City will comply with the Police Officer Bill of Rights Act.

All grievances must follow the chain of appeal. At no time shall an employee approach a City Commissioner to resolve a grievance.

An employee who resigns or retires from City employment shall be deemed to have waived the right to initiate or process a grievance.

The right of an employee to grieve applies only to full-time and permanent part-time non-probationary personnel.

Section 6. Management Prerogatives

The following areas of Administration are considered prerogatives of management, and as such, shall not be a subject of the grievance procedure:

- Scheduling and assignment of work and work stations.
- Establishing work standards and quality.
- Size of work force and reorganizations.
- Reductions to work force.
- Appropriations and budgets.
- Scope of work within job classification except when an assignment is clearly determined not to be within the job classification as determined by the HR Director.
- Salary scales and rates of pay falling within officially established ranges.
- The right to discipline.
- The mission of the City.

ARTICLE XXII - SEPARATION FROM CITY SERVICE

Section 1. Resignations

- A resignation is defined as any action whereby an employee voluntarily leaves the employment of the City, with or without giving notice.
- An employee wishing to leave City employment in good standing shall file a written resignation with their Department Head, providing a two-week notice, prior to final separation date. Failure to provide two-week advance notice may be cause for denial of reemployment eligibility, as such is considered resignation without proper notice or authorization. Accrued vacation leave is not paid unless an employee resigns in good standing.
- Absence from work, without proper notice or authorization, for a period of three days or more may be considered by the department as a voluntary resignation/job abandonment.
- Failure to return to work within three days following an authorized leave of absence may be considered by the department as a voluntary resignation.
- Full-time employees who have completed their probationary period and who resign to enter into their initial active military duty for a period of time in excess of six months will be terminated. Reinstatement is provided by law for those who are qualified.

Section 2. Resignation for Military Duty

All individuals who were occupying full-time positions with the City and who resigned their positions to enter military service for a period of time in excess of six months are provided rights under applicable laws afforded veterans, Reservist and National Guard members. (USERRA)

Section 3. Layoff/Recall

- For the purpose of this section, length of service (seniority) means the period of time an employee has been employed in a classification in a department or, when appropriate, the City.
- When for any reason it becomes necessary to reduce the work force of any department, the Department Head shall determine the number and classes of employees to be laid off. Such reduction in the work force must be approved by the City Manager.
- Employees who are laid off are required to contact the HR Director to schedule an exit interview.
- Determining Order of Layoff:
When it becomes necessary to reduce the number of employees within a given class, employees shall be laid off by seniority. The City shall, however, retain the right to lay off out of inverse order when it is necessary in the City's determination, to retain an employee with special knowledge, skill, or ability. It is understood that this determination shall be subject to the grievance procedure.

Determination Process:

- Personnel other than full-time employees who are performing the same work as those performing in the affected department.
- Probationary employees who are performing in the same job classification as those performing in the affected department.
- Full-time employees who are performing the same work as those performing in the affected department.
- Employees shall be laid off without prejudice as layoff is not considered a disciplinary action.
- Employees on layoff, and who are subject to recall, are eligible to apply (bid) on positions which are posted internally. Maintaining an awareness of internal postings is the individual employee's responsibility.
- Employees who are placed on layoff remain entitled to recall to the same position from which they are laid off. This recall will expire after a period of time, which is equal to their seniority, up to a maximum of 12 months.
 - HR will notify laid off employees by certified mail (return receipt) or phone call at their address or phone numbers on file in the HR Department.
 - Employees will be notified by seniority of an opening for their position. They must respond within seven working days of receiving the notice and must report at the time directed. Failure to comply will cause the person to be placed at the bottom of the recall list.

Section 4. Retirement

- Retirement is defined as a separation from employment for voluntary or involuntary reasons. Retirement age, required years of service and benefits are defined by the General Employee, Police, Firefighter pension and City's 401a ordinances. Upon a decision to retire, the employee will give a 30-day written notice if a non-supervisory employee and a 60-day written notice for supervisory and/or managerial employee.
- An employee who does not participate in any of the City sponsored retirement/pension plans is considered retired for the purposes of this policy. If he or she separates from the City, employment retirement requirements are the same or equivalent to those of the General Employee's Pension, Fire, or Police Pension plans, whichever would apply.
- Retirement qualifications for general employees participating in the 401a Defined Contribution Plan are as follows:
 - **Early Retirement for General Employees:**
 - age 55 with at least 10 years of full-time service
 - **Normal Retirement for General Employees**
 - Age 60 with at least 20 years of full-time service
 - Age 65 with at least 10 years of full-time service
 - No age restrictions for 25 years of full-time service
- Retirement qualifications for Police and Fire employees are as follows:
 - **Early Retirement for Police and Fire:**
 - Age 50 with at least 10 years of service
 - **Normal Retirement for Police and Fire**
 - Age 55 with at least 10 years of service
 - No age restrictions for 20 years of full-time service

Section 5. Medical Dismissal or Retirement

- In the event it becomes necessary to terminate the employment of a City employee due to medical inability to perform the job, such termination shall be deemed a medical dismissal or disability retirement.
- The provisions of the Americans with Disabilities Act should be reviewed for any applicability and medical dismissals shall be without prejudice and the employee shall receive payment of leave benefits, if otherwise eligible, as provided elsewhere in these rules.
- Such employees shall be eligible for reemployment as their medical condition permits, meeting job requirements.

Section 6. Dismissal or Discharge

- Full-time employees who have completed their initial probationary period may be terminated for causes considered consistent with the City's disciplinary action procedure. Part-time, temporary, or probationary full-time employees, may be terminated "At Will" and without cause.
- Authority to recommend dismissal of full-time employees shall rest with the Department Head and must be approved by the HR Director and the City Manager.
- Employees discharged for disciplinary reasons will lose all seniority and reinstatement privileges and will not generally be eligible for re-hire.

Section 7. Death

Termination of employment shall be effective as of the date of death. Compensation due the employee as of the effective date of separation in accordance with the City resignation procedures, shall be paid to the beneficiaries, surviving spouse, or to the estate of the employee as determined by law or executed forms in their personnel folder.

Section 8. Return of City Property

At the time of separation and prior to receiving final monies due, all records, City identification card, books, uniforms, keys, tools and other items of City equipment and property in the employee's custody shall be returned to the department. Certification to this effect shall be by the department supervisor. Alternatively, the return of City property can be coordinated through the HR Office. Any money due the City because of any shortages shall be deducted from the employee's final paycheck.

Section 9. Exit Interviews

The HR Director or designee will establish and administer an exit interview for the purpose of determining the reasons an employee has left City employment and to provide for COBRA benefits and any other housekeeping items. An employee who is leaving City Service must contact the HR Office to schedule an exit interview. A copy of the exit interview questionnaire will be placed in the employee's personnel file and a copy sent to the City Manager and Department Head.

ARTICLE XXIII - BENEVOLENT ASSOCIATION

Section 1. Purpose

The purpose is to create an in-house Benevolent Association for the purpose of reserving funding resources that can be used to provide emergency financial assistance to any City employee who meets the criteria set forth in the Benevolent Association Policy.

Section 2. Membership

All employees of the City of DeLand are eligible to voluntarily participate in the Benevolent Association membership. Each member will agree to a bi-weekly donation, paid by a payroll deduction, of a minimum donation amount of \$1.00 each pay period.

Section 3. Executive Committee

The Officers of this Association shall be the Chairman, Secretary, and three members-at-large. The Executive Committee shall have the authority to appoint such committee chairs and members that, in their judgment, may be required.

The Officers of the Association shall be elected by City employee vote and shall hold office for two (2) years, beginning October 1st and ending September 30th. Candidates for office will be chosen by individual interest expressed by an employee. There shall be no more than one member from a department and no more than two members from all City Hall departments.

In the event of a vacancy, the office of Chairman will be filled by an existing Executive Committee member, and will be filled by a vote of the Executive Committee at the time of the vacancy. All other vacancies on the Executive Committee will be eligible for a special election by the City employees.

Section 4. Scope and Authority of Executive Committee

It shall be the duty of the Executive Committee to ensure at least three of the five committee members are present at any meeting where decisions are made which affect Association funds.

The management and control of the City of DeLand Benevolent Association shall be vested in the Executive Committee together with the membership of the Association in accordance with the policy of the Association. The authority of the Executive Committee shall be unlimited. However, by the majority vote of the total membership of the Association, the members may override any decision of the Executive Committee.

Section 5. Creation of Funds

The monies generated by the Benevolent Association donations shall be accounted for in an agency fund of the City of DeLand, known as the Benevolent Fund. All donated funds will be held in the Benevolent Fund to be used only for the purpose of emergency employee assistance as decided by the elected Executive Committee.

Section 6. Benefits

Any City employee, (regardless of their financial participation in the Benevolent Fund) who, from sickness, accident or catastrophic event, is having financial difficulties, may petition the Executive Committee (in writing) for financial assistance. The Executive Committee reserves the right to request documentation to support the request, if necessary. The amount of the financial aid will not exceed \$1000.00 per petition, if there are sufficient funds. Any hardship petitions in excess of \$1,000.00 will be taken before the membership at a special meeting. A petition can also be submitted by a second party on behalf of any City employee needing assistance.

Section 7. Criteria

For the purposes of determining award of funds, the Executive Committee shall use the definition of hardship as being a situation where an employee is confronted with a situation beyond their control, i.e. sickness, accident or catastrophic event, and all other resources such as paid sick leave and insurance coverage have expired. A hardship caused by debt due to poor money management or other preventable situation is not considered an appropriate reason for award Benevolent Association funds.

Section 8. Meetings

Meetings of the Benevolent Association Executive Committee will be called as needed by the Chairman or as soon as a petition for assistance is received. All requests will be reviewed and the involved employee will be notified (in writing) as soon as the Executive Committee makes a final determination.

PURCHASING CARD POLICY

Scope

This policy shall apply to all purchasing transactions utilizing a purchasing card issued by the City of DeLand.

General Overview

What is a Purchasing Card? A Purchasing Card (“P-Card”) is an acceptable alternative method to purchase and pay for goods and services for the City. Cardholders are authorized to deal directly with vendors for purchase of goods and services using a credit card. These purchases are only for official business on behalf of the City. The “P-Card” is a credit card and must be handled with the same care and security as a personal credit card. This policy outlines the procedures and policies governing the issuance, management and use of all Purchasing Cards issued by the City. The City of DeLand’s Purchasing Card Program is designed to streamline the procurement process of small dollar purchases of goods and services. Use of the card by authorized users simplifies the purchase of goods and supplies and allows departments greater flexibility in procuring needed items.

This program will delegate procurement responsibility to the ordering department and allow the cardholder to purchase approved commodities and services directly from the vendor. Use of the purchasing card eliminates the need to enter and process requisitions prior to purchase. The city receives one monthly invoice for all Purchasing Card charges eliminating processing of individual vendor checks.

The City currently issues VISA Purchasing Cards through Bank of America.

The Purchasing Card Program is administered by the Purchasing Card Administrator, who coordinates the issuance, maintenance and cancellation of the P-Cards with the City processor, Bank of America. The Purchasing Card Administrator will monitor the performance of the program. All questions or concerns should be directed to the Purchasing Card Administrator. The procedures provided herein are minimum standards for departments. Departments may establish additional controls if necessary or desired. Final authority for the interpretation of this policy shall rest with the City Manager or Finance Director.

Purpose

The purpose of the Purchasing Card Policy is to establish policies and procedures to control and manage the use of Purchasing Cards assigned to and utilized by City Employees. These policies and procedures are intended to accomplish the following:

- A. To provide a convenient and efficient method of purchasing and paying for goods and services not to exceed \$5,000 per purchase.
- B. To ensure that appropriate internal controls are established so that Purchasing cards are used only for authorized purposes in accordance with the City's policy and procedure.
- C. To provide a convenient method for small purchases, payment consolidation, improved customer service, reduced transaction costs, streamlined process and historical spending information.
- D. To provide prompt payment to vendors.
- E. To enhance productivity and significantly reduce paperwork.
- F. To reduce the time spent by Accounts Payable processing low dollar transactions.
- G. To ensure that the City bears no legal liability for the inappropriate use of Purchasing Cards by City employees.
- H. To provide disciplinary action if the purchasing cards are misused.

Some advantages of the Purchasing Card Program are the various ways that limits and restrictions can be established by the City on the Cardholder. These features allow the City to tailor the Program to fit its needs and to extend purchasing responsibility to more individuals while maintaining and increasing accountability. The policies and procedures provided herein are minimum standards for each department. Departments may establish more stringent control, if necessary, but must inform the Purchasing Card Administrator of these additional controls.

Benefits

There are many benefits to issuing the Purchasing Card for authorized purchases. Some of these benefits include:

A. City of DeLand's Benefits:

- Simplifies the purchasing process for the large number of low dollar purchases, freeing up time for large dollar purchases.
- Identifies other vendor payments that could be made using the Purchasing Card, thereby increasing the potential for additional cash rebates.
- Lowers the overall transaction processing cost per transaction.
- Reporting and Accountability.
- Provides management information on spending and other analytics.

B. Cardholder Benefits:

- Convenience of purchasing without a purchase order for purchases at or below the small dollar threshold.
- Expedites the delivery and receipt of goods or services.
- Expands the list of vendors from whom purchases can be made.

C. Vendor Benefits:

- Expedites payment to the vendor.
- Reduces paperwork.
- Lowers risk of nonpayment.

How It Works

The Purchasing Card Program simplifies the procurement and payment process. Procurement responsibility is delegated to the Department, enabling the Cardholder to place an order directly with the vendor.

When the purchase authorization is requested by the vendor at the point of sale, the VISA Purchasing Card system validates the transaction against preset limits established by the employee's Department and approved by the Purchasing Card Administrator. All transactions are approved or declined (electronically) based on the Purchasing Card authorization criteria established. The authorization criteria may be adjusted periodically as needed and may include, but are not limited to, the following:

- a. Single transaction limit – any one item cannot exceed \$5,000 with the exception of the Accounts Payable Clerk & Ghost Cards.
- b. Transaction limit – purchase of multiple items under one transaction where total cannot exceed \$5,000.
- c. Number of transactions allowed per day (10) – total transactions allowed in one day
- d. Monthly spending limit (varies per Cardholder)
- e. Approved Merchant Category Codes.

The authorization process occurs through the electronic system that supports the purchasing card processing services under the agreement established between the City of DeLand and the financial services provider. Requests for spending limit changes may be requested by the Department Director to the Purchasing Card Administrator when deemed appropriate.

If the Vendor Does Not Accept Credit Cards

There are some vendors that do not accept credit cards. If this happens, there are two options:

- Find another comparable vendor that will accept the Purchasing Card.
- Prepare a requisition, use petty cash, or a check request, as appropriate.

Responsibilities

The following is a summation of the responsibilities of the individuals and organizations involved in the purchase card system:

A. Cardholder Responsibility:

1. Establish a need for a Purchasing Card and obtain Department Head's approval.
2. The Purchasing Card shall be used only in strict conformity with the terms and conditions of the Cardholder Agreement.
3. Hold and secure purchasing card.
4. Purchase or order materials and services within dollar limits and policy guidelines and ensure the quality and delivery of goods. It will be cardholder's responsibility to ensure all purchases are within established budgets and comply with City of DeLand purchasing policy. Cardholders are not required to solicit competitive bids/quotes for low value purchases; however, they should seek the best value for the City and ensure the price paid is reasonable. A copy of the Purchasing Policy can be found on the City of DeLand intranet under Finance Instructions.
5. Ensure that sufficient funds exist to cover items being purchased.
6. Inform vendor of tax-exempt status prior to processing transaction. The cardholder will be responsible for ensuring the City does not pay sales tax on purchases in the State of Florida. If sales tax is assessed, the cardholder is responsible for contacting the vendor for a credit. Every effort should be made to obtain the tax exemption or receive a refund or credit for sales taxes paid. For all unrefunded sales taxes, the cardholder must provide documentation detailing the reason for the sales taxes being charged and the documented unsuccessful attempts to obtain a refund or credit.
7. Collect and save itemized, original sales receipts and forward to the department representative for processing in BSA. Sales receipts for payment are due to department representative immediately after purchase is made.
8. Track phone/online orders and request receipts.
9. Cardholders are responsible for all returns of goods. Returns will be credited to the cardholder's account. **CASH REFUNDS ARE STRICTLY PROHIBITED.**
10. Identify disputed charges as soon as possible and report disputes directly to the Purchasing Card Administrator. Provide Finance with supporting documentation for any dispute.
11. Report lost or stolen cards immediately to the Purchasing Card Administrator (386) 626-7078 as soon as possible. Cardholders will not be responsible for any charges after the card is reported lost or stolen.

B. Department Administrator/Representative Responsibility:

1. Review charges daily.
2. Assist department cardholders with disputed items.
3. Ensure that sufficient funds exist to cover the items being purchased.
4. Assign and/or verify the appropriateness of account numbers.
5. Verify appropriate discount has been deducted by vendor.
6. Update incomplete VISA invoices in BSA for approvals.
7. Attach all charge receipts and necessary documentation to invoices in BSA by the deadlines. Entries must be made timely enough to allow for all departmental electronic approvals by the 3rd of the month so VISA payment can be made to the bank by the 7th.
8. Monitor submitted invoices for electronic approvals from Department Director or Designee to ensure processing deadlines are met.
9. Collect cards from cardholders that transfer employment, notify via email the Purchasing Card Administrator of the transfer and return the card to the Administrator.
10. Notify, via e-mail, the Purchasing Card Administrator when an employee terminates. The purchasing card shall be destroyed as soon as possible after employee termination.

C. Department Director Responsibility or his/her designee:

1. Request purchasing cards for designated employees.
2. Set departmental and cardholder spending limits within established guidelines.
3. Designate department representatives to administer purchasing card system within each department.
4. Review charge receipts and authorize payments by electronically approving VISA invoices.
5. Notify the Purchasing Coordinator of any change affecting the Cardholder.
6. Department Directors or designee must approve transactions of departmental representatives. Departmental representatives cannot approve their own purchases.
7. Coordinate with Human Resources and the Purchasing Card Administrator to collect cards from Cardholders at the end of employment.

D. Purchasing Card Administrator Responsibility:

1. Approve requests for purchasing cards submitted by Department Directors.
2. Coordinate issuance and cancellation of cards.
3. Ensure each cardholder, proxy and transaction approver has attended the initial and ongoing purchasing card training and has completed and signed the Purchasing Card Agreement Form. Forms must be signed annually with a copy on file in the Finance Department.
4. Evaluate Purchasing Card feedback from vendors and Cardholders.
5. Coordinate program policy issues including revisions to the program.
6. Participate in resolving billing disputes.
7. Coordinate and maintain internal controls.
8. Maintain procedures and cardholder guides/manuals.
9. Conduct periodic operational and compliance audits.
10. Import all PCard purchases into accounting software daily.
11. Ensure the banking contract is current and updated when needed.
12. Report to the Finance Director as to the status of the Purchasing Card Program and any irregularities.
13. Keep abreast of developments and new technologies in the commercial credit card industry.
14. Inactivate and destroy cards, when necessary.

E. Accounts Payable Administrator Responsibility:

1. Review all charge receipts and necessary documentation from all department representatives. Ensure correct invoice information is captured electronically in BSA along with correct account coding, documentation, and all data entry fields are complete.
2. Confirm that all charges are authorized by Department Director or his/her designee and all purchases are in conformance with the City's purchasing policy. Review transactions for possible misuse and report any issues to the Assistant Finance Director when they arise.
3. Ensure receipts are not charged sales tax and communicate with cardholder or department representative when needed.
4. Pay any invoice in an amount equal to or greater than \$5,000 authorized by a purchase order as needed.
5. Reconcile consolidated statement and notify department representatives and Assistant Finance Director when receipts are in "incomplete" status in BSA.
6. Initiate payment of all monthly charges from consolidated statement via Wire Transfer in Wells Fargo.
7. Provide invoice training to all new cardholders and refresher training classes as needed.

F. Internal Audit (Finance) Responsibility:

1. Conduct periodic operational and compliance audits.
2. Prepare and send out notification letters of disciplinary actions to cardholders, transaction approvers, and departmental directors for any violations of PCard policy.
3. Maintain documentation on violations and corrective actions taken.

Procedures

A. Assignment and Control of the Purchasing Card

1. Requests for and issuance of purchasing cards
 - a. Purchasing cards will be issued to individual employees who frequently purchase goods/services in single purchase amounts of less than \$5,000. Generally, these will be the employees who, before the Purchasing Card Program, were authorized to make purchases on behalf of the City.
 - b. The purchasing card will have the employee's name, the City's name, the City's tax exemption number embossed on the card, along with the credit card number, the expiration date, and the security code number. The purchasing card issuing company will not have individual cardholder information other than the cardholder's work address. No credit records, social security numbers, or other personal information of the cardholder will be maintained.
 - c. All requests for purchasing cards must be made by the Department Director by using the *Purchasing Card Request/Change Form* which can be found on the City intranet under Finance Forms. The completed form must be forwarded to the Purchasing Card Administrator for review and approval.
 - d. All requests for new cardholders or for changes to current cardholders will be made by completing the top portion of and submitting a Purchasing Card Request/Certification/Receipt form to the Purchasing Card Administrator signed by the Department Director.
 - e. When the Purchasing Card Administrator receives a purchasing card from the issuing card company for a cardholder, the cardholder will be required to personally take receipt of the card and sign the *Purchasing Card Acceptance and Cardholder Agreement*. The Finance Department will provide training and a copy of the *Purchasing Card Procedures Guide* to the cardholder.
 - f. The Purchasing Card Administrator will notify the requesting department and Accounts Payable upon the issuance of all purchasing cards.

2. Lost or Stolen Purchasing Cards

- a. If a purchasing card is lost or stolen, the cardholder or department representative must immediately notify the financial service provider and the Purchasing Card Administrator.
- b. Failure to promptly notify the financial service provider of a lost or stolen Purchasing Card could make the City responsible for any fraudulent use of the card and result in loss of privileges for the Cardholder.
- c. The cardholder is responsible for reporting all information necessary to reduce the liability to the City for a lost or stolen card.

3. Termination or Transfer of Cardholder

- a. When an employee ends employment, the Department Director or his/her representative must notify the Purchasing Card Administrator immediately using the *Purchasing Card Request/Change Form*. The purchasing card shall be destroyed as soon as possible after employee termination.
- b. If the department is unable to collect the purchasing card when an employee terminates, the Department Director must immediately notify the Purchasing Card Administrator. The Purchasing Card Administrator will certify that the card is cancelled. A Cardholder who fraudulently use the Purchasing Card after separation from employment will be subject to legal action.
- c. When an employee transfers to another department, the Department Director or his/her representative must collect the PCard and submit the card to the Purchasing Card Administrator. The new Department Director must submit a new Purchasing Card Request/Change Form to reinstate the card with new permissions for the transferred position.

4. Purchasing Card Inventory

At least annually, the Purchasing Card Administrator will provide to each Department a list of all Purchasing Cards issued to its employees. Departments must conduct a physical inventory of Purchasing Cards and report any discrepancies to the Purchasing Card Administrator.

5. Audits

The Finance Department may perform random operational and/or compliance audits of any Cardholder or Department at any time.

6. Feedback

Cardholder feedback regarding the Purchasing Card Program is important and welcomed. The City needs to know if Cardholders have any issues and or have any suggestions for improvement. Please contact the Purchasing Card Administrator with any issues, concerns or suggestions regarding the Purchasing Card Program.

B. Limitation on Use of Purchasing Cards

1. Cardholder Use Only:

The purchasing card may be used only by the employee whose name is embossed on the card. **NO OTHER PERSON IS AUTHORIZED TO USE THE CARD.** All precautions shall be used to maintain confidentiality of the Cardholder's account number and expiration date of the Purchasing Card. The Cardholder is responsible and accountable for all transactions that occur on the card.

2. City Purchases Only:

- a. The purchasing card is to be used for City-authorized purchases only. The purchasing card cannot be used for any personal use. Any such use will require immediate reimbursement and may result in disciplinary action, if it were found to be intentional.
- b. Likewise, personal credit cards should not be used for official city business. All official City business should be procured through either PCard, city issued check or electronic payment. Business expenses procured using personal credit cards will be eligible for reimbursement through payroll with written approval by the Finance Director.

3. Dollar Limitations:

- a. The Department Director approving the assignment of a purchasing card will set two limits for each cardholder; a single purchase limit and a 30-day limit (or cycle limit). Each time a Cardholder makes a purchase with the Purchasing Card, these limits will be checked automatically by the system, and the authorization request will be declined should the amount exceed the limitations. Request for spending limit changes or additional limitations must be initiated and authorized by the Department Director or designee, subject to approval by the Purchasing Card Administrator.
- b. A purchase may be made of multiple items, but the invoice total cannot exceed \$5,000 or the cardholder's limit if less than \$5,000. Payment for purchases cannot be split to stay within the single purchase limit. This violates the City's Purchasing Policy and is considered an abuse of the Purchasing Card Program which may result in cancellation of the card and/or disciplinary action.
- c. Cardholders may be permitted to make purchases greater than \$5,000, provided these purchases are made with strict adherence to the procedures in the City's Purchasing Policy, and prior approval is received from the Purchasing Card Administrator.

4. Sales Tax Exemption:

- a. The City of DeLand is exempt from paying State of Florida Sales and Use Taxes. Such a tax exemption applies to all in-store, over the phone and internet purchases. The Cardholder is to make this clear to the vendor at the time of purchase, whether it is an over-the-counter purchase, telephone, or internet order. The City's tax-exempt identification number is printed on the face of the Purchasing Card.
- b. Vendors may require a copy of the City's tax-exempt certificate which is available on the City's Finance intranet webpage.
- c. In the event a vendor charges sales tax, the vendor should be contacted by the Cardholder immediately to obtain a credit equal to the amount of the sales tax charged. Upon failure to recoup the sales taxes charged, the Cardholder must provide the Purchasing Card Administrator documentation detailing the reason for the sales taxes being charged and the unsuccessful attempts to recoup the sales taxes charged.
- d. If there is a problem with any merchant regarding sales or any other tax, the Cardholder should contact the Purchasing Card Administrator prior to making any purchases.
- e. Note when traveling outside the State of Florida, purchases are subject to the laws of the state where the purchase is made and may not be exempt from sales tax (e.g., hotel accommodations).

5. Prohibited Uses of Purchasing Cards

- a. Cash advances (including fuel pre-pay)
- b. Capital items (over \$4,999.99 with the exception of the Accounts Payable Clerk)
- c. Any additional goods/services specifically restricted by the city's purchasing policy or the department
- d. Any purchases from a foreign supplier requiring foreign currency
- e. PayPal, Venmo, Zelle or other personal payment platforms without Finance Department's pre-authorization
- f. Personal, Family or Household items
- g. Purchases from vendors which create a conflict of interest

C. Completing Transactions with Vendors

1. Prerequisites for Purchases

- a. Ensure that the goods or services to be purchased have departmental approval and budgeted funds are available.
- b. Determine if the intended purchase is within the Cardholder's Purchasing Card limits.
- c. Inform the vendor (preferably via email) that the purchase will be made using the City's Purchasing Card.
- d. Inform the vendor that the purchase is tax-exempt. Review the receipt before leaving the store or accepting the goods/services, and if taxes were included, request a credit or cancel the purchase.
- e. If using the Purchasing Card for travel expenses, such as registration for conferences or training, transportation, or lodging, approval of those travel expenses is required from the Department Director, Finance Director and City Manager prior to making the purchase. (Please refer to the City's Travel Policy.)

2. Over-The-Counter Purchases

- a. When an over-the-counter purchase is made, the Cardholder must obtain the customer's copy of the charge slip/receipt, which will become part of the reconciliation documentation. An itemized receipt must be provided. If the receipt does not clearly designate the item(s) purchased, a detail listing must be attached.
- b. The charge slip/receipt must be retained by the Cardholder.
- c. All items purchased over-the-counter must be immediately available. Any item ordered, but not available, should not be charged to the City's account until delivery is made to the City, or written confirmation of shipping is received.

3. Telephone/Mail Orders/E-Mail/Internet

- a. When placing a telephone order, the cardholder must confirm that the vendor will charge the purchasing card. The Cardholder should ask the vendor to send an itemized order confirmation/receipt via fax or email and to include the customer's copy of the charge slip with the shipment. These documents will serve as the Cardholder's purchase receipts. Packing slips are not sufficient documentation and will only be permitted in instances where the cardholder documents unsuccessful attempts to obtain a receipt.
- b. Ensure that the vendor understands that charges are not to be billed until the item(s) has been shipped. Florida law prohibits payment to a vendor prior to the receipt of goods or services except in specific and limited circumstances.
- c. If the item is not available, the purchasing card cannot be used for the transaction.
- d. Be sure shipping/handling costs are shown and included in the dollar total.
- e. All items purchased by telephone/mail order/e-mail/internet must be delivered to the City within the 30-day billing cycle. The order should be not be placed without this assurance.
- f. To ensure prompt delivery of items ordered, provide the vendor with the appropriate delivery information – do not use Post Office Box for "Ship To addresses. Request that your name and "Ship to" address be clearly marked on the outside of the package.

4. Documentation

- a. Any time a purchase is made that will be paid using the Purchasing Card, the Cardholder shall obtain a customer copy of the itemized purchasing card receipt, itemized vendor's sales receipt, or detailed invoice. These items are considered required documentation.
- b. All documentation must include the following minimum information:
 - Vendor Name
 - Date of Purchase
 - Description and quantity of each item purchased
 - Per Item Cost, if available from the vendor
 - Total Cost of the Transaction
- c. If the Cardholder is unable to obtain the sales receipt or invoice from the vendor, the Cardholder must attach an explanation statement that includes a description of the item(s), date of purchase, vendor's name and why there is no supporting documentation. Continued incidents of missing documentation may result in the cancellation of the Cardholder's Purchasing Card and/or disciplinary action.
- d. All items purchased over-the-counter must be immediately available. Any items ordered, but not available, should not be charged to the Cardholder's P-Card until delivery is made to the City, or written confirmation of shipping is received.

5. Returning Merchandise

- a. If items purchased with the Purchasing Card are defective, the Cardholder must return the items to the vendor for replacement or credit. If a service paid for with the Purchasing Card is faulty, the Cardholder must notify the vendor and ask for the situation to be corrected or provide a refund. If a charge appears on the daily or monthly statement in error or is incorrectly billed, the Cardholder must first attempt to contact the vendor immediately to obtain correction and/or credit.
- b. The Cardholder is responsible for managing any returns/exchanges and ensuring that proper credit is received for returned merchandise.
- c. Contact the vendor and obtain instructions for return.
- d. The vendor should issue a credit for items returned. This credit will appear on subsequent charge statements. The vendor should issue documentation of the return, such as a credit receipt. All documentation pertaining to returns must be kept on file for reconciliation to the billing statements.

6. Disputes

- a. A dispute occurs when a Cardholder questions a transaction that has been charged to the Cardholder's Purchasing Card.
- b. If a purchase made on the Cardholder's Purchasing Card was an unauthorized purchase, then the transaction must be disputed.
- c. If the vendor refuses to replace, correct or provide a credit for a returned item or faulty service, the purchase must be disputed.
- d. If the quantity of items received is less than the invoice and charge billing, then the transaction must be disputed.
- e. The Cardholder is responsible for handling the dispute initially. The Cardholder should complete the Dispute Form. The form, along with all related communication and documentation, should be sent to the Purchasing Card Administrator. Timely notification is important. Most transactions must be disputed within 60 days of the date of your statement on which the error appeared.
- f. The Purchasing Card Administrator will handle the disputed item with the financial service provider, Bank of America.

7. Rebates, Discounts, Gift Cards/Certificates and Other Incentives
 - a. Any rebates, discounts, gift cards/certificates received from merchants based on purchases made by the Cardholder belong to the City and shall be submitted to the Department Head for official use.
8. Invoice Procedures
 - a. The purchasing card company will provide daily transaction statements for all cardholders to Accounts Payable through a download. Accounts Payable will upload the transactions to the BS&A software. The imported transactions will be routed by the system to the appropriate departments for processing.
 - b. The department administrators will code the transactions and attach all supporting documentation before submitting for appropriate approvals.
9. Review of Purchases by Departments:
 - a. Because of their knowledge of the job responsibilities and requirements, Department Directors or designees are required to review each purchasing card expenditure (item purchased, amount and vendor) to ensure the goods/services were necessary and for official use.
 - b. When the Department Director or designee is not satisfied that the purchase was necessary and for official use, the cardholder must provide either a credit voucher proving the item(s) were returned for credit or reimburse the city for the full price of the purchase. Reimbursements can be authorized by the Finance Director to be deducted from an employee's pay check when necessary.
 - c. Serious or repeated misuse of the purchasing card will result in the revocation of the card. Employees incorrectly using their purchasing card will be disciplined by the Department Director as necessary.
 - d. To help the departments in their reviews, management reports will be available from the Purchasing Card Administrator or Accounts Payable Administrator.

10. Abuse/Violations

- a. Participation in the City of DeLand Purchasing Card Program is a convenience and privilege that carries responsibilities along with it. Although the card is issued in a cardholder's name, it is City property and should be used with good judgement. Improper use of the card can be considered misappropriation of City funds which may result in disciplinary action, up to and including termination. Cardholders are expected to comply with internal control procedures in order to protect City assets. This includes keeping receipts, resolving discrepancies and following proper card security measures.
- b. The Department Director should notify the Purchasing Card Administrator if a cardholder abuses the program or violates the procedures.
- c. The Purchasing Card Administrator will conduct operational and compliance audits to determine if the program is being abused or procedures are being violated.
- d. If an abuse or violation has occurred, the Purchasing Card Administrator should notify the cardholder by using a Purchasing Card Abuse Notification Form.
- e. Misuse of the Purchasing card may result in disciplinary or other appropriate action, including reimbursement to the City. Repeated misuse and violations will result in revocation of Purchasing Card privileges and may result in termination of employment for cause.
- f. Abuse, misuse, and violations include, but are not necessarily limited to the following:
 - (1) Purchase over \$4,999.99 (with the exception of authorized administrative buyers).
 - (2) Purchase of unauthorized or prohibited items or services (See Section 5.5. Prohibited Uses of purchasing cards)
 - (3) Multiple transactions to circumvent purchasing policy.
 - (4) Failure to provide proper documentation, receipts invoices etc.
 - (5) Purchase from vendors, which create a conflict of interest.
 - (6) Personal, family or household charges.
 - (7) Allowing another person, other than the cardholder, to use the card.
 - (8) Failure to report a lost or stolen card in a timely manner.
 - (9) Repeated misuse of purchasing card.

Annual Review

On at least an annual basis, the Finance Department will perform:

1. A review of the Cardholder's employee status and a signed Agreement Form on file (with the exception of Commissioner Cards).
2. A review of the usage of the Purchasing Cards. In the event a Purchasing Card is inactive for a full year, the Purchasing Card shall be cancelled, unless justified. Documentation must be obtained/maintained justifying non-cancellation of an inactive Purchasing Card.

DEFINITIONS

Billing Statement – Monthly record of charges and credits.

Billing Cycle – The monthly billing period that begins the ___ day of each month and ends the ___ day of each month with a 14-day grace period before payment is due.

Business Purpose – A purpose that supports or advances the goals, objectives and mission of the City of DeLand, and is a necessary, reasonable, and appropriate business expense for the City of DeLand. The business purpose is the main intent of the business transaction; it is the reason why the transaction occurred. It includes a statement identifying who benefits from the purchase, what was purchased and why the purchase was necessary.

Cardholder – The City employee to whom authority has been given granting the use of the Purchasing Card to make purchases within preset limits on behalf of the City or a City employee designated as the primary user of a Departmental Purchasing Card issued for making designated business purchases/payments on behalf of the Department.

Cardholder Profile – Parameters that are set for a designated Cardholder that identify the Cardholder, and provide restrictions or spending limitations in the Purchasing Card system.

Cash Advance – Prohibited on the Purchasing Card as well as personal purchases.

Charge Slip/Documentation – Itemized list of individual purchases on receipt.

Credit – Charged amount removed from total owed by the City.

Cycle Limit – A maximum dollar value of charges and/or number of transactions that may be applied to a Cardholder's purchasing authority for the billing cycle (usually one month).

Daily Limit – A maximum dollar value of charges and/or number of transactions that may be applied to a Cardholder's purchasing authority per day.

Delivery Address – Complete address including the Cardholder's name and location (where applicable).

Dispute – When a Cardholder questions a transaction that is incorrectly posted to his/her account, is missing or incorrect, or when items are purchased and found defective or faulty.

Monthly Limit – A maximum dollar value of charges and/or number of transactions that may be applied to a Cardholder's purchasing authority during a month.

Official Use – Purchase of necessary merchandise or services for the City's use.

Purchasing Card (P-Card) – A credit card that is used as an alternative payment method.

Purchasing Card Administrator – The individual who is responsible for the City's Purchasing Card Program. The Purchasing Card Administrator is the City's Purchasing Coordinator (or Finance Director in his/her absence).

Receipt – A detailed invoice or other document produced by the provider of the goods or services that shows each item purchased. Credit card receipts or restaurant check stubs that do not include details of items purchased do not meet the definition of a receipt and are not sufficient to document an expenditure of funds.

Reconciliation – Balancing charge slips with actual charges on the credit card statement.

Services – Non-personal temporary work.

Single Purchase Limit – A maximum dollar value of charges a single transaction may be applied to a Cardholder's authority.

Small Purchases – An acquisition of goods or services in the amount of less than \$5,000.

Split Transactions – Transactions split into smaller amounts in order to avoid dollar limits placed on Purchasing Cards by the Cardholder or a purchase divided among several Cardholders or a purchase split over several days.

Statement – Monthly record of charges and credits on a Purchasing Card.

Supervisor – The individual who supervises a Cardholder and who has been delegated the responsibility for reviewing transactions to ensure the appropriateness of activity and timely processing of charges and/or credits.

Tax Exemption – All purchases shall be exempt from Florida state sales and use taxes, in accordance with State law.

City of DeLand Purchasing Card Program

Quick Reference

Program Administration



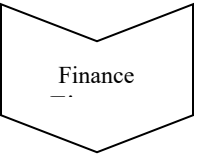
Department
Director

- Submits purchasing card requests to setup new accounts, makes changes to existing accounts, close/suspend accounts, set spending limits.
- Monitors, reviews and approves transaction activity regularly
- Ensures Cardholders and Department Administrators/Representatives attend training.



Purchasing Card
Administrator

- Maintains policies and cardholder guides, manuals and forms.
- Receives request for Cardholder setup and changes from Department Directors.
- Coordinates issuance and cancellation of cards with issuing bank.
- Maintains control of accounts using issuing bank's web portal.
- Participates in resolving vendor disputes
- Addresses possible misuse situations.
- Conducts Purchasing Card training.



Finance

- Conducts period operational and compliance audits.

Transaction Workflow

Cardholder

- Ensure sufficient budget is available to support the purchase.
- Process material and/or service within dollar limit & policy guidelines.
- Collects, signs and forwards original sales receipts to Department Administrator/Representative for timely processing and recording in the BS&A system.

Department
Administrator

- Collects receipts from Cardholder.
- Assigns account lines to each credit card transaction.
- Enters transaction information and documentation into the BS&A system and begins approval process.

Dept. Director

- Review charge receipts and authorize payments by electronically approving transactions in the BS&A software.

AP
Administrator

- Review approved transactions, ensuring proper invoice documentation, correct account coding and compliance with purchasing policies in the BS&A software
- Reconcile monthly consolidated statement with transactions entered into the BS&A system.
- Pay all monthly charges from consolidated statement via Wire Transfer in Wells Fargo.

ARTICLE XXV – TRAVEL POLICY

TRAVEL POLICY

It is the policy of the City of DeLand (City) to pay for all reasonable and necessary expenses associated with travel and transportation resulting from an employee's, elected official's or other City authorized person's attendance at any meeting, seminar, conference or convention, which has been properly approved as having a demonstrated benefit to the City.

This Manual is a controlling policy document for City of DeLand (the "City") as a Florida municipal government and contains the travel policy rules and regulations and was adopted by means of a resolution approved by the City Commission.

Objective

This policy establishes procedures for a uniform method of approval, payment and accounting for expenses incurred when employees travel in conjunction with an approved training opportunity or other business-related travel for the City, ensures that City funds are being expended in a prudent and reasonable manner, and allows the City to maintain an accountable expense reimbursement plan under IRS rules and regulations.

The intent of this policy is to significantly support the financial obligation for the Traveler, however, it does not intend to provide fully for all costs that are incurred during travel. Allowances are not intended to be employee compensation or an employee benefit program.

Introduction

This policy applies to all Travelers, and is intended to establish uniform procedures by which Travelers shall report and be reimbursed for expenses incurred in connection with authorized travel on behalf of the City. This policy provides for economical and efficient travel in order to derive the greatest benefit for the trip at the most effective cost. It does not allow Travelers to be financially enriched as a result of travel nor be required to utilize their own funds as a result of City travel. Travelers are responsible for exercising good judgement in requesting, arranging and fulfilling a travel request to mitigate costs to the City.

Definitions

Appointed Officials – The City Manager and City Clerk.

Conference – Includes any conference, convention, seminar, course or similar assemblage of people to accomplish intensive research, study, and discussion or work on governmental issues. Conference does not mean the coming together of City personnel.

Elected Officials – The Mayor and City Commissioners.

Employee – An individual who contributes time and service to the City for wages or salaries and has recognized rights and duties.

Expense Report – Summary report of actual travel expenses incurred with supporting receipts and documentation that is prepared by the Traveler

Extended Travel – Additional time beyond (before and/or after) the specific dates necessary to conduct City business, and may be requested by the traveler for convenience in arriving to or departing from destination point, or determined by significantly lower transportation costs.

GSA – General Services Administration.

Receipt – A detailed invoice or other document produced by the provider of the goods or services that shows each item purchased. Credit cards receipts, hotels receipts or restaurant check stubs that do not include details of items purchased or services rendered do not meet the definition of a receipt and not sufficient to document an expenditure of funds.

Reimbursement – Payment to or on the behalf of the Traveler for all approved travel related expenses incurred.

Travel Costs – Expenses generated while engaged in City business related activities away from the regular work place(s) and include, but are not limited to the following: registration fees, transportation, etc.

Travel Request – Summary report of estimated costs to be incurred for travel with required approvals in advance of travel costs incurred and actual travel taking place.

Traveler – Elected official, appointed official, employee, advisory board member, volunteer and anyone else who is authorized to travel on official City business.

Scope and Applicability

Travel expenses shall be limited to those expenses necessarily incurred in the performance of a public purpose authorized by law to be performed by the City of DeLand and must be within limitations described herein and in Chapter 112.06, Florida Statutes.

This policy applies to all travel as defined herein for any purpose and for which reimbursement will be claimed by officials, employees and authorized persons of the City of DeLand as follows:

All such persons are eligible to travel in the conduct of City business or attend meetings, conferences, conventions, and training sessions for the benefit of the City, at City expense, pursuant to proper authorization prescribed herein.

Employees, who travel for the purpose of obtaining certifications required for continued employment with the City is an allowable expense.

Candidates for employment with the City, who are eligible for reimbursement of travel expenses for interviews under the Personnel Policy, must receive prior approval for travel and will be reimbursed in accordance with this policy.

Consultant travel which is not covered with the scope of the consultant's contract and which is billed separately to the City on a cost reimbursement basis must receive prior approval and will be reimbursed in accordance with this policy.

Members of volunteer boards and committees who travel in the performance of the City's official duties must receive prior approval and will be reimbursed in accordance with this policy.

Under no circumstances will an employee be reimbursed for travel expenses incurred for the purpose of taking merit system or job replacement examinations for the purpose of applying for jobs, whether written or oral.

Any exceptions or unusual circumstances not provided for in this policy must be documented and will be subject to review and approval by the City manager or his/her designee.

Procedure

Types of Authorized Travel:

The following are the types of authorized travel:

Class A Travel – Continuous travel of twenty-four (24) hours or more away from the City. The travel day for Class A travel shall be a calendar day (midnight to midnight). Class A travel shall include any assignments on official business outside the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved (FS 112.061 (5) (a)) as provided in this policy.

Class B Travel – Continuous travel of less than twenty-four (24) hours which involves overnight absences from the City. The travel day for Class B travel shall begin at the same time as the travel period. Class B travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved (FS 112.061 (5) (a)) as provide in the policy.

Class C Travel – Travel for short or day trips where the traveler is not away from the City overnight. Class C travel can receive subsistence as provided in this policy. Class C travel will receive allowance for meals as provided in this policy.

Local Millage – Travel of less than twenty-four (24) hours in which the traveler is not away from the City overnight, and which involves the use of a privately-owned vehicle or a City vehicle for official business within Volusia County and surrounding counties and for which no meal reimbursements are claimed.

Travel Authorization:

Travel will be authorized for official City business purposes only. All travel will be conducted pursuant to authorized annual budget allocations. Prior to incurring any Class A, Class B or Class C travel expense for which reimbursement is requested, a Travel Request form must be approved and authorized in advance by the appropriate authorities. Travel Request forms should be submitted at least 30 days in advance unless there are documented conditions prohibiting that. If a registration, hotel, airfare, etc. must be made before all the required approvals, the Traveler must attach documentation of the Finance Director's approval of the prepayment, obtained by sending a memo/email to the Finance Director documenting the reason for the prepayment. A complete copy of all available brochures, programs and/or itineraries describing the purpose of the travel (e.g. conference brochure) must be submitted with each Travel Request. If a complete program and/or itinerary is not available at the time the Travel Request is submitted, a copy must be provided with the Expense Report.

Authority for approval of Class A, Class B and Class travel is designated as follows:

Elected Officials:

Travel of the Mayor or individual City Commissioners shall be budgeted for in the City Commission budget and shall be approved in advance, whenever possible, by the City Manager.

Appointed Officials:

Travel of the City Manager and City Clerk shall be approved in advance by the Mayor, or the Vice-Mayor in the absence of the Mayor.

Department Heads:

Travel of Department Heads shall be approved in advance by the Finance Director and City Manager.

Employees:

Employees' travel must be approved by their immediate supervisor and Department Head. If the total training/travel cost is estimated to be \$500 or more, or involves out of state travel, the Finance Director's approval is required in advance of committing City funds. If the total training/travel cost is estimated to be \$1,000 or more, or involves out of state travel, the City Manager's approval is required in advance of committing City funds.

Candidates for Employment in an Executive or Professional Position:

Travel for candidates for employment in an executive or professional position must be approved in advance by their respective Department Head, Finance Director and City Manager.

Other Authorized Persons:

Consultants and contractors, traveling on a cost reimbursement basis, must have their travel authorized in advance by the Department Head from whose budget the travel expenses will be paid, the Finance Director and the City Manager.

Volunteers and other authorized persons not previously described in this section, traveling for the purpose of performing official duties of the City, must have their travel authorized in advance by the Department Head from whose budget the travel expenses will be paid, the Finance Director and the City Manager.

Fully authorized travel request forms must have all required approval signatures as defined in this travel policy. In the absence of the immediate supervisor, Department Head, Finance Director and/or City Manager, the Travel Request form may be approved by their respective designees. Failure to follow proper travel policies may result in the denial of requested travel. Repeat offenders of travel policy may lose travel privileges in addition to other disciplinary actions.

Signatures on the Travel Request Form should be obtained in the following order:

Traveler, Immediate Supervisor, Department Head (if different from immediate supervisor), Finance Director, then City Manager.

The following guidelines should be used when approving request for travel:

Funds are available in the budget.

A determination is made that a public purpose is achieved in taking the trip.

The number of persons traveling is the minimum number required to accomplish the purpose of the trip.

The method of travel (e.g., air, vehicle, etc.) is specified and the routing and other arrangements are the most economical available and result in the shortest time away or the lowest overall cost consistent with the distance to be traveled and the purpose of the trip.

Travel Payment:

An authorized City Purchasing Card is the required method of payment for all travel associated expenses (except meals) incurred by officials or employees conducting City business, unless authorization is given by the City Manager or his/her designee for alternative method of payment to be utilized.

Certain items, such as airline tickets, lodging, car rental or registration fees, must be prepaid with a City Purchasing Card upon approval of the Travel Request form.

The City will make a City Purchasing Card available to Travelers, if they do not already have one by nature of their City position, to be used for the sole purpose of covering allowable expenses incurred while traveling on City business. The City's Purchasing Coordinator shall be the custodian of the City's Purchasing Cards.

Travelers using these cards must retain and submit expenditure receipts for all items that are charged to the card. An Expense Report, along with all receipts, must be approved by the Department Head and submitted to Finance within 14 days of the completed travel. Receipts and/or requests for reimbursement must document the expenses and explain the business purpose (who, what, when, where & why) for the expense(s). Any charges where valid receipts are not submitted and/or are not eligible for reimbursement may be disallowed and the Traveler may be obligated to repay the City. Money due from the Traveler can either be paid to the City or deducted from the Traveler's next paycheck.

Time Compensation:

One-day attendance at lectures, meetings, training programs and similar activities – Travelers will be compensated for hours worked on regular working days during normal working hours. The time spent traveling to and returning from the event will not be considered as time worked outside of normal working hours. The regular lunch period is not counted.

Overnight travel – Travelers will be compensated for hours worked on regular working days during regular working hours and the corresponding hours on nonworking days. The regular lunch period time is not counted. Time spent traveling outside of normal work hours as a passenger on an airplane, train, boat, bus or automobile will not be considered as work time.

Reimbursement Eligibility and Requirements:

All reimbursements claimed under this policy must be for City business purpose and for the direct benefit of the City. Examples of a direct benefit to the City include advancement of the economic and financial welfare of the City through continuing professional education, new technological and management training, or representing the interests of the City at board and/or committee meetings of an organization in which the employee was authorized to hold an office or represent the City.

Employees whose travel expense is to be reimbursed by an outside agency must indicate on the related Travel Request and initiate a billing to the agency upon return to work. Collection is the responsibility of the Traveler. Travelers must follow the City of DeLand travel policy regardless of the source of funding. Payment by an outside agency or vendor must comply with the City's ethics policy and not be a conflict of interest or have the appearance of a conflict of interest.

If a federal, state or local grant is funding the travel and those specific agency guidelines are more restrictive than the City's travel policy, the federal, state or local funding agency guidelines must be used.

The City desires to ensure the City's benefit is realized by establishing reimbursement requirements should an employee separate from the City. Subject to the determination of the Department Head, reimbursement may be required for expenses covered under this policy that exceed \$1,500 per travel or training event. The operating Department Head may request the employee to sign a reimbursement agreement and attach the signed agreement to the Travel Request form. If a signed agreement is not included when the Department Head approves the Travel Request form, the presumption is that the signed agreement is not required.

Reimbursement will not be required if an employee travels for the benefit and/or prestige of the City (e.g. employee present a City initiative at a professional conference or the travel is related to conducting City business).

If an employee is required to sign a reimbursement agreement, it shall stipulate that should the employee leave City service, the employee will reimburse the City for their travel expenses incurred in the twelve (12) months preceding their separation date. The amount of reimbursement required is the total actual cost incurred reduced by 1/12th for each full calendar month from the date of travel to the date of separation. Each travel reimbursement shall be considered a separate and distinct event; should an employee have multiple travel reimbursement agreements, the amount the City is to be reimbursed will be calculated separately for each event.

Reimbursement Guidelines:

The following guidelines are established and will be the basis upon which reimbursement of expenses will be approved. Receipts for these expenses must be attached to the Expense Report. Receipts for registration, airfare and lodging are always required.

Registration Fees:

The City shall pay for pre-authorized costs of basic conference, seminar, meeting or similar type event (Event) registration fees along with fees for pre-sessions, post-sessions, and other Event activities that are clearly a function of the Event. Recreation and social activities (e.g. dinners outside of the conference, golf outings, fishing trips, concerts, etc.) will not be reimbursed.

Additional registration fees for functions associated with an Event (i.e. dinners, receptions) where a City business purpose is met, or the Traveler is expected to attend due to the nature of their position, may be reimbursed. The business purpose of this type of expense must be documented.

Fees for non-City travelers (e.g., family members) to participate in activities are not reimbursable.

A copy of the Event registration form and agenda/itinerary must be attached to the Travel Request form.

Transportation:

No specific mode of transportation is required; however, travelers are expected to use the most economical and direct means available with reasonable consideration given to the time and distance involved. When traveling by an indirect route for their own convenience, any extra costs will be borne by the traveler; and reimbursement for expenses will be based only on the charges that would be incurred by a usually traveled route (FS 112.061 (7) (a)).

When planning travel the Department Head should designate the most economical method of travel. The following considerations should be given for all trips or travel: 1) The nature of the official business; 2) The most efficient and economical means of travel (considering time of the traveler, cost of transportation, and per diem or subsistence required); and 3) The number of travelers making the trip and the amount of equipment or material to be transported.

Airfare:

Prior to airfare being booked, travel must be approved and registration processed. The traveler shall always consider making airline reservations as far in advance as possible. The City will pay the cost of the most economical class (e.g. coach) airfare. Premium cost for first class, business class or premium seats will not be reimbursed. Such travel may balance additional night's stay with reduced airfare. Extended travel (e.g. early departures and late arrivals) are allowable if approved and if the traveler provides justification that the extra costs incurred (i.e. meals and lodging) do not exceed the savings realized by extending their travel. Baggage fees will be allowed for one checked bag per full leg of air travel. The City will not reimburse for overages due to weight or size restrictions or additional baggage unless circumstances dictate and approval is obtained in advance on the Travel Request form. Seat selection will be reimbursed if reasonable and within the lowest fare class. Travel insurance may be allowed based on documentation showing just cause.

An estimated cost and passenger itinerary must be attached to the Travel Request and approved prior to purchase. Airfare should be purchased with a City Purchasing Card. A valid receipt and passenger itinerary must be attached to the Expense Report.

Costs associated with frequent flyer memberships, passenger screening programs, or other such costs where the benefit is strictly for the Traveler will not be reimbursed through the travel request process.

Reimbursement for use of personal vehicles for travel to and from the departure venue (i.e. airport, train station, etc.) will be one round trip. Mileage paid from either the Traveler's normal place of work or the Traveler's normal residence, whichever is closer to the departure venue.

If a Traveler parks at the airport, the City will reimburse for costs incurred, up to the current long-term daily rate in effect. Detailed receipts must be submitted with the Expense Report.

The Traveler is expected to utilize the least expensive means of transportation from the airport to the hotel, etc. Shuttles and shared rides are preferred. Detailed receipts must be provided for this expense with Expense Report. Credit card statements are not acceptable as receipts for the purpose of reimbursement.

City Vehicle:

When traveling by vehicle, a City vehicle should be used in lieu of the use of a personal vehicle, whenever possible. Travelers are to utilize a City vehicle for travel as follows:

Use a City vehicle already permanently assigned to them; or

Use a City vehicle purchased for travel; or

Make arrangements to use a City vehicle available from another department for travel; or

Any auto-related expenses (e.g. fuel) must be documented through the submission of valid detailed receipts. If an emergency repair of a City vehicle is required, the Traveler should contact Fleet for instructions.

Personal Vehicle:

Use of a personal vehicle for travel is authorized when approved on the Travel Request form. A traveler using his/her privately owned vehicle would be reimbursed at the most current U.S. General Services Administration's (GSA's) Privately Owned Vehicle (POV) Mileage Reimbursement Rate based on "If Government-furnished automobile is available" in effect on the date(s) of travel. The Travel Request form must indicate the traveler's itinerary and must show the official business mileage. The City will accept common travel planners such as Google Maps, Yahoo! And MapQuest driving directions as documentation of actual mileage. Any deviations from the most direct route (i.e. shortest distance) will not be reimbursed unless a business purpose of the deviation is documented and approved in advance.

Mileage will be based on the distance from the Traveler's normal place of work or from their normal residence, whichever is closer, to their final destination. Vicinity mileage, such as travel between the hotel and conference or other official City business, is allowable if the distance is more than 0.5 miles (10 minute walk), provided there is no free shuttle service available. The City authorizes one roundtrip to and from the hotel to the conference daily.

The mileage reimbursement includes all operating expenses such as gas, oil, insurance, repairs, etc. Road, bridge and tunnel toll charges will be reimbursed with valid receipts furnished with the Expense Report. When more than one Traveler is attending the same Event, they are encouraged, when possible, to carpool. When two or more Travelers are traveling in one personal vehicle, the Traveler supplying the vehicle shall receive the mileage reimbursement.

Ground Transportation:

When travel is by common carrier, reasonable taxi/bus/shuttle fares will be allowed for necessary transportation to a hotel (or conference site) and return. Fares for transportation obtained by using ride-hailing apps such as Uber or Lyft are allowable at the base level (not upgrades such as Uber Black). After arrival at the destination, necessary fares for traveling between hotel and conference/meeting will be allowed if the distance is more than 0.5 miles (10 minute walk).

Reimbursable fares will be made only when the nature of the service is stated and validated detailed receipts are provided. Tips are reimbursable if reasonable and do not exceed 20%.

Rental Cars:

Use of a rental car may be approved if:

It is required by the nature of the task or travel requirements, and

It will provide less cost to the City, compared to other types of transportation, and

The Traveler has personal automobile insurance and has a valid driver's license.

Documentation, submitted with the Travel Request form, should include justification including the cost savings. All rental cars must be pre-approved on the Travel Request form and paid for on a City Purchasing Card. If a rental car is required, the most economical (least expensive) car commensurate with the task or number of passengers should be rented. The Traveler is expected to obtain the best rental rate, after making comparisons. Finance will maintain information on State of Florida Contract Rates.

Lodging:

Actual expenses for lodging pre-authorized on the travel request form and substantiated by detailed receipts, will be reimbursed at the single occupancy rate. A single room with private bath in a business class hotel/motel is the city's standard. Additional cost of suite or luxury accommodations will not be reimbursed except in those situations where lodging is occupied by more than one traveler resulting in a lower overall expense to the City. When seminars or conferences provide a variety of lodgings that can be used, Travelers should choose the most economical for reservations. The City will reimburse for the least expensive room at a conference hotel. If the Traveler wishes to find a convenient nearby location, local transportation and parking must be a consideration but will be reimbursed if there is a net savings to the City.

For travel to a location where there is not a hotel associated with the event, lodging choices should be based on economic efficiency, safety and proximity to the event.

If a Traveler cannot arrive at the conference or the start of the formal meetings by leaving the morning of opening day, overnight lodging expenses are allowed. If a Traveler can leave home/work by 8:00 AM and arrive at the conference/meeting prior to the start, overnight lodging expenses will not be allowed.

Travelers will not be reimbursed for any lodgings included in a convention or conference registration fee paid by the City. Likewise, Travelers will not be reimbursed for lodgings paid for by any person or organization. All lodging should be placed on a City Purchasing Card. When traveling in the State of Florida, the Traveler must bring a copy of the City's Sales Tax Certificate of Exemption, which can be downloaded from the Finance intranet site or requested from Finance before departure, to give to the hotel so that Florida sales taxes will not be charged. In the event that the hotel does charge sales tax in error, the Traveler shall contact the hotel for the City to receive a credit for any sales taxes charged. Documentation of failed effort to receive refund for charged sales tax must be included with the final Expense Report.

When a Traveler travels outside the State of Florida, taxes charged will be reimbursed.

Meals and Incidental Expenses:

While on travel, the City shall provide a per diem payment for meals and incidentals according to the U.S General Services Administration (GSA) rates, published on the federal government's website. The GSA provides differential rates depending upon the location of travel. This approach recognizes the cost differential between various counties, cities and states. Such payment is inclusive of all meals, drinks, tips, snacks, laundry, dry cleaning, housekeeping, porter service, etc.

Under no circumstances may a Traveler be reimbursed for any meal included in the convention, conference or seminar registration fees paid by the City. A continental breakfast provided as part of the convention/conference/seminar registration fee is considered breakfast and may not be claimed for reimbursement. An evening reception or other function that serves only hors d'oeuvres are not considered dinner and may be claimed for reimbursement. However, should the convention/conference/seminar registration fee include the provision of any lunches or dinners, these meals may not be claimed for reimbursement. If the Traveler elects to eat elsewhere, the meal will be at the Traveler's expense. When a meal is provided by a hotel, airline, other common carrier, or as part of a program/event, the traveler is not allowed to claim the meal for reimbursement.

The allowance for meals shall be based on the following schedule:

Breakfast – When travel begins before 6 a.m. and extends beyond 8 a.m.

Lunch – When travel begins before 12 noon and extends beyond 2 p.m.

Dinner – When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

Incidentals are not paid unless overnight stay is required.

A City Purchasing Card may not be used to purchase meals when traveling.

Other Expenses:

The following charges may be reimbursed with receipts and proper documentation:

Hotel/Conference Parking

The City will reimburse reasonable and necessary parking at a hotel/conference with the submission of a valid receipt. Travelers are encouraged to use the most economical means of parking. Valet parking will not be reimbursed if another reasonable self-parking alternative is available.

Telephone and Fax:

Only the cost of business calls and faxes with a stated City business purpose are reimbursable. "Collect" calls to City offices are acceptable when required.

Conference/Seminar Materials:

Business related materials (manuals, DVD's, publications, etc.) purchased for and becoming the property of the City may be reimbursed with prior approval of the Department Head.

Non-Reimbursable Expenses:

In addition to those items previously mentioned in this policy, the City specifically will not reimburse Traveler for the following expenses:

Alcohol or tobacco;

In-room movies;

Hotel/motel safes;

Costs associated with family members traveling with the Traveler;

Costs associated with traveling early or staying late for personal reasons not related to City business;

Personal telephone calls or faxes;

Traffic or parking tickets or fines;

Items of a personal nature.

Fraudulent Claims:

Every claim submitted shall be substantiated by receipts and shall contain a statement that declares that the expenses set forth herein represent actual and necessary travel related expenses that have been or will be incurred during the performance of official duties; and that this declaration is true and correct as to every material matter. Any person who willfully makes any such claim which they do not believe to be true and correct, or who aids or assists in, or procures, or advises the preparation of a false claim shall be personally liable in the amount of the fraudulent payment to the public fund from where the payment was made. Additionally, following an investigation, any individual found to have filed a fraudulent claim for travel reimbursement may be terminated and law enforcement may be contacted to file a criminal report.

Cancellation of Travel:

In the event that a Traveler must cancel plans to attend an approved trip, the following guidelines will apply: In the event travel cannot be taken, all reservations must either be cancelled or, if possible, made available for use by another City employee. It is solely the responsibility of the traveler to cancel any reservations made for the trip and document the reason for the cancellation with the approving authority. When a reservation is cancelled, all credits must be returned to the City. Credits cannot be used for personal travel. If the cancellation is not at the discretion of the Traveler (weather conditions do not permit travel, travel authorizations is rescinded due to office workload requirements, etc.), the travel expenses/reservations not refunded to the City will not be due to the City by the Traveler. If the cancellation is at the discretion of the Traveler, the Traveler must provide documentation explaining the circumstances/reason for review. The City Manager will be the deciding authority in determining whether reimbursement of funds is due from the Traveler.

Fiscal Year Overlap:

Travel that occurs in the next fiscal year can be approved in the in the current fiscal year, however, costs incurred will be placed in prepaid accounts and will expended in the fiscal year in which the travel actually occurs.

APPENDICIES

[APPENDIX A](#)..... 117

[APPENDIX B](#)..... 123

[APPENDIX C](#)..... 124

[APPENDIX D](#)..... 126

APPENDIX A

Section 1. Career Progression for Administrative & Technical Positions

New Career Progressions will become effective October 1st, 2022 pending budget approval. City Manager reserves the right to make budgetary changes and amendments to this plan. Promotion program is subject to change at any time based on budgetary constraints.

To be promoted, employees must have demonstrated an increased performance progression of responsibilities and skills which are reflected in a satisfactory evaluation, have completed and possess any required course work, certifications and/or licenses and must be recommended by management. However, *all promotions are dependent on budget approval.*

It is the duty and responsibility of the Department Head to track the career progression of each employee. The Department Head will need to submit a Personnel Request Form during the budget process. Career progression promotions will be effective the next fiscal year after eligibility of promotion pending budget approval.

If an employee at a Level II or higher in their position leaves employment with the City for any reason, the vacancy will be advertised as a Level I and the new hire will be able to progress in the position as other City employees. "An employee, who has completed their initial probationary period or is serving a probationary period as a result of a position change or promotion, may not be returned to their prior position and status if that position is filled or no longer vacant" (Article VI, Section 7, B).

Airport Operations Technician – Airport

- Airport Operations Technician I
- Airport Operations Technician II (Airport Operations Technician I may be promoted after minimum of two (2) years of service as Airport Operations Technician I and the above-mentioned conditions)
- Airport Operations Technician III (Airport Operations Technician II may be promoted after minimum of three (3) years of service as Airport Operations Technician II and the above-mentioned conditions)

Administrative Assistant – City Wide

- Administrative Assistant I
- Administrative Assistant II (Administrative Assistant I may be promoted after minimum of two (2) years of service as Administrative Assistant I and the above-mentioned conditions)
- Administrative Assistant III (Administrative Assistant II may be promoted after minimum three (3) years as Administrative Assistant II, satisfactory performance evaluation, budget approval and management recommendation)

Arborist Technician – Public Works

- Arborist Technician I
- Arborist Technician II (Arborist Technician I may be promoted after minimum of two (2) years of service as Arborist Technician I, possession of a CDL Class B license and the above-mentioned conditions)
- Arborist Technician III (Arborist Technician II may be promoted after minimum of three (3) years as Arborist Technician II, possession of a CDL Class B license and the above-mentioned conditions)

Civilian Evidence/Crime Scene Technician – Police Department

- Civilian Evidence/Crime Scene Technician I
- Civilian Evidence/Crime Scene Technician II (Civilian Evidence Technician I may be promoted after minimum of two (2) years of service as Civilian Evidence Technician I, and the above-mentioned conditions)
- Civilian Evidence/Crime Scene Technician III (Civilian Evidence Technician II may be promoted after minimum of three (3) years as a Civilian Evidence Technician II and the above-mentioned conditions)

Code Enforcement Officer – Community Development

- Code Enforcement Officer I
- Code Enforcement Officer II (Code Enforcement Officer I may be promoted after minimum of two (2) years of service as Code Enforcement Officer I and the above-mentioned conditions)
- Code Enforcement Officer III (Code Enforcement Officer II may be promoted after minimum of three (3) years of service as Code Enforcement Officer II and the above-mentioned conditions)

Customer Service Representative (CSR) – Utility Billing

- CSR I
- CSR II (CSR I may be promoted after minimum of two (2) years of service as CSR I and the above-mentioned conditions)
- CSR III (CSR II may be promoted after minimum of three (3) years as a CSR II and the above-mentioned conditions)

Customer Service (CS) Support Specialist – Utility Billing

- CS Support Specialist I
- CS Support Specialist II (CS Support Specialist I may be promoted after minimum of two (2) years of service as CS Support Specialist I and the above-mentioned conditions)
- CS Support Specialist III (CS Support Specialist II may be promoted after minimum of three (3) years as a CS Support Specialist II and the above-mentioned conditions)

Document Imaging Specialist – City Clerk

- Document Imaging Specialist I
- Document Imaging Specialist II (Document Imaging Specialist I may be promoted after minimum of two (2) years of service as Document Imaging Specialist I and the above-mentioned conditions)
- Document Imaging Specialist III (Document Imaging Specialist II may be promoted after minimum of three (3) years of service as Document Imaging Specialist II and the above-mentioned conditions)

Equipment Mechanic – Fleet Maintenance

- Equipment Mechanic I
- Equipment Mechanic II (Equipment Mechanic I may be promoted after minimum of two (2) years as Equipment Mechanic I, possession of a CDL Class A license and the above-mentioned conditions)
- Equipment Mechanic III (Equipment Mechanic II may be promoted after minimum of three (3) years as Equipment Mechanic II, possession of a CDL Class A license and the above-mentioned conditions)

Equipment Operator – Public Works

- Equipment Operator I
- Equipment Operator II (Equipment Operator I may be promoted after minimum of two (2) years of service as Equipment Operator I, possession of a CDL Class A license and the above-mentioned conditions)
- Equipment Operator III (Equipment Operator II may be promoted after minimum of three (3) years of service as Equipment Operator II, possession of a CDL Class A license and the above-mentioned conditions)

Foreman – City Wide

- Foreman I
- Foreman II (Foreman I may be promoted after minimum of two (2) years as Foreman I, with possession of required certifications and/or licenses and the above-mentioned conditions)

Irrigation Technician – Urban/Parks and Recreation

- Irrigation Technician I
- Irrigation Technician II (Irrigation Technician I may be promoted after minimum of two (2) years as Irrigation Technician I and the above-mentioned conditions)
- Irrigation Technician III (Irrigation Technician II may be promoted after minimum of three (3) years as Irrigation Technician II and the above-mentioned conditions)

Maintenance Construction Tech – Construction Maintenance, Parks & Recreation

- Maintenance Construction Tech I
- Maintenance Construction Tech II (Maintenance Construction Tech I may be promoted after minimum of two (2) years as Maintenance Construction Tech I and the above-mentioned conditions)
- Maintenance Construction Tech III (Maintenance Construction Tech II may be promoted after minimum of three (3) years as Maintenance Construction Tech II and the above-mentioned conditions)

Maintenance Worker – City Wide

- Maintenance Worker I
- Maintenance Worker II (Maintenance Worker I may be promoted after minimum of two (2) years of service as Maintenance Worker I and the above-mentioned conditions)
- Maintenance Worker III (Maintenance Worker II may be promoted after minimum of three (3) years as Maintenance Worker II and the above-mentioned conditions)

Permit Clerk – Building

- Permit Clerk I
- Permit Clerk II (Permitting Clerk I may be promoted after two (2) years as Permit Clerk I and the above-mentioned conditions)
- Permit Clerk III (Permit Clerk II may be promoted after minimum of three (3) years as Permit Clerk II and the above-mentioned conditions)

Planning – Community Development

- Planning Technician
- Planner I (Planning Technician may be promoted after minimum of two (2) years as Planning Technician and the above-mentioned conditions.)
- Planner II (Planner I may be promoted after a minimum of three (3) years as Planner I and the above-mentioned conditions)

Police Records Clerk – Police Department

- Police Records Clerk I
- Police Records Clerk II (Police Records Clerk I may be promoted after minimum of two (2) years as Police Records Clerk I and the above-mentioned conditions)
- Police Records Clerk III (Police Records Clerk II may be promoted after minimum of three (3) years as Police Records Clerk II and the above-mentioned conditions)

Sign Maintenance Technician – Streets

- Sign Maintenance Technician I
- Sign Maintenance Technician II (Sign Maintenance Technician I may be promoted after minimum of two (2) years as Sign Maintenance Technician I and the above-mentioned conditions)
- Sign Maintenance Technician III (Sign Maintenance Technician II may be promoted after minimum of three (3) years as Sign Maintenance Technician II and the above-mentioned conditions)

Storm Water Technician – Public Works

- Storm Water Technician I
- Storm Water Technician II (Storm Water Technician I may be promoted after a minimum of two (2) years as a Storm Water Technician I and the above-mentioned conditions)
- Storm Water Technician III (Storm Water Technician II may be promoted after a minimum of three (3) years as a Storm Water Technician II and the above-mentioned conditions)

Utility Billing Specialist – Utility Billing

- UB Specialist I
- UB Specialist II (Utility Billing Specialist I may be promoted after minimum of two (2) years as Utility Billing Specialist I and the above-mentioned conditions)
- UB Specialist III (Utility Billing Specialist II may be promoted after minimum of three (3) years as Utility Billing Specialist II and the above-mentioned conditions)

Utilities Pay Plan Jobs

Utility Collections Tech

- Utility Collections Tech I
- Utility Collections Tech II (Utility Tech I may be promoted after minimum of two (2) years as Utility Tech I and the above-mentioned conditions)
- Utility Collections Tech III (Utility Tech II may be promoted after minimum of three (3) year as Utility Tech II and the above-mentioned conditions)

Utility Distribution Tech

- Utility Distribution Tech I
- Utility Distribution Tech II (Utility Tech I may be promoted after minimum of two (2) years as Utility Tech I and the above-mentioned conditions)
- Utility Distribution Tech III (Utility Tech II may be promoted after minimum of three (3) year as Utility Tech II and the above-mentioned conditions)

Utility Plant Tech

- Utility Plant Tech I
- Utility Plant Tech II (Utility Tech I may be promoted after minimum of two (2) years as Utility Tech I and the above-mentioned conditions)
- Utility Plant Tech III (Utility Tech II may be promoted after minimum of three (3) year as Utility Tech II and the above-mentioned conditions)

Utility Plant Operator – Wastewater Treatment, Water Production

- Utility Plant Operator C (Utility Plant Operator C may be promoted to a Senior Utility Plant Operator C after minimum of five (5) years as Utility Plant Operator C and the above-mentioned conditions)
- Utility Plant Operator B (Utility Plant Operator B may be promoted to a Senior Utility Plant Operator B after minimum of five (5) years as Utility Plant Operator B and the above-mentioned conditions)
- Utility Plant Operator A (Utility Plant Operator A may be promoted to a Senior Utility Plant Operator A after minimum of five (5) years as Utility Plant Operator A and with completion and possession of required course work/certifications and the above-mentioned conditions)

All other positions in Utilities require three (3) years in the position to be promoted and with completion and possession of required coursework/certifications and the above-mentioned conditions.

Fire & Police

Certified Fire Fighters

Promotions are dependent on organizational needs and requirements, promotional boards, and budget approval.

Sworn Law Enforcement

Promotions are dependent on organizational needs and requirements, promotional boards, and budget approval.

APPENDIX B

Section 1. Vacation Accrual Rates

Vacation Accrual Hours Per Pay Period	0-10 YRS	11 YRS	12 YRS	13 YRS	14 YRS	15 YRS	16 YRS	17 YRS	18 YRS	19 YRS	20+ YRS
General Employees hired before October 1 st , 2008	3.08	3.38	3.69	4.00	4.31	4.62	4.92	5.23	5.54	5.85	6.15
General Employees hired after October 1 st , 2008	3.08	3.38	3.69	4.00	4.31	4.62	4.62	4.62	4.62	4.62	4.62

Police Department Sworn Personnel on 12 hour shifts and Fire Department Personnel on 24-hour shifts will accrue vacation leave at the rate outlined within their respective Collective Bargaining Agreement.

Section 2. Sick Leave Accrual Rates

Sick Leave Accrual	Hours Per Pay Period
General Employees hired before October 1 st , 2008	3.69
General Employees hired after October 1 st , 2008	3.08

General employees hired before October 1st, 2008 have no sick leave maximum. General employees hired after October 1st, 2008 have a 600-hour sick leave maximum.

Police Department Sworn Personnel on 12-hour shifts and Fire Department Personnel on 24-hour shifts will accrue sick leave at the rate outlined within their respective Collective Bargaining Agreement.

APPENDIX C

Section 1. Certification Pay

Employees who have selected specialty skills or hold specialty positions within the City of DeLand shall be compensated according to the latest Police and Fire Collective Bargaining Agreement. Employees who complete City-paid certifications/licensure training will be required to work for a minimum of 1 year with the City. Failure to work for 1 year, the City will seek reimbursement of training costs.

The following certifications will be authorized with the approval of the department head, reviewed by the HR Director and approval by the City Manager:

- Foreign Language approved by HR Director
- Commercial Driver's License Master Trainer
- Public Works:
 - Florida Public Works Institute
 - FEMA (NIMS) Certifications
 - CPWP-M (Certified Public Works Professional-Management)
 - CSM (Certified Stormwater Manager)
 - Stormwater Operator Level 1 or 2
 - Certified Stormwater Inspector
 - Registered Environmental Manager
 - FOG
 - Signs and Markings Level 1 or 2
 - MOT (TTC) Advanced
 - ISSA Pavement Preservation Certification
 - ASE Certifications
 - ISA Certified Arborist
 - CTSP Certified Tree care Safety Professional
 - TRAQ Tree Risk Assessment Qualification
 - EHAP Electrical Hazard Awareness Program
 - Pesticide Certifications
 - Irrigation
 - CPO Certified Pool and Spa Operator
 - Prometric (Irrigation license)
 - FOG Management 1
- Utilities:
 - SCDA
 - Backflow Certification
 - Ground Penetrating Radar
 - QUES Van Certification
 - Distribution Class 1, 2 or 3
 - Water Plant Operator Class A, B or C
 - Collections Class A, B or C
 - Wastewater Plant Operator Class A, B or C
 - Reclaim Tech A, B or C
 - Reclaim Water Field Site Inspector A, B or C
 - Industrial Pretreatment A, B or C
 - Fog 1 or 2

- Building Inspectors/Officials/Permit Technicians/Zoning Technicians/Zoning/Inspector/Code Enforcement
- Parks and Recreation
 - Ornamental and Turf Applicator's License
 - Certified Playground Inspector License

General Employees can receive a maximum compensation of 2 (two) certifications

(Note: Fire and Police Department specialty pay is subject to CBA)

The HR Department in conjunction with the Department Heads will be the responsible agency for providing this testing and certification program. The program will require annual recertification of all qualified employees and failure to recertify will decrease the employees pay.

The City Manager will establish the priority of the need for which departments to have and the number of specialty skilled employees with the City of DeLand.

Employees eligible to receive an increase under this program must submit a request to their Department Head, who will then forward their approval to the HR Director with the attached certification. Employees who do not maintain their certification will have the increase reversed.

Academic/Educational Degrees:

Public Safety employees (Police Officers and Fire Fighters) under the provision of Florida Statutes Section 943.22 (Police) and Florida Statutes Section 633.382 (Fire) provide for additional compensation for educational/professional development. Police Officers and Fire Fighters are eligible to receive salary incentive pay if they have earned educational degrees.

- Associates Degree: Police officers and Fire fighters \$55.00 per month
- Bachelor's Degree: Police officers and Fire fighters \$135.00 per month

*****City Manager reserves the right to suspend, modify or amend this policy based on budgetary needs*****

APPENDIX D

Section 1. Retirement Recognition Check Program

Fire Department personnel hired on or after October 1, 2008 shall not participate in the City's Retirement Recognition Check program upon retirement.

Police Department Sworn Officers hired on or after October 1, 2008 shall not participate in the City's Retirement Recognition Check program upon retirement.

ADMINISTRATIVE POLICIES

<u>Drug and Alcohol-Free Workplace Policy</u>	128
<u>Drug and Alcohol-Free Workplace Policy Employee Agreement</u>	132
<u>Drug Testing by Position</u>	133
<u>Nepotism Policy</u>	153
<u>IT Policies</u>	157
<u>Cell Phone Policy/Allowance</u>	171
<u>Text Messaging Directive</u>	173
<u>Data Breach Incident Response</u>	174
<u>Purchase of Safety Footwear</u>	176
<u>Vehicle Policy</u>	178
<u>City Issued Property</u>	179
<u>Improper Use of City Equipment and Violation of Public Trust</u>	180
<u>Mandatory Recycling Program</u>	181
<u>Scrap Material Disposal</u>	182
<u>Lactation Breaks Policy</u>	183
<u>Gender Identity</u>	185
<u>Office Décor and Dress Code Policy</u>	186
<u>Employee Recognitions</u>	189
<u>Utility Department Shift Differential</u>	193

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

- It is the City's requirement that employees present themselves for duty, free of the influence of drugs, controlled substances, and/or alcohol as defined by Section 893.02 & 893.03, Florida Statutes, and Section 440.102, Florida Statutes as amended from time to time. Substance abuse by City employees constitutes a clear and present danger to the employee, fellow employees, and the public. The use, sale, or possession of drugs and/or alcohol in the workplace will negatively affect the City's efficiency in providing service and is a safety risk to its citizens and can have an adverse impact on how the public perceives the City and its employees.

This policy applies to all City employees and applicants.

- Employees and applicants for employment and volunteer opportunities should be aware that the City's current policies concerning the use of drugs and alcohol have not altered with the passage of Amendment 2. As this Amendment states, "Nothing in this section shall permit the operation of any vehicle, aircraft, train or boat while under the influence of marijuana." Florida Constitution Article X Section 29 (c)(4). As it further states, "Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place." Florida Constitution Article X Section 29 (c)(6). In addition, marijuana, whether it is used medically or recreationally, is a prohibited drug in Schedule I of Title 21 United States Code (USC) Controlled Substances Act; therefore, it is a violation of City policy for any employee to use marijuana.
- The use, consumption, possession, distribution, manufacture, or being under the influence of drugs and/or alcohol by employees while on the job, performing official duties for the City or on City property is strictly prohibited. This includes prescription drugs that induce an unsafe mental or physical state. City property includes, but is not limited to, buildings, parking lots, vehicles, break rooms and locker rooms.
 1. The use, consumption, possession, distribution, manufacture or sale of drugs and/or controlled substances whether on or off duty, is strictly prohibited as it may negatively influence on the job performance and erode the confidence of the public in the City's ability to provide services and meet its obligations.
 2. If an employee has knowledge of the use and/or presence of drugs and/or alcohol in the workplace, he/she should immediately report this information to his/her manager, supervisor or to the City's Human Resources Department. Reports, complaints and investigations will be kept confidential to the extent possible.
 3. Improper use of prescription drugs is prohibited and will result in disciplinary action up to and including termination for a first-time offense. The use of prescription drugs not prescribed to the employee is deemed improper use. Prescriptions must be clearly labeled and kept in its original container if the medication is taken during work hours or on City property.
- Police and/or Fire personnel who are acting under the scope of their employment are permitted to possess drugs and/or other controlled substances as governed by applicable department policies, procedures, regulations, directives, General Orders and/or statutory mandates.

- All job applicants selected for hire and returning employees whose position requires a mandatory test (urinalysis) to detect the presence of drugs and/or controlled substance will be completed within a timely manner, after the prospective employee has been advised of selection. The selection process will not be complete until the test has been administered and the results are known. Job applicants who test positive for drugs will be considered unfit to perform the duties of the job that the applicant seeks and will not be recommended for hire by the City for 12 months.
- Any employee who is involved in or contributed to an accident or mishap which caused injury to persons or damage to property will be required to submit to a drug and/or alcohol screen. Any employee who tests positive for drugs and/or alcohol after a work-related injury may be denied benefits under the Florida Workers' Compensation Laws (ref. Sections 440.09 and 440.102, Florida Statutes). CDL Drivers will follow the testing procedures as stated in the U.S. Department of Transportation Administration Controlled Substance Testing, 49 CFR part 382, U.S. Department of Transportation Drug Testing Procedures, 49 CFR part 40.
- If the City supervisor has reasonable suspicion to believe any City employee is impaired from having drugs and/or alcohol in their system, the City may require that employee to undergo drug and/or alcohol screening. A reasonable suspicion drug testing means testing based on a belief that an employee is using or has used drugs and/or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. A supervisor, manager and/or Department Head may suspect that an employee is using or under the influence of drugs and/or alcohol by observing certain symptoms or behavior, including but not limited to:
 1. Observable phenomena while at work, such as direct observation of drug/alcohol use or of the physical symptoms or manifestations of being under the influence of drug(s)/alcohol;
 2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 3. A report of drug/alcohol use, provided by a reliable and credible source;
 4. Evidence that an individual has tampered with a drug/alcohol test during his/her employment with the City;
 5. Information that the individual has caused, contributed to, or been involved in an accident while at work;
 6. Evidence that an individual has used, possessed, sold, solicited, or transferred drugs/alcohol while working or while on the City's premises or while operating a City vehicle, machinery or equipment.
- When feasible, the reasonable suspicion conduct should be witnessed by at least two (2) supervisors, managers, Department Heads and/or City officials. If two (2) witnesses are not feasible under the circumstances, only one (1) supervisor, manager and/or Department Head need witness the conduct to make the reasonable suspicion determination. Documentation of the grounds for reasonable suspicion to require a drug and/or alcohol test must be made and signed by the witness(es) within twenty-four (24) hours of the observed behavior or before the results of the test are released, whichever is later. When a supervisor, manager, Department Head or City official believes a reasonable suspicion exists, they must complete the Reasonable Suspicion Documentation and Checklist and report his/her findings and observations to the Department Head, Human Resources Director and/or the City Manager.
- The employee will be directed to provide a urine or blood sample for drug and/or alcohol testing upon approval by the City Manager, Assistant City Manager, Human Resources Director or their designee. The cost of such test shall be the City's responsibility.

- The City will ensure that all employees designated to make reasonable suspicion determinations receive at least 60 minutes of training on alcohol misuse and at least an additional 60 minutes of training on controlled substances use. The training will cover the physical, behavioral, speech and performance indicators of alcohol misuse and drug abuse. The supervisor, manager and/or Department Head, making the observation must have received training in the identification of the use of drugs or alcohol.
- The City's Human Resources Director will be notified of the results who will in turn notify the City Manager of the test results. The written results of the test will be kept and preserved as confidentially as is possible under Florida law.
- No supervisor, manager, Department Head and/or City official having actual knowledge that an employee has used drugs and/or alcohol or has tested positive for alcohol and/or controlled substances shall permit the employee to operate a City vehicle or piece of equipment. The supervisor, manager and/or Department Head have a duty and obligation to proceed with Reasonable Suspicion Documentation if any employee falls under reasonable suspicion of violating the drug and alcohol policy.
- All test samples will be collected at a designated facility as arranged through the City's Human Resources Department and in compliance with Section 440.102, Florida Statutes. An appropriate chain of custody will be established and maintained to ensure the accuracy of test results.
- Employees and job applicants who are required to submit to a test for the presence of drugs and/or alcohol shall sign authorization releasing all test results and records to the City. Any employee who refuses to sign such authorization, or who refuses to submit to alcohol or drug testing in accordance with this rule, is subject to discipline up to and including termination from employment for a first-time offense. Any job applicant who refuses to sign such authorization is ineligible for hire with the City.
- While awaiting the results of a urine/blood test, the employee will be immediately removed from active duty and may be placed on annual leave, sick time, or leave with or without pay. Leave will be converted to paid leave if the final test results are negative.
- In testing for the presence of alcohol, a generally accepted blood test procedure that provides quantitative results showing the amount of alcohol present in the blood will be utilized. The threshold level for a determination that someone is under the influence of alcohol shall be when their alcohol concentration measures .02 or higher.
- In testing for the presence of drugs and/or controlled substance, the following procedures shall be followed:
 1. The employee or job applicant shall be required to provide two (2) urine samples at the time of collection. Samples shall be given under the supervision of the testing laboratory or medical facility.
 2. The first of the samples shall be submitted to an immunochemical assay or radioimmunoassay test. If the results of this test are negative, no further testing will be conducted.
 3. If the results of the initial test are positive, the sample will be submitted for further testing using the gas chromatography, mass spectrometry (GC/MS) method to verify the initial test results.

4. If the results of the second test are positive, the City shall notify the employee or job applicant of the results. At that time, the employee or job applicant may elect to have the second sample subjected to testing in accordance with the requirements specified in Section 440.102, Florida Statutes. If the tests on the second sample are positive, or if the employee or job applicant does not request testing of the second sample, the City may take corrective and/or rehabilitative action as provided below, including disciplinary action up to and including termination from employment for a first-time offense or ineligibility for hire for a job applicant.
 5. If the results of the second test are negative, the second test shall prevail, and no further testing will be conducted.
 6. The employee or job applicant subject to testing shall be provided with a form to fill out in advance of the testing if they wish to inform the Medical Review Officer of their use of prescription and/or nonprescription medications. Any employee or job applicant who receives a positive confirmed test result may opt to contest or confidentially explain the result to the Medical Review Officer within five (5) working days after receiving written notification of the test result. If, thereafter, the Medical Review Officer continues to report a positive result to the City, the employee or job applicant retains all rights to contest the drug test result pursuant to law or rules adopted by the Agency for Health Care Administration.
- All employees and job applicants have the right to consult with the City's Medical Review Officer for technical information regarding prescription and nonprescription medication.
 - Any employee found to have used, consumed, possessed, distributed, manufactured, or been under the influence of drugs and/or alcohol while on duty will have violated this policy and be subject to disciplinary action up to and including termination from employment for a first-time offense.
 - Any employee who feels a need for drug or alcohol treatment may request and will receive treatment through the City's Employee Assistance Program (EAP) or a City-approved drug rehabilitation program. Those who voluntarily come forward before being requested to go for a mandatory drug or alcohol screening will be permitted to continue employment with the City, so long as they enroll in and successfully complete a City-approved treatment program. All City employees may contact the City's Human Resources Department to obtain names, addresses and telephone numbers of City-approved local drug rehabilitation programs.
 - Those employees who successfully complete a course of treatment or rehabilitation will be subject to unannounced testing for alcohol and drugs for a period of one-year following completion of the treatment/rehabilitation program. The testing procedures and process will be the same as stated above in this policy. A test result indicating the presence of drugs and/or alcohol during this period will result in disciplinary action up to and including termination from employment.
 - It is the duty and responsibility of any City employee or job applicant to notify all testing laboratories of any administrative or civil action brought by them pursuant to Section 440.102, Florida Statutes.
 - Any employee or job applicant who is arrested, charged with, pleads nolo contendere or guilty, and/or convicted of a crime involving alcohol and/or drugs is required to notify the City's Human Resources Department as soon as possible but no later than seventy-two (72) hours after such arrest, charge, plea or conviction.

DRUG AND ALCOHOL-FREE WORKPLACE POLICY EMPLOYEE AGREEMENT

Illegal drug use and the abuse of alcohol is a danger to us all. They impair safety and health, promote crime, lower productivity and quality of work and undermine public confidence in the work and services we provide. The City will not tolerate illegal drug and/or alcohol use in any City workplace and/or vehicle.

Effective immediately, any location at which City business is conducted is declared to be a drug and alcohol-free workplace. This means:

- It is a condition of City employment that all employees refrain from reporting to work or working with the presence of drugs and/or alcohol in his/her body.
- All employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace. The Human Resources (HR) Department can provide a complete list and explanation of controlled substances.
- Any employee who is arrested, charged with, pleads nolo contendere or guilty, and/or convicted of a crime involving alcohol or drugs is required to notify the HR Department as soon as possible but no later than seventy-two (72) hours after such arrest, charge or conviction.
- All new employees will be provided a copy of this memorandum and are responsible to read and know it.
- All employees may be tested for drugs and/or alcohol under reasonable suspicion.
- All CDL drivers will be subject to random drug and alcohol testing in accordance with state and federal rules and regulations.
- Training will be conducted on the dangers of substance abuse and how to recognize it in the workplace.
- Any injured employee who refuses a City request to a test for drugs and/or alcohol forfeits eligibility for medical and indemnity benefits.
- Any employee violating the above policy is subject to discipline, up to and including termination, for the first offense. It is a condition of employment that employees abide by this policy.
- Any employee who refuses a City request under this policy to submit to a test for drugs and/or alcohol is subject to discipline, up to and including termination from employment for a first offense.

Please refer any questions on the above policy to your supervisor or the HR Department.

AS A CONDITION OF EMPLOYMENT WITH THE CITY OF DELAND, I HEREBY ACKNOWLEDGE THAT I HAVE READ THE ABOVE CITY POLICY AND AGREE TO ABIDE BY THIS POLICY IN ALL RESPECTS.

EMPLOYEE'S SIGNATURE

DATE

WITNESS

DATE

CITY OF DELAND DRUG TESTING BY POSITION

Per Florida Statue 440.102 1(o), “mandatory-testing position” means, with respect to a public employer, a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

Therefore, all positions held in the Police and Fire Departments will be drug tested. Positions that will operate heavy or dangerous machinery and/or require a valid state of Florida driver license or commercial driver license (CDL) will be drug tested. All CDL holders will be subject to random drug and alcohol testing in accordance with state and federal rules and regulations. All employees can be tested for drugs and/or alcohol under reasonable suspicion.

This list is not to be comprehensive as positions may be added, deleted and/or titles changed.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Accounting Manager	NO	NO	
Accounts Payable Administrator	NO	NO	
Accounts Receivable Administrator	NO	NO	
Administrative Assistant I, II, III	NO*	NO	*Positions located in Police and Fire Departments will be drug tested as they work closely with an employee who carries a firearm, work with confidential information or documents pertaining to criminal investigations.
Administrative Coordinator	NO*	NO	*Positions located in Police and Fire Departments will be drug tested as they work closely with an employee who carries a firearm, work with confidential information or documents pertaining to criminal investigations.
Airport Manager	YES	NO	Valid Florida driver license required; a momentary lapse in judgment could result in injury or death to another person.
Animal Care Kennel Assistant	YES	NO	Valid Florida driver license required; works closely with police officers or may work with confidential information or documents pertaining to criminal investigations.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Animal Control Officer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works closely with police officers or may work with confidential information or documents pertaining to criminal investigations.
Animal Service Administrator	YES	NO	Valid Florida driver license required; works closely with police officers or may work with confidential information or documents pertaining to criminal investigations.
Arborist Technician I, II III	YES	YES	Valid Florida CDL required; performs maintenance and repairs during emergency situations or as needed. A momentary lapse in judgment could result in injury or death to another person.
Assistant Chemist I, II, III	YES	NO	Valid Florida driver license required; regularly uses laboratory equipment; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Assistant Chief Water Plant Operator	YES	NO	Valid Florida driver license required; required to make immediate decisions; performs maintenance and repairs during emergency situations or as needed. A momentary lapse in judgment could result in injury or death to another person.
Assistant Chief Water Plant Superintendent I, II, III	YES	NO	Valid Florida driver's license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Assistant Chief Wastewater Plant Operator	YES	NO	Valid Florida driver license required; required to make immediate decisions; performs maintenance and repairs during emergency situations or as needed. A momentary lapse in judgment could result in injury or death to another person.
Assistant Chief Wastewater Plant Superintendent I, II, III	YES	NO	Valid Florida driver's license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Assistant City Manager	YES	YES	May act as City Leader and has to enforce and abide by Drug Free Workplace Policy.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Assistant Finance Director	NO	NO	
Assistant Parks Superintendent	YES	YES	Valid Florida CDL required; perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, a momentary lapse in judgment could result in injury or death to another person.
Athletic Sports Coordinator	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Budget Manager	NO	NO	
Building Inspector Entry Level, I, II, III	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works on construction sites; a momentary lapse in judgment could result in injury or death to another person.
Cashier/Customer Service Rep I, II, III	NO	NO	
Chief Accountant / Payroll Manager	NO	NO	
Chief Building Official	YES	NO	Valid Florida driver license required; regularly drives City vehicles; inspects and works on construction sites; a momentary lapse in judgment could result in injury or death to another person.
Chief Chemist I, II, III	YES	NO	Valid Florida driver license required; regularly uses laboratory equipment; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Chisholm Center Director	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Chisholm Center Supervisor	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
City Clerk-Auditor	NO	NO	

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
City Engineer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works on and inspects construction sites; a momentary lapse in judgment could result in injury or death to another person.
City Forester	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment; a momentary lapse in judgment could result in injury or death to another person.
City Manager	YES	YES	As City Leader has to enforce and abide by Drug Free Workplace Policy.
Civilian Evidence Supervisor	YES	NO	Valid Florida driver license required; work closely with an employee who carries a firearm; work with confidential information or documents pertaining to criminal investigations; work with controlled substances.
Civilian Evidence Technician	YES	NO	Valid Florida driver license required; works closely with police officers and handles evidence and/or controlled substances; work with confidential information or documents pertaining to criminal investigations.
Civilian Investigative Specialist	YES	NO	Valid Florida driver license required; work closely with an employee who carries a firearm; work with confidential information or documents pertaining to criminal investigations; work with controlled substances.
Code Enforcement Officer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; performs field inspections; a momentary lapse in judgment could result in injury or death to another person.
Community Development Coordinator	NO	NO	
Community Development Director	YES	NO	Valid Florida driver license required; regularly drives City vehicles; a momentary lapse in judgment could result in injury or death to another person.
Community Information Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Community Information Specialist	YES	NO	Valid Florida driver license required; regularly drives City vehicles; a momentary lapse in judgment could result in injury or death to another person.
Community Service Aide	YES	NO	Valid Florida driver license required; works closely with police officers.
Cross Connection Foreman I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Customer Service Manager	YES	NO	As City Department Head has to enforce and abide by Drug Free Workplace Policy.
Customer Service Support Specialist	NO	NO	
Deputy Building Official	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works on construction sites; a momentary lapse in judgment could result in injury or death to another person.
Deputy City Clerk	NO	NO	
Deputy Parks & Recreation Director	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with hazardous material; a momentary lapse in judgment could result in injury or death to another person.
Deputy Police Chief	YES	NO	Valid Florida driver license required; carries a firearm and is required to work with confidential information or documents pertaining to criminal investigations; a momentary lapse in judgment could result in injury or death to another person.
Deputy Utilities Director	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works on and inspects construction sites; a momentary lapse in judgment could result in injury or death to another person.
Detective	YES	NO	Valid Florida driver license required; carries a firearm and is required to work with confidential information or documents pertaining to criminal investigations; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Digital Evidence Custodian	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Director of Public Services	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Document Imaging Specialist	NO	NO	
Driver/Engineer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Economic Development Coordinator	YES	NO	
Economic Development Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; a momentary lapse in judgment could result in injury or death to another person.
Engineering Construction Inspector	YES	NO	Valid Florida driver license required; regularly drives City vehicles; inspects construction sites; a momentary lapse in judgment could result in injury or death to another person.
Engineering Contract Designer	YES	NO	
Engineering Designer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; inspects construction sites; a momentary lapse in judgment could result in injury or death to another person.
Engineering Technician	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works on construction sites; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Environmental Compliance Coordinator	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Environmental Compliance Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Equipment Mechanic I	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Equipment Mechanic II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Equipment Operator I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Evidence/Property Clerk	YES	NO	Valid Florida driver license required; regularly drives City vehicles; work closely with an employee who carries a firearm, work with confidential information or documents pertaining to criminal investigations.
Executive Assistant to City Manager	NO	NO	
Facilities Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with various tools and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Finance Director	YES	NO	As City Department Head has to enforce and abide by Drug Free Workplace Policy.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Fire Battalion Chief	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Fire Chief	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Fire Division Chief	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Fire Inspector	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Fire Marshal	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Firefighter/EMT	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; perform life-threatening procedures; a momentary lapse in judgment could result in injury or death to another person.
Fleet Maintenance Foreman	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Fleet Maintenance Superintendent	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Foreman I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
GIS Coordinator	YES	NO	Works as an inspector on a construction site; a momentary lapse in judgment could result in injury or death to another person.
GIS Technician	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works during emergency situations where a momentary lapse in judgment could result in injury or death to another person.
Human Resources Administrator	YES	NO	May act as City Department Head has to enforce and abide by Drug Free Workplace Policy.
Human Resources Director	YES	YES	As City Department Head has to enforce and abide by Drug Free Workplace Policy.
Human Resources/Worker's Compensation/Pension Administrator	NO	NO	
Information Technology Director	YES	NO	As City Department Head has to enforce and abide by Drug Free Workplace Policy.
IT Programmer/Analyst	NO	NO	
IT Specialist	NO	NO	
IT Systems Administrator	NO	NO	
Instrumental Control Electrical Supervisor I	YES	CDL Holder YES	Valid Florida driver license required; Valid Florida CDL preferred; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Instrumental Control Electrical Supervisor II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Irrigation Technician	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Journeyman Electrician	YES	CDL Holder YES	Valid Florida driver license required; Valid Florida CDL preferred; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Laboratory Tech I, II, III	YES	NO	Valid Florida driver license required; regularly uses laboratory equipment; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Land Development Manager	No	NO	
Lead Meter Technician	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with various tools; a momentary lapse in judgment could result in injury or death to another person.
Lead Worker	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Lifeguard	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Maintenance Repair Worker I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Maintenance Worker I	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Maintenance Worker II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Marketing/Special Event Coordinator	NO	NO	
Master Electrician	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with mechanical equipment in hazardous situations; a momentary lapse in judgment could result in injury or death to another person.
Meter and Backflow Lead Worker I, II, III	YES	NO	Valid Florida driver license required; Valid Florida CDL preferred; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Office Administrator	NO	NO	*Positions located in Police and Fire Departments will be drug tested as they work closely with an employee who carries a firearm, work with confidential information or documents pertaining to criminal investigations.
Paralegal	NO	NO	
Park Ranger	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Parking Enforcement Officer	YES	NO	Valid Florida driver license required; works closely with carries a firearm; a momentary lapse in judgment could result in injury or death to another person.
Parks & Recreation Director	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Parks & Recreation Program Technician	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Parks and Recreation Superintendent	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Parks Maintenance Foreman	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works around children; a momentary lapse in judgment could result in injury or death to another person.
Permit Clerk I, II, III	NO	NO	
Permit Team Leader	NO	NO	
Permit Team Supervisor	NO	NO	
Permitting Analyst	NO	NO	
Planning Director	YES	NO	Valid Florida driver license required; As City Department Head he has to enforce and abide by Drug Free Workplace Policy.
Planning Technician	YES	NO	Valid Florida driver license required; regularly drives City vehicles; reviews site plans and visits sites; a momentary lapse in judgment could result in injury or death to another person.
Plans Examiner	YES	NO	Valid Florida driver license required; regularly drives City vehicles; reviews site plans; conducts building and site inspections; a momentary lapse in judgment could result in injury or death to another person.
Police Administration Manager	YES	NO	Valid Florida driver license required; work closely with an employee who carries a firearm; work with confidential information or documents pertaining to criminal investigations.
Police Captain	YES	NO	Valid Florida driver license required; required to carry a firearm; perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Police Chief	YES	NO	Valid Florida driver license required; required to carry a firearm; perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.
Police Corporal	YES	NO	Valid Florida driver license required; required to carry a firearm; perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.
Police Lieutenant	YES	NO	Valid Florida driver license required; required to carry a firearm; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.
Police Officer	YES	NO	Valid Florida driver license required; required to carry a firearm; perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.
Police Records Clerk I, II, III	YES	NO	Valid Florida driver license required; work closely with an employee who carries a firearm; work with confidential information or documents pertaining to criminal investigations.
Police Sergeant	YES	NO	Valid Florida driver license required; required to carry a firearm; perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; a momentary lapse in judgment could result in injury or death to another person.
Project/Contract Coordinator	NO	NO	
Public Services Project Coordinator	NO	NO	

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Public Works Director	YES	NO	Valid Florida driver license required; performs a key role in emergency management situations a momentary lapse in judgment could result in injury or death to another person. As City Department Head has to enforce and abide by Drug Free Workplace Policy.
Public Works Operations Manager	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Public Works Project Coordinator	NO	NO	
Purchasing Coordinator	NO	NO	
Recreation Assistant	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Recreation Leader	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Recreation Manager	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Risk/Safety/Event Manager	YES	NO	As City Leader and/or designee for CDL Random Drug Testing has to enforce and abide by Drug Free Workplace Policy.
Sanborn Center Director	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Senior Accountant	NO	NO	
Senior Planner	NO	NO	
Senior Water Plant Operator A, B, C	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Senior Wastewater Plant Operator A, B, C	YES	YES	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Sign Maintenance Technician I, II	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Special Events/Projects Coordinator	NO	NO	
Spring Hill Resource Center Director	YES	NO	Valid Florida driver license required; works with children; a momentary lapse in judgment could result in injury or death to another person.
Streets/Stormwater Superintendent	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Tree/Urban Superintendent	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utilities Construction Engineer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utilities Custodian I, II, III	YES	NO	Valid Florida driver license required; works with hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utilities Director	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person. As City Department Head he has to enforce and abide by Drug Free Workplace Policy

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Utilities Engineer	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utilities Journeyman Electrician I, II	YES	CDL Holder YES	Valid Florida driver license required; Valid Florida CDL preferred; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utilities Journeyman Electrician III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utilities Line Superintendent	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utilities Maintenance Superintendent	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utilities Operations Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utilities Project Coordinator	NO	NO	
Utilities Special Project Coordinator	NO	NO	
Utility Administrative Assistant I, II, III, IV	NO	NO	
Utility Backflow Tech Water Distribution I, II	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Utility Backflow Tech Water Distribution III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Billing Analyst	NO	NO	
Utility Billing Customer Service Supervisor	NO	NO	
Utility Billing Specialist I, II	NO	NO	
Utility Billing Customer Service Team Lead	NO	NO	
Utility Construction Tech Collections I, II, III	YES	YES	Valid CDL required; regularly drives City vehicles; works with heavy equipment and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Distribution Tech I, II, III	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with various tools; a momentary lapse in judgment could result in injury or death to another person.
Utility Equipment Mechanic I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Equipment Operator Wastewater Collections I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Equipment Operator Water Distribution I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Utility Locator I, II, III	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with various tools and construction equipment; a momentary lapse in judgment could result in injury or death to another person.
Utility Maintenance Worker Collections I, II, III	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Operations Manager	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; inspects work sites; a momentary lapse in judgment could result in injury or death to another person.
Utility Plant Tech I, II	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Plant Tech III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Tech Water Distribution I, II	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Tech Water Distribution III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Utility Wastewater Collections Technician I, II	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Utility Wastewater Collections Technician III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Valve and GIS Lead Worker I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Victims Advocate	YES	NO	Valid Florida driver license required; work closely with an employee who carries a firearm; work with confidential information or documents pertaining to criminal investigations.
Wastewater Plant Operator A, B, C	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Wastewater Plant Superintendent I, II, III	YES	NO	Valid Florida driver license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Water Plant Superintendent I, II, III	YES	NO	Valid Florida driver's license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Water Plant Operator A, B, C	YES	NO	Valid Florida driver's license required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Wastewater Collections Foreman I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

POSITION	DRUG TESTED	RANDOM DRUG TESTING	REASONING
Wastewater Collections Superintendent I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Water Distribution Foreman I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.
Water Distribution Superintendent I, II, III	YES	YES	Valid Florida CDL required; regularly drives City vehicles; works with heavy machinery and hazardous materials; a momentary lapse in judgment could result in injury or death to another person.

***All positions located in the Police and or Fire Departments will be drug tested.**

CITY OF DELAND NEPOTISM POLICY

Purpose

The purpose of this policy is to establish a City-wide protocol clearly describing how the City will handle the hiring of relatives of current employees. The City's intent is to prevent various potential problems including but not limited to actual or perceived conflict of interest, adverse work productivity, appearance of favoritism and family discord.

Definitions

- For the purpose of this Section only, pursuant to Section 112.3135 Florida Statutes, "Relative" is defined as a relationship established by blood, marriage or legal action. Examples include but are not limited to: father, mother, stepfather, stepmother, husband, wife, son, daughter, stepson, stepdaughter, brother, sister, stepbrother, stepsister, half-brother, half-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, cousin, nephew, niece, grandson, granddaughter, step grandson, step granddaughter, or domestic partner or any ward of an employee living within the same household.
- For the purpose of this Section only, "Public Official", pursuant to Section 112.3135 Florida Statutes, is defined as an officer, including a member of the City Commission, or an Employee of the City in whom is vested in the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the City, including the authority as a member of the City Commission to vote on the appointment, employment, promotion, or advancement of individuals. For the purpose of this policy all Public Officials will be referred to as "Employee".
- For the purposes of this Section only, the definition of a "close personal relationship" is a person that resides with, is actively dating, is in a romantic relationship with, is engaged to, is a domestic partner of or has a business partnership and/or relationship with, an Employee, or City Commissioner.

Scope and Application

This policy and its provision apply to and serve as a guide to all City departments and Employees.

- The City is aware that, a number of City Employees are related, to other City Employees. These Employees will be "grandfathered" under this policy, meaning they will be permitted to continue their employment with the City as long as the requirements set out in this policy are met. The above "grandfathered" provision is for relatives and/or close personal relationships as they exist as of the approval date of this policy. Any future changes to relatives, close personal relationships, and/or employment status, such as but not limited to promotion or transfer, of the affected Employee(s) will be governed by the requirements of this policy.

Policy

It is the policy of the City of DeLand that:

- No Employee shall advocate, lobby, influence, use their position to influence, or appear to influence, any employment or personnel related decision for or on behalf of a relative, a relative of another employee, an individual with an immediate close personal relationship or an individual with close personal relationship of another employee.
- No individual shall be hired into a position with a relative already employed with the City where one would be under the supervision of another. Supervision includes but is not limited to, all direction and control of work, performance evaluations, determinations with regard to merit pay, promotions, transfers, leaves of absence and sick leave, knowledge or possession of confidential information, and all disciplinary action.
- No individual shall be hired into a position with a relative already employed with the City where one would be in the same City departments. The City departments are listed as follows:
 1. Administrative Services which includes:
 - a. Human Resources
 - b. Information Technology
 - c. Legal
 - d. Public Information Office
 - e. Risk Management
 - f. Special Events
 - g. Spring Hill
 - h. Utility Billing/Customer Service
 2. Airport
 3. City Clerk
 4. Community Development which includes:
 - a. Building Department
 - b. Code Enforcement
 - c. Economic Development
 - d. Permitting
 - e. Planning
 5. Engineering
 6. Finance
 7. Fire Department
 8. Parks & Recreation
 9. Police Department
 10. Public Works
 11. Utilities

Departments can be reorganized at the discretion of the City Manager and therefore, subject to change.

Procedures

- In the event a relative of a current Employee is hired, both the parties will need to sign an Employment Status Memorandum serving notice of possible transfer restrictions and limited employment progression due to the hiring of the relative. This will be done before continuing with the hiring process. Transfer restrictions and/or limited employment progression will remain in effect as long as there is more than one relative working for the City.
- In the event, by chance, there is any change in a relative status the Employees involved are required to immediately notify their Department Head in writing via chain of command. Changes include but not limited to becoming relatives by marriage by other relatives marrying, a divorce, or co-habitation changes.
- In the event a close personal relationship develops between Employees, it is essential and required that both parties involved immediately notify their Department Head in writing via chain of command.
- In the event, Employees establish a close personal relationship, they may continue in their current positions as long as a prohibited employment relationship is not created. If one of the prohibited situations does occur, attempts will be made to find another position to which one of the Employees can transfer. Whenever a transfer is required by the operation of this part, the City will, in its sole discretion, determine which Employee will be transferred according to the needs and best interest of the City. If accommodations of this nature are not feasible, the Employees will be permitted to determine which of them will resign. If difficulties arise in this decision-making process, the Employee with greater seniority will remain employed with the City. In a situation with seniority dates being the same, the decision is at the discretion of the City Manager, and the decision will be made according to the needs and best interest of the City. The Employees may continue to work for the City as long as neither has the responsibility of supervising or recommending for promotion their spouse or domestic partner. This process should be completed within 30 days of Department Head being notified.
- The transfer or resignation is not disciplinary in nature, but rather a constructive step to avoid the appearance of actual or perceived conflict of interest, appearance of favoritism and undermining good order, discipline, authority, and morale. To advance the intent and purpose of the City's Policy on Sexual Harassment, and to advance the intent and purpose of Article VIII, Section 8 (Harassment and Discrimination), Employees are strongly encouraged to avoid romantic involvement with other Employees. Furthermore, failure to report such a close personal relationship by the parties shall be grounds for disciplinary action up to and including termination.
- The following relationships are prohibited:
 1. A supervisor/subordinate engaged in a romantic relationship.
 2. Romantic relationships where one party has the authority or has the authority delegated to them to appoint, employ, promote, demote, transfer, advance or discipline individuals or recommend to appoint, employ, promote, demote, transfer, advance or discipline individuals.

- In the event, the City departments are reorganized or restructured, an Employee relative review will be completed prior to implementation by the Human Resources Director or designee and the City Manager. In the event, by chance, this review discovers the potential for prohibited supervisory roles and/or other prohibited relationships will occur, attempts will be made to find another position to which one of the Employees can transfer. Whenever a transfer is required by the operation of this part, the City will, in its sole discretion, determine which Employee will be transferred according to the needs and best interest of the City.
- If accommodations of this nature are not feasible, the Employees will be permitted to determine which of them will resign. If difficulties arise in this decision-making process, the Employee with greater seniority will remain employed with the City. In a situation with seniority dates being the same, the decision is at the discretion of the City Manager, and the decision will be made according to the needs and best interest of the City.
- In the event, by chance, of any unusual circumstances, such instances will be reviewed by Human Resources Director or designee and the City Manager. Under no circumstances will this review allow for prohibited supervisory roles and/or other prohibited relationships.

Consequences

- In the event that the Human Resources Director and other Human Resources personnel or designee discover an applicant failed to disclose on the application that they have any relatives employed by the City the application shall be rejected in accordance with City of DeLand's Rules and Regulations Article III, Section 3 B (3). In addition, the application states in two separate areas that incomplete, misleading and false statements are grounds for rejection and disqualification of application and or termination and discharge of employment.
- In the event that the Human Resources Director and other Human Resources personnel or designee discover an Employee failed to disclose on the application that they have any relatives employed by the City, they shall be terminated. The application states in two separate areas that incomplete, misleading and false statements are grounds for rejection and disqualification of application and or termination and discharge of employment.
- In the event that a supervisor, manager and/or Department Head discover an Employee failed to disclose on the application that they have any relatives employed by the City, they are obligated to inform their chain of command and Human Resources Director of the discovery. Failure to do so will result in disciplinary action up to and including termination.
- In the event that an Employee fails to come forward with knowledge and information that a relative was hired by the City they are obligated to inform their chain of command and the Human Resources Director. Failure to do so will result in disciplinary action up to and including termination.

Exemptions to Policy

- In the event of an emergency, as defined by Section 252.38, Florida Statutes, the City Manager may authorize the temporary employment of individuals whose employment otherwise would be prohibited by this policy. Employment duration is contingent on duration of the emergency.

IT POLICIES

Section 1. Internet Usage Rights Policy

A. Purpose

The granting of internet usage rights to an employee of the City of DeLand over an individual desktop, laptop, or other end-user device is a privilege only awarded to individuals who require this level of access in order to do their jobs effectively. The goal of this policy is to describe the circumstances under which internet usage rights can be granted as well as the terms and conditions upon which this privilege will be granted.

B. Scope

This policy applies to all employees of the City of DeLand and information technology machines owned by the City of DeLand.

C. Policy

The granting of internet usage rights allows the individual to browse predetermined portions of the internet and download files directly to their computer. As a result, these rights can expose the City of DeLand network to malware and other security exploits. This can potentially result in machine downtime, lost productivity, and higher support costs.

Given the serious consequences of mishandling or abuse of internet usage rights, these rights will only be granted under the condition that they are essential for the performance of the grantee's job.

If you are not able to access certain parts of the internet, then you will need to apply and gain approval for the appropriate internet usage rights if you believe it is required by your job. To apply for expanded internet usage rights, please use the Change of Internet Access Form located on the City of DeLand intranet homepage. All Change of Internet Access Forms must be signed by the applicant's Department Head. If you require access to the Social Networking category, the Change of Internet Access Form must be signed by the City Manager. The designated authorities of the IT Department reserve the right to deny the application if it does not represent a clear business need or if the applicant has a documented history of security policy violation.

Section 2. Email Policy

Email is the primary communication and awareness method within the City of DeLand. Misuse of email may pose many legal, privacy and security risks, thus it is important for users to understand the appropriate use of electronic communications.

A. Purpose

The purpose of the Email Policy is to ensure the proper use of the City of DeLand's Email system and make users aware of what the City of DeLand deems as acceptable and unacceptable use of its Email system.

B. Scope

This policy shall set forth the guidelines for appropriate use of any Email sent from the City of DeLand Email address and applies to all employees, vendors, or agents operating on behalf of the City of DeLand.

C. Policy

It is important to keep in mind that all e-mails are considered a public record and must be provided upon request.

- All use of Email must be consistent with the City of DeLand’s policies and procedures of ethical conduct, safety and compliance with applicable laws and proper business practices.
- The City of DeLand Email account shall be used primarily for the City of DeLand business-related purposes; personal communication is permitted on a limited basis, but non-City of DeLand related commercial uses are prohibited.
- All City of DeLand data contained within an email message or an attachment must be secured according to the Data Protection Standard.
- Using a reasonable amount of City of DeLand resources for personal emails is acceptable, but non-work-related Email shall be saved in a separate folder from work related email. Sending chain letters or joke Emails from the City of DeLand Email account is prohibited.
- City of DeLand employees shall have no expectation of privacy in anything they store, send, or receive on the company’s Email system.
- City of DeLand may monitor messages without prior notice.

Prohibited Email Activity:

- The City of DeLand Email system shall not be used for the creation or distribution of any disruptive or offensive messages, including offensive comments about race, gender, hair color, disabilities, age, sexual orientation, pornography, religious beliefs and practice, political beliefs, or national origin. Employees who receive any Emails with this content or any content which is offensive from a City of DeLand employee should report the matter to their supervisor immediately.
- Users are prohibited from automatically forwarding City of DeLand Emails to a third-party email system (noted in 3 below). Individual messages which are forwarded by the user must not contain City of DeLand confidential information.
- Users are prohibited from using third-party Email systems and storage servers such as Google, Yahoo, and MSN Hotmail etc. to conduct City of DeLand business, to create or memorialize any binding transactions, or to store or retain Email on behalf of the City of DeLand. Such communication and transactions should be conducted through proper channels using the City of DeLand approved documentation.
- City of DeLand employees are prohibited from sending or receiving Proprietary Information related to the City of DeLand and/or Protected Data (social security, credit card, ABA routing numbers) “to” or “from” an Email account established and/or maintained for personal use and/or an Email account not issued, approved and supported by the City of DeLand (e.g. Gmail).

Note: It is not the intent of this list to be all inclusive.

Encrypting Email

The use of encryption secures Proprietary Information related to the City of DeLand and/or Protected Data (social security, credit card, ABA routing numbers) when sending such information via Email.

All Emails sent between users within the deland.org are kept within our City’s network and are secure.

For Senders:

- **What to encrypt:** When an Email message contains Proprietary Information and/or Protected Data and is being sent to an Email address outside of the deland.org domain, it must be secured through encryption. You may also use this feature when sending any other type of information which needs to remain secure).

- **When to encrypt:** When sending Proprietary Information and/or Protected Data related to the City of DeLand via Email to a domain address other than “deland.org.” employees must use the encryption feature described in paragraph 3 below. All Emails sent between users within the deland.org are kept within the City’s network and are therefore secure.
- **How to encrypt:**
 - a. Adding the following key word: {Secure} to the subject line of the Email, will send the message through the City’s secure email gateway. The end recipient will receive and email advising they have been sent a secure message, and giving instruction on how they are to retrieve that secure message.
 - b. The secure Email gateway will scan all outgoing Email for Protected Data (social security, credit card, ABA routing numbers) and if found will send the email encrypted automatically.

For Recipients:

1. The intended recipient will get an email in their normal inbox that contains a link to the secure internet-based storage for the Email. First time users need to register. Subsequent logins are simpler, using only the password established at the time the recipient registered.
2. Secured Emails are available for seven (7) days from the date sent.
 - a. If the Email is not retrieved by the recipient within 7 days, the Email will become invalid and must be resent.
 - b. Both sender and receiver will receive a notice that access to the secure Email will expire in one (1) day.
 - c. IT Systems will not allow them to leverage our secure Email for anyone beyond the City of DeLand.
 - d. The secure box has several features in its system including:
 - i. Print – Print messages
 - ii. Reply – Replies to sender
 - iii. Save – Save message to client computer (needed if Email is to be forwarded to others)
 - iv. Delete – Deleted messages from the secure inbox
 - e. Secure mail recipient can access the system without registration for thirty (30) days.

For example, if the mail recipient did not access the system for thirty (30) days after the users registers on the system, the recipient will need to register again if another secure mail is sent to the user. If the recipient accessed the system on the 15th day, the 30-day limit will be recalculated from the 15th day onwards.

Section 3. Acceptable Usage Policy

Acceptable usage policies clearly indicate what information system users are and are not allowed to use. The potential exists that, without these policies, information system users could violate information security and avoid punitive actions by claiming to not know about any restrictions in place. This can make it extremely difficult to enforce the measures outlined in the policy and ultimately lead to a complete disregard of the policy.

A. Scope

This Acceptable Usage Policy applies to all users of all information systems that are the property of City of DeLand. Specifically, it includes:

- All employees, whether employed on a full-time or part-time basis by City of DeLand.
- All contractors and third parties that work on behalf of and are paid directly by City of DeLand.

- All contractors and third parties that work on behalf of City of DeLand but are paid directly by an alternate employer.
- All employees of partners and clients of City of DeLand that access City of DeLand's non-public information systems.

B. Policy

- City of DeLand will issue acceptable usage guidelines covering the following items:
 - a. Computer and information system usage
 - b. Software and data usage
 - c. Internet and e-mail usage
 - d. Telephone usage
 - e. Office equipment & materials usage

Computer and Information System Usage

Systems, including computers of all kinds, are the property of the organization:

- Access to, and use of, systems and the components that form them will be monitored and controlled at all times.

Software and Data Usage

The software tools the organization provides and the data they create and manipulate are the property of the organization:

- Software is to be used for its intended purpose only. It is not to be copied, distributed, installed, or deleted without appropriate authorization. Such activities will be monitored and controlled at all times.
- Data is to be used for its intended purpose. It is not to be copied, distributed, edited, appended, or deleted without appropriate authorization. Such activities will be monitored and controlled at all times.

Internet and E-Mail Usage

Internet and e-mail usage must be restricted as both activities make use of public and unsecured networks:

- The Internet is to be used for business purposes only and usage will be monitored and controlled at all times.
- E-mail is to be used for business purposes only and usage will be monitored and controlled at all times.

Telephone Usage

The telephone system, including all telephones and fax machines, is the property of the organization:

- The telephone system, including all analog and digital lines, is to be used for business purposes only and will be monitored and controlled at all times.

Office Equipment and Materials Usage

The office materials, furnishings and supplies provided to employees are the property of the organization and are to be used for business purposes only:

- Generic materials (those that do not imply consent of the organization such as pens, blank paper, etc.) may be freely accessed but are not to be removed from those facilities without prior consent.

- Specific materials (those that imply consent of the organization such as letterhead and stamps, etc.) must have restricted access and are not to be removed from the facilities without prior consent.

Section 4. Password Policy

A. Purpose

Passwords are an important component of information and network security. The use of a user ID and password combination serves to identify and authenticate a user to system resources and information assets. It is only through authenticated access that the organization can be assured that systems and data are being used appropriately. As such, passwords must be constructed, used and protected appropriately to ensure that the level of security they imply is actually met. The purpose of this policy is to provide the guidelines necessary for all of the employees of the City of DeLand to create appropriate passwords and to use them and protect them in an appropriate manner.

B. Scope

This policy applies to all employees of the City of DeLand who have any form of computer or application account that requires password access. Examples of accounts include:

- Workstation (desktop/laptop)
- Network
- E-mail system
- Accounting application
- Customer information database

Please note: This list is not intended to be all-inclusive.

C. General Policy

- Password construction, lifecycle and re-use parameters will be determined by the IT Department.
- Passwords should not be based on well-known or easily accessible information, including personal information, nor should they be words commonly found within a standard dictionary.
- Users will be notified in advance of password expiration. At that point, and at every subsequent login until a change is made, users will be prompted to select a new password.
- The City of DeLand will use technical measures to ensure that users conform to the policy.

User ID Format

- User ID format for all internal systems, for the City of DeLand employees is:
 - Last name and first initial of employee. Last name with a first nickname or middle name cannot be used.
- Note: If a Legal name change occurs, submit a work order immediately. A new ID will be created and the old ID will be disabled.

Passwords must conform to the guidelines outlined below:

Password Construction Guidelines

- Passwords cannot repeat any previous 10 passwords.
- Passwords must contain at least 10 characters.
- Passwords must contain the following character types:
 - Upper case character.
 - Lower case character.
 - Numeric character.
 - Non-Alphanumeric character
- Passwords **CANNOT**:
 - End with a number
 - Begin with a special character
 - End with a special character
 - Contain 5 repeating characters
 - Contain your username
 - Contain any part of your full name
 - Match known breached password

Password Lifecycle Guidelines

- Passwords will have a maximum age of 90 days.

Password Reuse Guidelines

- Passwords may be reused every tenth password. As such a completely new password is required for the first nine expiries; thereafter the first password can be reused.

Exceptions

- Users based in the Police Department are subject to the password guidelines defined in the most recent version of the Criminal Justice Information Services (CJIS) Security Policy. Users will be prompted to select a new password.

Password Protection Guidelines

- Passwords are to be treated as confidential information and not share with anyone.
- Passwords are not to be transmitted electronically over the unprotected internet, such as via e-mail.
- No employee is to keep an unsecured written record of their passwords, either on paper or in an electronic file
- Do not use the “Remember Password” feature on applications.
- Do not use the same password to access the City of DeLand system and non-City accounts.
- If an employee either knows or suspects that their password has been compromised, it must be reported to the IT Department and the password changed immediately.

Built-In Administrator Passwords

- All built-in Administrator passwords require stronger passwords as they are infrequently changed. They must be at least 25 characters long, must use at least three characters of the four-character types (a through z), lower and upper case, numbers 0 through 9) and special characters such as: (!, \$, #, &, %)

Service Passwords

- All passwords used to allow servers to communicate with one another in an automated fashion require stronger passwords as they are infrequently changed. They must be at least 20 characters long and follow the same configuration as above.

Vendor VPN Passwords

- Passwords used to allow vendors to communicate with our network require stronger passwords. These passwords will be generated by the IT Department and sent to the vendor in a manner that is encrypted. They must be 16 characters long and follow the same configuration as above. The password will have a maximum age of 90 days.

Section 5. End-User Security Training and Compliance

Overview

The integrity and resilience of our city information systems are a high priority for the City of DeLand. Security of our systems is the job of every employee. IT keeps our information systems safe by using anti-virus software, applying workstation updates and filter content streaming from the internet. Some actions taken by the City of DeLand end users can weaken our system security.

Purpose

The purpose of this policy is to ensure our end-users are educated in computer security's best practices and to validate these practices are being used while using city information systems.

Scope

This policy applies to all City of DeLand employees, contractors and vendors that access city's information systems through city supplied or privately-owned electronic devices.

Policy

All end-users accessing any City of DeLand information systems are required to successfully complete security training assigned to them by the city's IT department. After training, end-users will be subject to unannounced checks to ensure they are following the security's best practices that were learned from training. Additional training may be individually assigned based on information gathered during security checks.

Definitions and Terms

End-User - The person who actually uses a particular product.

Information System - A system composed of people and computers that processes or interprets information.

Electronic Device - A device that accomplishes its purpose electronically.

Section 6. Social Media Policy

A. Scope

This policy applies to all employees who use social media in the course of their duties.

B. Usage

The organization's social media account/s are intended to be used solely for business purposes. Depending on the nature of the employee's duties, these purposes may be addressed through a variety of services, including but not limited to Facebook, Twitter, LinkedIn, and YouTube.

The following are examples of **legitimate** business usage of public social media:

- Building positive brand image: Organizations can use social media to promote a positive brand image. This is particularly important for organizations vulnerable to negative press or consumer discontent.
- Increasing mind share: Social media can reach large audiences at very low monetary cost, giving organizations another medium for promotion, increasing awareness of your organization/brand.
- Improving customer satisfaction: Customers that receive more timely and personal service in the medium that they prefer will be more satisfied.
- Gaining customer insights: Social media can be used to monitor public opinion on a city, its products and services, or its competitors.
- Increasing customer retention: Using social media builds affinity and loyalty since customers are engaged using a medium they prefer – something the organization needs to offer to remain competitive.
- Increasing revenue: Use of social media to create custom network applications (a.k.a. plug-ins) for product and brand promotion or integration with a city's own online services.
- Customer acquisition: Use of social networks like LinkedIn for professional networking, such as maintaining academic contacts or maintaining contacts with members of professional or standards organizations that can lead to prospecting.
- Reducing cost of servicing customers: Use of social media to quickly and efficiently respond to customer service issues. The answer to the problem can be public, making it searchable by other customers that have the same request.

The following activities are deemed **inappropriate** uses of social media:

- Use of social media for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading of computer viruses).
- Use of social media that in any way violates the city's policies, rules, or administrative orders.
- Opening attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.
- Sharing social media account passwords with another person, or attempting to obtain another person's social media account password.

C. Terms and Conditions of Use

- Use of personal social media accounts and user IDs for city use is prohibited unless when authorized by the City to act on its behalf.
- Use of city social media user IDs for personal use is prohibited.
- IT will establish access for any applicable apps to the targeted social media site as required per city manager approval.

D. Security and Risk Mitigation

IT must assist the business unit in establishing initial account management procedures for use of a social media or other social tools that aggregate and centrally manage the city's social media accounts properties.

E. Social Media Content Archival

In compliance with the organization's record retention policies, social media content may be retained in the organization's archives, or as back-up copies, even after they are deleted from an employee's mailbox. The goals of the backup and archiving procedures are to ensure system reliability, prevent document and data loss, comply with regulatory and legal requirements, and supply evidence in the event of litigation.

Backup copies exist primarily to restore service in case of failure. Archival copies are designed for quick and accurate access for a variety of management and legal needs. Both backups and archives are governed by the city's document retention policies.

Section 7. Mobile Device Policy

A. Purpose

The purpose of this policy is to define standards, procedures, and restrictions for end users who have legitimate business uses for connecting mobile devices to City of DeLand's corporate network and data. This mobile device policy applies, but is not limited to, all devices and accompanying media that fit the following classifications:

- Smartphones
- Other mobile/cellular phones
- Tablets
- E-readers
- Portable media devices
- Portable gaming devices
- Laptop/Notebook/Ultrabook computers
- Wearable computing devices
- Any other mobile device capable of storing corporate data and connecting to a network

This policy applies to any mobile hardware that is used to access city resources, whether the device is owned by the user or by the organization.

The overriding goal of this policy is to protect the integrity of the data that resides within City of DeLand's technology infrastructure, including internal and external cloud services. This policy intends to prevent this data from being deliberately or inadvertently stored insecurely on a mobile device or carried over an insecure network where it could potentially be accessed by unsanctioned resources. A breach of this type could result in loss of information, damage to critical applications, loss of revenue, and damage to the city's public image.

Therefore, all users employing a mobile device connected to City of DeLand's corporate network, or is capable of backing up, storing, or otherwise accessing corporate data of any type, must adhere to city-defined processes for doing so.

B. Applicability

This policy applies to all City of DeLand employees who use a mobile device to access, store, back up, or relocate any organization or client-specific data. Such access to this data is a privilege, not a right. Consequently, employment at City of DeLand does not automatically guarantee the initial or ongoing ability to use these devices to gain access to city networks and information. The policy addresses a range of threats to enterprise data, or related to its use, such as:

Threat	Description
Device Loss	Devices used to transfer or transport work files could be lost or stolen.
Data Theft	Sensitive city data is deliberately stolen and sold by an employee or unsanctioned third party.
Malware	Viruses, Trojans, worms, spyware, malware, and other threats could be introduced to or via a mobile device.
Compliance	Loss or theft of financial and/or personal and confidential data could expose the city to the risk of non-compliance with various identity theft and privacy laws.

1. Responsibilities

All City of DeLand employees are responsible to act in accordance with city policies and procedures.

2. Affected Technology

Connectivity of all mobile devices will be centrally managed by City of DeLand's IT department and will use authentication and strong encryption measures. Although IT will not directly manage personal devices purchased by employees, end users are expected to adhere to the same security protocols when connected to non-city equipment. Failure to do so will result in immediate suspension of all network access privileges so as to protect the city's infrastructure.

C. Policy & Appropriate Use

It is the responsibility of any employee of City of DeLand who uses a mobile device to access city resources to ensure that all security protocols normally used in the management of data on conventional storage infrastructure are also applied here. It is imperative that any mobile device that is used to conduct City of DeLand business be used appropriately, responsibly, and ethically. Based on this requirement, the following rules must be observed:

1. Access Control

- IT reserves the right to refuse, by physical and non-physical means, the ability to connect mobile devices to city and city-connected infrastructure. IT will engage in such action if such equipment is being used in a way that puts the city's systems, data, and users at risk.
- End users who wish to connect such devices to non-city network infrastructure to gain access to city data must employ, for their devices and related infrastructure, security measures deemed necessary by the IT department. City data is not to be accessed on any hardware that fails to meet City of DeLand's established IT security standards.
- All personal mobile devices attempting to connect to the city network through the Internet will be inspected using technology centrally managed by City of DeLand's IT department. Devices that are not approved by IT, are not in compliance with IT's security policies, or represent any threat to the city network or data will not be allowed.

2. Security

- Employees using mobile devices and related software for network and data access will, use secure data management procedures.
- All users of mobile devices must employ reasonable physical security measures. End users are expected to secure all such devices against being lost or stolen, whether or not they are actually in use and/or being carried.
- Any non-city computers used to synchronize or back up data on mobile devices will have installed up-to-date anti-virus and anti-malware software deemed necessary by City of DeLand's IT department.
- Passwords and other confidential data, as defined by City of DeLand's IT department, are not to be stored unencrypted on mobile devices.
- Any mobile device that is being used to store City of DeLand data must adhere to the authentication requirements of City of DeLand's IT department
- IT will manage security policies, network, application, and data access centrally using whatever technology solutions it deems suitable. Any attempt to contravene or bypass that security implementation will be deemed an intrusion attempt and will be dealt with in accordance with City of DeLand's overarching security policy.

3. Hardware & Support

- IT reserves the right, through policy enforcement and any other means it deems necessary, to limit the ability of end users to transfer data to and from specific resources on the enterprise network.
- Users will make no modifications to the hardware or software that change the nature of the device in a significant way (e.g. replacing or overriding the operating system, jailbreaking, rooting) without the express approval of City of DeLand's IT department.

4. Organizational Protocol

- IT can and will establish audit trails, which will be accessed, published, and used without notice. Such trails will be able to track the attachment of an external device to the corporate network, and the resulting reports may be used for investigation of possible breaches and/or misuse.
- The end user agrees to and accepts that their access and connection to City of DeLand's networks may be monitored to record dates, times, duration of access, etc. in order to identify unusual usage patterns or other suspicious activity. This monitoring is necessary in order to identify accounts and computers that may have been compromised by external parties or users who are not complying with City of DeLand's policies.

Section 8. Equipment Move / Add / Change Policy

A. Purpose

This policy provides guidelines for end users to request a move, add, or change to their computing environments. The goal of this policy is:

- To mitigate the risk associated with unauthorized changes
- To minimize disruption to the business, IT department and end users
- To maintain consistent expectations

The Move/Add/Change request form <http://codweb/Form.aspx> must be used for the completion of any of the following:

- Move IT equipment (e.g. PC, telephone) or peripheral (e.g. printer) to another location.
- Add/disable an employee account (e.g. network, e-mail, voicemail).
- Add/remove a service to/from an existing employee account.
- Add a new employee desktop system.
- Add/remove/change software or hardware to/from an existing desktop system.
- Change an employee's name or other personally identifiable information in the system.

B. Audience

- This policy applies to all parties who rely on access to City of DeLand's IT systems.

C. Responsibilities

- Management must ensure that their direct reports understand the scope and implications of this policy and make a copy readily available.
- Although any employee may submit an M/A/C request for their computing environment, all requests must be approved by a Department Head before submission to the IT department. All forms must be filled out and signed.
- All move, add, or change requests must be received a minimum of 14 business days in advance of the requested action date. However, to ensure that the preferred action date can be met, it is recommended that requests are submitted as far in advance as possible.
- While all approved moves, adds, and/or changes will be carried out in as timely a manner as possible, they may be delayed in the event of an IT-related problem or emergency.
- In the event of an emergency request, advance notification is not required. These will be handled on a case-by case basis.

Section 21. Texting, Cell Phones, Computer and Email

This policy governs the use of the City's computer and electronic communications system, which includes cell phone, telephone, voice mail, fax machine, internet, electronic mail (email) and other computer usages. City employees and other users are encouraged to use the City's computer and electronic communications system to assist them in performing their work responsibilities effectively, efficiently, and at the highest level. Users are to use e-mail and the Internet as they would any other type of City communications tools.

General Guidelines:

The computer and electronic communications system are the property of the City of DeLand and may only be used for approved purposes. Occasional, limited, and appropriate personal use of the computer and electronic communications system is permitted if the use does not:

- Interfere with user's work performance
- Interfere with any other user's work performance
- Compromise the integrity of the computer and electronic communications system
- Violate any other provision of this policy or any other policy, guideline, or standard of the City of DeLand.

Personal use of the computer and electronic communications system is a privilege that may be revoked at any time by the City Manager.

Expectation of Privacy:

Users do not have an expectation of privacy, and waive their right of privacy, in their use of the computer and electronic communication system, including, but not limited to, the e-mail and voicemail messages they create, store, send and receive, and the Internet sites they visit. Electronic communications are neither private nor secure. E-mail and/or voice mail could potentially be stored indefinitely on any number of computers, in addition to that of the recipient. Copies of messages created may be forwarded to others either electronically or on paper. In addition, e-mail or voice mail sent to nonexistent or incorrect user names may be delivered to a person the user never intended. In addition, the use of passwords to gain access to the computer and electronic communication system does not imply that users should have an expectation of privacy in the material they create or receive on the computer system.

Monitoring of computer and electronic communication usage:

The City of DeLand has the right to monitor any and all aspects of its computer and electronic communications system, including, but not limited to, monitoring sites visited by users on the Internet, reviewing material down loaded or up loaded by users to the Internet, and reviewing email or voice mail sent and received by users. Such monitoring may be conducted without prior notice. Use of the City of DeLand computer and electronic communication system shall constitute consent to such monitoring.

Maintaining Professionalism:

At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Users should use the same care in drafting e-mail and other electronic documents as they would for any other written communications. The quality of writing reflects on the City. Users should always strive to use good grammar and correct punctuation, and keep in mind that anything created or stored on the computer system may be reviewed by others.

Inappropriate use:

Under no circumstances, should the City's computer and electronic communications system be used for sending, transmitting, receiving, copying or storing any communication that is fraudulent, harassing, racially offensive, sexually explicit, profane, obscene, intimidating, defamatory, or otherwise unlawful or inappropriate.

Users encountering or receiving this kind of material should immediately report the incident to their supervisor and the IT Director. Exceptions are limited to Police investigations into criminal activities, which may require the use of the Internet for information and intelligence gathering. This is permissible with the prior written approval of the City's Chief of Police.

Disclaimer of Liability:

The City is not responsible for material viewed or downloaded by users from the Internet. Users are cautioned that included among the massive amount of information on the Internet is offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid coming into contact with some of this material on the Internet, even when performing innocuous search requests. In addition, having an e-mail address on the Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk.

Misuse of Software:

Without prior written authorization from the IT Director, user may not do any of the following:

1. Copy software for use on their home computers or to other computers.
2. Provide copies of software to any independent contractors for the City or to any third person
3. Install software on any of the City's workstations or servers
4. Download any software from the Internet or other online service to any of the City's workstations or servers
5. Modify, revise, transform, recast, or adapt any software
6. Reverse engineer, disassemble, or de-compile any software.

Users who become aware of any misuse of software or violation of copyright law should immediately report the incident to the IT Director.

Virus Detection:

Files obtained from sources outside the City, including disk brought from home; files downloaded from the Internet, news groups, bulletin boards, or other online services; file attached to e-mail; and files provided by citizens or vendors, may contain dangerous computer viruses that can damage the City's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-city sources without first scanning the material with city approved virus checking software. If user suspects that a virus has been introduced into the City's network, they should notify the Information Technology help desk immediately.

Cell Phone Policy/Allowance

Background

- The City of DeLand presently provides cellular phone allowances to those employees whose job requires a cell phone to provide effective and efficient service in carrying out their official duties. Accordingly, the City of DeLand has decided to implement a policy of paying a taxable allowance to those individuals who are required to use a cell phone in the course of their assigned duties.

Policy

- The City requires the employee to obtain the cell phone service in the employee's name at the employee's home mailing address and the City will pay a taxable allowance that is included with the employee's regular payroll.
- The intent of the cell phone allowance is not to pay for the entire phone plan cost but to offset the extra expense of any City business communicated on the employee's personal cell phone. The employee may, at their own expense, add extra services or equipment features, as desired.
- The amount of the allowance is determined through the assessment of the service level required by the City for the individual employee.
- The allowance is not part of base pay – it is a taxable reimbursement. The amount will not be included in the calculation of percentage increases in pay nor included in the determination of benefits or overtime.
- The cell phone contract will be in the name of the employee who will be solely responsible for all payments to the service provider.
- The City does not accept any liability for claims, charges or disputes between the service provider and the employee.
- The city reserves the right to request proof of cell phone service from any employee receiving an allowance.
- Employees who receive a cell phone allowance may be required to authorize the City's I.T. Department to install CellTrust application on their cell phone.
- Employees receiving a cell phone allowance will not be required to provide any documentation or substantiation of the amount of personal calls nor any form of reimbursement to the City.
- Employees receiving a cell phone allowance will not be required to provide any documentation or substantiation of the amount of business calls except in the event of a request for an increase in the level of business usage. Sufficient documentation of actual call usage will be required to substantiate any level change.

Procedures

New and existing employees who are entitled to an allowance will be required to submit a "Cell Phone Allowance Authorization Form". The Department Head will check the correct level and bi-weekly allowance amount, sign and forward to the HR Director for approval. Once approved, HR Director will forward to Payroll for processing.

Allowance Amounts

Four levels of allowance for cell phones have been established. The Department Head is responsible for approving the level of allowance that employees will receive and must ensure that adequate funds are available within the department's telephone budget to provide such allowance. Cell phone level is based on anticipated business usage.

Level 1 – \$50.00 per month

Level 2 – \$70.00 per month

Level 3 – \$100.00 per month

Level 4 – \$120.00 per month

The City Manager will determine the exact dollar amount for each level of allowance. Annually, allowance rates will be reviewed and adjusted as deemed necessary by the City of DeLand. A memo will be distributed to all departments when the allowance rates are adjusted.

Prorated First and Last Month of Employment

Allowances for new employees will be prorated the first month, based on their hire date. Allowances for terminated employees will be prorated the last month, based on their termination date. Prorating of allowances is irrespective of how the cell phone company may bill for service.

Cell Phone Usage

- Cell phones cannot be used while operating a city vehicle.
- Vehicles should be parked, when safe to do so, to make or receive calls, emails, or text messages.
- Even though employees provide their own individual service, outgoing and incoming personal calls are discouraged during work hours, as is any other personal business, except in the case of emergency or other extenuating circumstances.
- The use of any cell phone in violation of any federal, state, or local laws is prohibited.
- No texting while vehicle is in motion.

Equipment Upgrade and Replacement

Any upgrades or replacement of equipment shall be the responsibility of the employee.

- Certain work situations may dictate the need to assign cell phones directly to vehicles or work stations. Department Head approval is required in this limited circumstance and each case shall be reviewed on a case by case basis. These phones and equipment shall remain the property of the City and no personal use shall be permitted on these phones. Employees authorized to use their cell phone for business purposes must have CellTrust application installed.

TO: All City Employees

FROM: Michael Pleus, ICMA-CM, City Manager

DATE: October 31, 2022

SUBJECT: Text Messaging Directive

Background:

I have had discussions with the City Attorney and City Clerk regarding the Public Records Law as it relates to Text Messages. The City Attorney has advised that text messages **which involve city business** may constitute public records. This is true regardless of whether the message is sent from or received by a city owned or **personal** cell phone. The determination as to whether a particular text message is a public record turns on the nature of the message. Transitory messages are not considered public record. A transitory message is meant to communicate information of short-term value, such as reminders about meetings, setting appointments, requests for a return phone call, etc. Non-transitory messages are those that are intended to perpetuate or communicate policy or knowledge. For instance, a text message from the city manager to the city attorney asking a legal question would be a public record (as would the city attorney's response).

Public Records Requirements:

In order to comply with the Florida Public Records Law, any text message which involves City business which is of a non-transitory nature, as explained above, must be preserved as a public record. If there is any question at all in the employee's mind about whether the text message is a public record, it should be saved. If an employee is not able to save those messages on their phone, they should contact the IT department for assistance.

Directive:

City personnel should limit the use of text messaging to transitory messages whenever possible, and the use of text messaging for non-transitory messages should be done only when absolutely necessary. All non-transitory text messages must be saved.

Should you have any questions regarding this directive, please get with your Department Head and they will get you the information.

If City business is to be facilitated via text with an employee who has a cell phone stipend, such communication should occur through the CellTrust application.

Data Breach Incident Response Policy

Introduction

In accordance with mandated organizational information security requirements set forth and approved by management, City of Deland has established a formal incident response policy document.

1.1 Objective

The primary objectives of this policy are:

- i. Comply with legal and regulatory obligations.
- ii. Quickly recover from cybersecurity incidents by containing damage, eradicating the attacker's presence, and restoring the functionality of information technology systems.
- iii. In response to an event of an actual or imminent "breach" (OMB M-17-12), the City of DeLand is required to report actual or imminent breach of personally identifiable information (PII) to an OJP Program Manager no later than 24-hours after an occurrence of an actual breach, or the detection of an imminent breach.

1.2 Scope

This policy is applicable to all employees of City of Deland and third parties who interact with information held by City of Deland and the systems used to store and process it.

1.3 Definitions

Policy

2.1 Event Logging

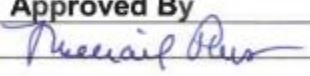
- i. All servers and network devices retrieve time information from two synchronized time sources.
- ii. Audit log settings for hardware devices and software include the following:
 - a. The date
 - b. A timestamp
 - c. Source and Destination Address
 - d. Device Identity
 - e. User IDs
- iii. Logs are recorded in syslog format and retained for 180 days.
- iv. All systems have adequate disk space for logs that are generated.
- v. Logs are reviewed weekly by qualified information security professionals to detect anomalies.
- vi. Network boundary devices are configured to verbosely log all traffic arriving at the device.
- vii. Log analytic, aggregation and correlation tool(s) are used to detect unusual network activity.
 - a. Activities by all users and their associated accounts, such as log on attempts (both successful and unsuccessful).
 - b. Any creation, modification, or deletion of various types of events and objects (i.e., operating system files, data files opened and closed and specific actions, such as reading, editing, deleting, printing).
 - c. All actions undertaken by system administrators who have elevated privileges and access rights.
- viii. Events that are triggered by policy exception will be sent to an email distribution group where qualified Information Security Engineers will be notified of the event.
- ix. Audit logs are protected from accidental or malicious deletion and modification.

2.2 Incident Response Plan

- i. The Incident Response Plan contains:
 - a. The objectives and goals of the incident response plan.
 - b. Procedures for incident response planning and preparation.
 - c. Definition of Roles, Responsibilities and levels of Decision-Making Authority.
 - d. Process for monitoring, detecting, responding to and reporting information security incidents.
 - e. Procedures for handling forensic evidence.
 - f. Procedures for internal and external communications.
 - g. Process for identifying and remediating weaknesses in information security controls.
- ii. The Incident Response Plan will be reviewed and updated periodically, at minimum, annually.
- iii. Members of the incident response team will be provided electronic and physical copies of the Incident Response Plan.
- iv. Members of the incident response team will participate in annual table-top exercises for incident scenario response training and preparation.

3. Document Control

3.1 Version History

Effective Date	Approved By	Version	Version Control
11/15/2022		1.0	Original

PURCHASE OF SAFETY FOOTWEAR

Purpose

The purpose of this policy is to establish a City-wide protocol clearly describing how the City will direct the purchase of City approved safety footwear. Safety is our number-one concern and it is the City's intent to require employees to wear safety footwear for their protection.

Definitions

Acceptable footwear is the type which fully encloses the foot and ankle areas while performing the job duties. This footwear must be one of the following types:

- Sustainable materials of steel and/or composite impact resistant footwear which meets current OSHA standards
- Must meet or exceed ASTM F2413-05 standard for impact and compression ratings.

Scope and Application

This policy and its provisions apply to and serve as a guide to all City departments and employees.

Financial

Each fiscal year, the City will provide a footwear allowance up to a maximum of \$150.00 effective October 1, 2022. This allowance can be changed at any time at the discretion of the City Manager. A receipt for purchase and proof of purchase of footwear in compliance with this policy must be provided to the Finance Department for reimbursement.

Sales tax will not be paid or reimbursed by the City. A City provided Tax Exempt certificate can be provided by the Finance Department prior to purchase. To demonstrate that footwear purchased complied with this policy, the employee can provide a copy of the end of the boot box with the manufacturer's boot type, size and compliance information.

Employees Eligible for Footwear Allowance:

Employees working in the following departments who work more than 25% of their work day in the outside field environment shall be eligible for the footwear allowance:

- Public Works
- Utilities
- Facilities
- Airport
- Parks and Recreation
- Building and Engineering Inspectors
- Code Enforcement Officers
- Animal Control Officers
- Meter Technicians

This group includes Foremen, Supervisors, Superintendents and field management teams.

Public Safety employees, such as Police Officers and Firefighters will comply with already established footwear policies for the Police and Fire Departments.

Locations

Allowable sites to purchase: An employee may purchase from any vendor as long as the footwear meets the current safety standards.

Some examples may include but are not limited to:

- Tractor Supply
- Skip's
- On-line boot retailer
- Wal-Mart
- Plexus

Policy

Department Heads may provide additional guidance on how to obtain footwear. The employee or supervisor may purchase eligible footwear using a City credit card if approved to do so. The employee may purchase their footwear on their own time. With management prior approval, an employee may go to purchase footwear on City time but MUST stay within the City's water and sewer service area. In all cases, a fully legible receipt and proof of safety compliance must be provided to the Finance department, and if not provided, reimbursement for purchase may not be made.

Violation of Policy

If an employee is found in violation of the safety footwear policy, disciplinary action may occur in accordance with the City's Rules and Regulations, which would include disciplinary action up to and including termination.

Point of contact for this policy is the Human Resources Director.

CITY OF DELAND VEHICLE POLICY

Background

The City of DeLand presently allows a certain number of non-public safety employees to use City-owned vehicles to commute back and forth to work. The IRS requires that there be a valid non-compensatory business reason for an employee to use a vehicle for commuting and there must be written records that substantiate all of the business and personal use. If these detailed written records are not kept, the value of all the use of the vehicle is deemed personal use and considered wages to the employee. In reviewing the actual payroll records, the City is unable to provide evidence that City services would be adversely impacted if the employees were prohibited from taking their vehicles home. In addition, the stringent record-keeping requirements would prove burdensome to both the employee and the City.

Policy

- All non-public safety employees will be prohibited from using City-owned vehicles for commuting purposes.
- Vehicles will be provided to employees for use on City business only.
- When not in use, the vehicles are to be kept on City property.
- All personal use of a vehicle is prohibited unless de minimis in nature. A de minimis exception would apply in situations where the personal use of a vehicle would be limited to an occasional errand while driving the vehicle on City business.
- Unauthorized personal use of a city vehicle may result in loss of vehicle privileges or other disciplinary action.

Implementation

This policy will take effect on March 31, 2007.

****Note** - The Utilities Department has a separate stand-alone policy which became effective on August 11, 2022

CITY ISSUED PROPERTY:

I understand that, if any City property that has been assigned to me is lost, stolen, or damaged, I am to report it to my supervisor immediately.

I hereby acknowledge receipt of City of DeLand items of property listed below. I assume full responsibility for the proper use and security of these items at all times. I further understand these items are to be returned to my supervisor, or show evidence that the proper authority has relieved me of responsibility for the items below upon my termination of employment with the City of DeLand. I further understand that any monies due the City for City Property issued to me for which I am unable to produce, agrees and acknowledges that at the time of my separation from employment, reimbursement for any monies owed for assigned City property to me may be taken from any monies due to me, including but not limited to salary in excess of the minimum wage and personal leave. If there is a balance that is due to the City it shall be paid in full within the first thirty (30) days from the date of my employment separation. I also understand that if I do not return the issued City Property within the timeframe outlined above, the City will refer the matter to the City of DeLand Police Department for processing and investigation as to any potential criminal charges or take any other lawful action to retrieve and/or be reimbursed for this property.

EMPLOYEE NAME (PRINT): _____ **Job Title:** _____

ITEM ISSUED	QUANTITY ISSUED	SIZE	QUANTITY RETURNED

Issued/Employee's Signature and Date

Returned/Employee's Signature and Date

Issued/Supervisors Name and Title:

Returned/Supervisors Name and Title:

Issued/Supervisors Signature and Date

Returned/Supervisor's Signature and Date

Updated: June 30, 2021

IMPROPER USE OF CITY EQUIPMENT AND VIOLATION OF PUBLIC TRUST

Cross reference City Manager's memo date September 8, 2010 "Use of City equipment"

Recently, the City has received reports and concerns about City employees engaging in potential misuse of City equipment, misuse of City time, and actions contrary to the public trust.

It has been reported that City employees may have used City vehicles, either during the work day or outside of the work day, to pick up and haul away items left in the right of way areas along streets outside of homes. The reports have indicated that it is believed that these items being taken to sell as scrap or for personal use by the employees. The City has also received reports asserting that employees have been witnessed driving through neighborhoods and "scouting" for scraps items in the right of way areas and/or unguarded personal property in open areas near homes. These reports are significant concerns, and this memorandum is to notify all employees that anyone found to engage in any theft or scrapping of items from homes or the right of way areas, engaging in personal use of City vehicles, or other similar improper activities will be terminated.

The City and its employees have an obligation to conduct themselves in a manner that is consistent with the public trust, to avoid the appearance of engaging in improper or personal activities while on duty or while using City equipment, and to avoid being involved in situations that give the appearance of impropriety. Obviously, any employee found to have engaged in theft of any personal items from a citizen's home will be terminated. Also, taking items from right of way areas (even if obviously left there for disposal) is inappropriate for City employees. City employees cannot use City vehicles to pick up and remove items for personal reasons, and City employees cannot engage in such activities while on City time. To the extent that employees are seen as "scouting" for items in right of way areas to pick up after work hours, such activity would be a misuse of working time and also raises questions about public trust.

The City's Rules and Regulations provide in Article XXII Disciplinary Actions, Section 7, that Dismissal Offenses include "Deliberate misuse, destruction or damage to any City property, or the property of another person;" "Deliberate misuse of City's time, personnel and/or property for personal purpose;" and "Conduct that raises obvious questions as to the employee's ability to maintain the public trust."

This memorandum advises all employees that any incidents of this type of activity discovered in the future will be deemed a violation of these Dismissal Offenses and may lead to termination from employment. Further, to ensure that no employee or supervisor places themselves in a position where their actions may be questioned, employees are advised that they are prohibited from using a City vehicle at any time to pick up items for personal reasons, and such action will lead to termination. Neither a supervisor nor a home owner may authorize an employee the right to pick up or remove items in violation of these policies and the direction in this memorandum, and employees cannot engage in any such personal activities during working hours.

We must always be mindful that the public expects and deserves that our employees carry out their public duties appropriately and that the integrity of our employees cannot be questioned.

MANDATORY RECYCLING PROGRAM

In 2009, the City of DeLand made a commitment to promote sustainability. Sustainability means satisfying our present needs without compromising the ability of future generations to meet their needs. Recycling is an important part of sustainability.

This program serves to remind each employee of this commitment and require that each employee consider ways that they can recycle or reuse resources rather than disposing of them.

Recycling benefits the environment by reducing landfill waste and pollution. By recycling and reusing, the amount of non-biodegradable materials being manufactured can be reduced as recycled materials are processed and made into new products. The City also supports purchasing goods produced with recycled content when possible. By reducing, reusing and recycling you can help to protect our water, air, land, energy and cultural resources.

We understand that some confidential information cannot be placed in general recycling paper bins, and some chemical containers require specific disposal procedures, but the majority of the waste paper generated by City operations and food and beverage containers can be recycled.

If you have any questions about whether materials can be recycled, please contact your supervisor or the Public Works department. Specific questions regarding records retention procedures can be directed to the City Clerk's office.

More information on what can be recycled in Volusia County can be found at <https://www.volusia.org/services/public-works/solid-waste-and-recycling/recycling>

The City of DeLand is committed to lead the community by demonstrating sustainable stewardship; providing healthy work environments for City staff and visitors; protecting, conserving and enhancing the City's resources; and establishing community standards of sustainable living practices. We hope that you will consider all practicable options for recycling materials used in association with your position with the City to help us achieve these goals.

Original Memo Dated March 2, 2018

SCRAP MATERIAL DISPOSAL

Revised November 2014

Purpose

The purpose of this policy is to establish city-wide protocol clearly describing how the city handles the disposal of scrap material on city owned property or scrap material that has been derived from a city project.

Definitions

Scrap Material: Any material that has value for either reuse or sale. This can include but is not limited to: metal (brass, copper, aluminum, steel, iron, etc.), batteries, coils, electrical wiring, plumbing material, air conditioning material, and any other material that can be sold to a recycling facility.

City Property: Any land, building, or item that the City of DeLand owns, operates, or utilizes, this includes material in dumpsters and trash containers.

Proceeds: Any funds obtained from the sale of scrap material to a recycling facility or scrap yard or other entity.

Scope and Application

This policy and its provisions apply to and serve as a guide to all city departments and employees.

Policy

All city departments that obtain and dispose of scrap material will need to create two separate logs of any scrap material. One log will be for scrap material that will be stored for reuse. A second log will be for scrap material that is to be sold to a local scrap recycling facility. Both logs will consist of a description of the scrap material, the date it was entered into the log and the date it was either sold or the date that it was repurposed. Additionally, the log that details the sale of scrap material needs to include the sale receipt.

If the scrap material is sold, the process needs to adhere to the surplus policy and the proceeds of the sale need to be remitted to the city's finance department. Proceeds from selling scrap material cannot be retained by the individual department. Nor can city scrap material proceeds be kept by an employee for personal gain.

Violation of Policy

If an employee is found in violation of the scrap material disposal policy, an investigation will be initiated by the City Manager's office or their designated representative. The disciplinary action will be in accordance with the City of DeLand's Rules and Regulations, which would include disciplinary action up to and including termination.

If a department is found in violation of the scrap material disposal policy, it will be reviewed by the City Manager or their designated representative and the appropriate action(s) will be taken to address the extent of the violation.

CITY OF DELAND LACTATION BREAKS POLICY

Purpose

The purpose of this policy is to provide reasonable accommodations to an Employee desiring to express breast milk for their infant child.

- It is the policy of the City of DeLand to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any City Employee desiring to express breast milk for their nursing child for up to one (1) year after the child's birth.

Scope and Application

- Reasonable break time for an Employee to express breast milk should be permitted each time the member has the need to express breast milk. In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portions of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.
- Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid. However, supervisors and department heads can allow an Employee to flex time so as not to lose hours.
- Members desiring to take a lactation break shall notify their immediate supervisor prior to taking such a break. However, such lactation breaks cannot be denied. Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.
- All City of DeLand Departments will make reasonable efforts to accommodate Employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member's work area and at a minimum have a chair, flat surface for a pump, a working electrical outlet, and notice provided. Such a room or place cannot be a bathroom or toilet stall and the location must be shielded from view and free from intrusion from coworkers and the public.
- Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. Employees should avoid interrupting an authorized lactation break, except to announce an emergency or other urgent circumstance.
- Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.
- Any member storing expressed milk in any authorized refrigerated area within any City of DeLand facility shall clearly label it as such and shall remove it at the end of the Employee's shift.

Consequences

- In the event that an Employee feels that their lactation breaks are not being reasonably allowed or accommodated in a proper designated area to ensure privacy or other issues, the Employee should first attempt to communicate their issues or concerns to their immediate supervisor and department. However, if the issues or concerns communicated are not being corrected or if the Employee is not comfortable communicating the issues or concerns with their immediate supervisor or department they are permitted and encouraged to notify Human Resources without fear of retribution.
- If it is determined that a department or individual did not comply with the lactation policy, corrective action can result in discipline up to and including termination.

GENDER IDENTITY USE OF RESTROOMS AND OTHER CITY FACILITIES

The City is committed to creating a safe and comfortable workplace environment that supports equal employment opportunity and non-discrimination for all employees. As such, City employees shall use the restroom, locker room, shower room or other City facility that corresponds to his or her gender identity. For example, a person who identifies as a male should use the men's restroom, and a person who identifies as a female should use the women's restroom. All employees should determine the most appropriate and comfortable option for themselves. To avoid misunderstanding, a transgender employee may inform their supervisor of their gender identity if that employee feels there may be any issues with the use of a particular facility.

Just as non-transgender employees are entitled to use a restroom appropriate to their gender identity without having to provide documentation or respond to invasive questioning or requests, transgender employees shall be allowed to use a gender identity appropriate restroom or other facility without being harassed or questioned. Supervisors shall not question the employee about their gender identity but should acknowledge that person's gender identity and allow use of the preferred restroom, locker room or other facility.

Existing buildings may have gender-segregated restrooms or other facilities (i.e. restrooms or locker rooms labeled "Men" or "Women"). Both non-transgender and transgender employees should use the restroom that corresponds to his or her gender identity.

A building may also have a single restroom, sometimes called a "unisex" restroom or gender-neutral restroom, for use by anyone. For such restrooms, the City shall provide a gender-neutral sign on the door that says "Restroom" and locks on the door for privacy. All City gender-neutral restrooms may be used by anyone.

In buildings with open showers or changing areas (i.e., an open room with multiple shower heads), for privacy, dividers or curtains that maintain respect and dignity should be used if individual shower stalls and changing areas in locker rooms are not available. If that is not possible, the City shall install locks on the door to the shower and/or locker room and provide an "occupied" sign to indicate that the shower or locker room facility is in use.

OFFICE DÉCOR AND DRESS CODE POLICY

- This policy is to establish guidelines for office decorations and decorum for City of DeLand employees who perform a majority of their work within the City buildings. This policy is not meant to limit personal expression, but instead intends to reflect a high level of professionalism for the City.
- Employees' offices should be neat and clean with no objects situated in a manner that may obstruct normal walkways or may cause possible injury.
- City employees whose office is enclosed within its own room will be allowed to display pictures, certificates, diplomas, and other items depicting one's accomplishments. City employees whose office is an open area, where other employees or the public also utilize the space will be allowed to display personal belongings as long as the displays do not obstruct the public's view. City employees wishing to display items on the walls or partitions must coordinate with the Facilities division before hanging any items on the walls to make sure items are hung safely and properly.
- Displays showing sexually explicit images, discrimination, gore, profanity, and other content that could reasonably be deemed to be offensive will not be displayed. These displays include, but are not limited to, pictures, posters, computer desktop images, screensavers, and objects placed on one's desk. The City reserves the right to prohibit the display of any improper or distasteful materials or any materials that are disruptive to the operations of the City.
- Artificial and live green plants may be displayed in an employee's office. Plant arrangements will be displayed tastefully as not to present a cluttered appearance or reduced visibility by the public.
- Personal fans, as long as the fan is no bigger than 6" in diameter, and personal heaters may be used as long as they are equipped with a proper electrical connector and plug directly into the wall, or use an authorized power strip provided they do not overload circuits, create a fire hazard, or interfere with the safety and comfort of other employees.
- Beverages will be allowed in the office area as long as measures are taken to avoid spillage. Employees in contact with the public should not be visibly eating their lunch at their desk and should make sure that the food is discretely hidden from the view of the public.

Dress Code (Perfumes, Cologne, Hair Color, Body Odor, Tattoos)

- This policy is to establish guidelines for the dress and appearance of City employees who perform a majority of their work within City Hall or work with the public on a regular basis. This policy is not meant to limit personal expression, but is rather to reflect a high level of professionalism for the City. Employees should use their best judgment and wear clothing that is appropriate and in good taste. However, final judgment will be at the discretion of their department director.
- The City of DeLand strives to maintain a workplace environment that is conducive to efficiency and productivity, and is also free from unnecessary distractions and annoyances. As part of that effort, the City generally requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. Recognizing that employees and visitors to our offices may have sensitivity or allergic reactions to various fragrant products.

Disclaimer: The following are examples of situations and appearances that may be deemed inappropriate during the work week. These examples listed are not all inclusive and are not limited to:

- Excessive or Strong Perfume, Cologne or Body Lotion
- Strong Body Odor
- Inappropriate or Offensive Tattoos
- Wild or Outlandish Hair Color
- Unkempt Hair including sideburns, mustaches, goatees and beards.

Advisory for office personnel not assigned to the City Hall is at the Department Head's discretion.

Disclaimer: The following are examples of the types of clothing that may be deemed appropriate or inappropriate to wear during the work week. These examples listed are not all inclusive and are not meant to limit the range of acceptable clothing.

- Business casual attire is required during the week from Monday through Thursday for City Hall and administrative employees. For example, appropriate attire for men includes a dress shirt with a collar or a polo shirt worn with dress slacks. Women may wear a dress, skirt, dress capris or dress slacks with a polo shirt, blouse, sweater, or jacket. Skirt length should be no shorter than three inches above the knee. Excessively baggy, revealing, or tight-fitting clothing will not be permitted.
- All Division and Department Head employees attending City Commission meetings who will make or possibly make a presentation are required to wear business formal attire. Men will wear a tie and dress shirt and women will wear a professional business dress, suit, or dress pants with an appropriate dress shirt.
- Employees are prohibited from wearing inappropriate clothing. Examples of inappropriate clothing include, but are not limited to:
 1. Denim jeans, shirts, shorts or capris, or overalls in any fabric or jumpsuits.
 2. Parachute pants or other baggy and loose-fitting pants
 3. Jogging suits, wind suits, or workout clothing
 4. Shorts, beachwear, or halter tops, tube tops or tank tops
 5. Slippers, hiking boots, ballet shoes, rubber thong sandals, or flip flops
 6. Shirts with revealing necklines, bare backs, bare midriffs, or strapless tops
 7. T-shirts and sweatshirts with offensive language, pictures, gestures etc.
 8. Blouses that do not cover all undergarments.
 9. Strapless dresses. This does not include shell or sun dresses which must be worn with a jacket at all times
 10. Excessively tight or revealing garments (stretch pants, leggings, leotards, tops, etc.)
 - a. ***(Variations to the above may be made for medical reasons based upon a doctor's orders)***
 11. Dresses, skirts or mini-skirts shorter than 3" above the knee
- These policies should be followed by all employees working in the City Hall building except those working as building inspectors, code enforcement officers, utility and meter service representatives, parking enforcement officers, or other personnel who work predominately outside of the City Hall building.

- These employees, identified by their assigned Department Heads, are allowed to wear jeans, work pants, shorts, and approved safety shoes with a City of DeLand shirt for their line of work. Department Heads may make limited changes to this policy for specific work details. City employees will be warned for the first violation and sent home to change into appropriate attire. Upon the second dress code violation in a twelve-month period and thereafter, City employees will be sent home to change into appropriate garments on their own time and disciplinary action may be taken.

Casual Fridays

On Fridays, employees working in the City Hall building will be permitted to wear certain articles of clothing normally deemed as inappropriate for Mondays through Thursdays. This does not permit the employee to wear clothing that is unclean, disheveled or in poor taste.

Employees may wear slacks, jeans, or denim capris, as long as they do not have holes in them. Sneakers, loafers, or other proper footwear is acceptable.

The following items are inappropriate for Casual Fridays:

Overalls, jumpsuits, parachute pants or other baggy and loose-fitting pants

Shorts, stretch pants, jogging suits, wind suits, or workout clothing, slippers, hiking boots, rubber thong sandals, or flip flops (unless a doctor's excuse is available.)

Uniforms

Uniforms and footwear which are provided for by the City, must be worn during all working hours in accordance with Departmental operating procedures. Uniforms provided by the City will not be worn off duty, except on their daily commute to and from work.

EMPLOYEE RECOGNITIONS

Section 1. Award of Excellence Program

The Award of Excellence will reward employees for their excellent work on the job. Each employee recognized will be given a card, called the Henry A. DeLand card, which would be able to be accumulated and redeemed for time off or a cash bonus. Department Heads will be given an allotment every quarter based on 20 percent of their department size. For example, Public Works would receive 5 cards if it had 25 employees. Those cards would be tracked every quarter to ensure that cards are being fairly distributed to employees.

Employees will be given cards by Department Heads based on recommendations by peers, supervisors, foreman, citizens etc. or through accomplishments or work observed by Department Heads. Cards can also be given by Department Heads to employees in other departments. Criteria for cards being given out is for work accomplished that aligns with the city's values: ***Communication, Respect, Integrity, Pride, Helping Others, Teamwork.***

As cards are given out, a memo outlining the accomplishment will be sent to HR for the employee's file, Finance for tracking purposes, and Office of Community Information for possible dissemination to the public.

Rewards will be as follows:

- 1 card – ½ day off
- 2 cards – 1 day off
- 3 cards – \$150 bonus
- 4 cards – \$250 bonus
- 5 cards – \$500 bonus

All rewards redeemed by employees will be considered tax-deductible.

Permanent full-time and part-time employees will be eligible for the program.

Once cards are used, they are considered redeemed and the employee will retain their remaining cards. Employees will be allowed to roll over their cards, but the maximum they will be allowed to accumulate at a time would be 10 cards.

Time off earned through the program can be combined with other vacation and paid time off, however, the amount of time and the use of time off accumulated through the program will have to be determined with Department Heads.

There will be no cash value for the cards or time accumulated through the program should an employee terminate their employment with the city.

Cards are not transferrable between employees.

The program became effective March 2019 and revised in 2021.

Section 2. Retirement Recognition

It is the policy of the City of DeLand to recognize and express appreciation for the dedicated service of retiring employees. The following procedures govern recognition at retirement:

1. Eligibility

An employee, who retires under a normal, early, or disability retirement as defined by any of the City retirement plans, is recognized under this program with the following exceptions:

- Members of the City Commission
- Part-time Employees
- Employees Terminated for Cause
- Please see Appendix D for Fire Department and Police Department Sworn Officers.

2. Determination of Recognition

The Department Head of the concerned employee determines the type of recognition to be awarded and is responsible for the purchase of gift(s), preparation of resolution and scheduling of awards presentations. Taxes for gifts and other items will be the responsibility of the employee who is eligible to retire.

3. Type of Recognition

Eligibility

Type of Award

Retirement with at least 10 years but less than 20 years

A gift not to exceed \$300 in value and a framed Certificate of Appreciation presented at a City Commission meeting.

Retirement with at least 20 years of continuous service.

A gift not to exceed \$500 in value and a framed Resolution presented at a City Commission meeting.

Retirement with at least 30 years of continuous service.

A gift not to exceed \$1000 in value and a framed Resolution presented at a City Commission meeting.

An employee who does not participate in any of the City sponsored retirement plans is considered as retired for the purposes of this policy if they separate from City employment with the same or equivalent retirement requirements.

Section 3. Employee Suggestion Program

Purpose: To recognize employees for their suggestions and ideas, which make the City of DeLand a safer, more productive and efficient organization, or who identify areas which produce revenue or cost savings.

1. Eligibility

The City Innovators is open to all regular City employees. Department Heads and Division Heads are eligible to participate if their suggestion does not affect their area of influence or control. The Program Review Committee will address questions regarding eligibility.

2. Procedures

The HR Director will serve as the program facilitator. This task will consist of:

- Developing and maintaining a suggestion program database
- Clocking in and logging suggestions
- Ensuring time restrictions are observed
- Reviewing suggestion applications for content and completeness
- Maintaining contact and informing employees of process
- Advertising program
- Issuing awards and ensuring write-up in the quarterly employee newsletter.

Employees will complete an application form and submit it to the HR Director for processing. The form should include the following information:

- The current situation/procedure which the suggestion addresses
- Discussion of the suggestion/idea. If the suggestion/idea involves cost savings, the employee should identify the anticipated area affected. Backup data and information should be supplied if available
- A recommendation on how the idea/suggestion could or shall be implemented.

The suggestion will be clocked in, logged and reviewed for completeness and content. The employee will be notified upon receipt of the suggestion's status. Duplicate suggestions will be returned to the employee with a letter of explanation.

The HR Director will call a meeting of the Review Committee biannually in November and April to review submitted suggestions. The review committee shall consist of the HR Director, Finance Director or designee, the Department Head of the area affected by the suggestion or idea, and one City employee chosen by the City Manager from a roster of employees willing to serve on the Review Committee. All applications will be forwarded to the Review Committee one week prior to the meeting.

The Review Committee shall:

- Make a recommendation on the approval or rejection of the suggestion/idea
- Make a recommendation on amount of award to be issued
- Assign suggestion/idea to appropriate personnel for additional study
- Complete evaluator form identifying reason suggestion/idea was not approved

The Review Committee shall forward its recommendations to the City Manager for final approval. The City Manager will make the final decision within 15 working days of the receipt of the Committee's recommendations. The City Manager will assign the suggestion or idea to the appropriate Department for implementation. The affected Department Head and Finance Department Representative will be responsible for tracking the savings generated by the program for the first twelve (12) months. The affected Department Head will be responsible for transmitting an evaluation form to the Finance Director and HR Director, between 180 and 195 days after the program has been implemented, and with a second report due not more than 30 days after the first anniversary of the implementation of the suggestion or idea.

Suggestions or ideas not accepted by the Review Committee may be resubmitted for future consideration. Employees retain rights to the suggestion for one (1) year. At that time, ideas must be resubmitted. Ideas/suggestions previously submitted must be transmitted on the standard form and follow the normal review process.

Rights to Suggestions or Ideas

Any employee who offers a suggestion or idea agrees that the City of DeLand has the right to use that suggestion or idea and transfers any and all rights to that suggestion or idea to the City of DeLand and certifies that the suggestion or idea is original and not proprietary or owned by another company or individual.

Awards

Suggestions or ideas approved by the City Manager are eligible for the following awards, as recommended by the Review Committee and awarded by the City Manager.

Creative Genius Award

Awarded for suggestions or ideas, which generate substantial real dollar (hard) savings for the City of DeLand. Soft dollar savings do not qualify for the purposes of this program.

- Engraved plaque to be presented by the City Commission.
- Recognition in the City Newsletter.
- \$100 Cash upon acceptance of the idea as a pilot program.
- 5% of savings generated by the idea not to exceed \$1,000 to be awarded upon the first anniversary of implementation when the suggestion has proven to generate a cost savings to the City.

Innovators Award

Awarded for suggestions or ideas, which improve operations, procedures or safety in the employee's general area of assignment or City-wide; or improves service to the City's citizens-customers.

- Certificate of recognition to be presented by the City Commission.
- Recognition in the quarterly employee newsletter.

AND

- \$25 - \$100 to be determined by the Review Committee; (Cash, deferred compensation, gift certificate, or US Savings Bond)

OR

- 1/2 Day to Full Day off with pay.

UTILITY DEPARTMENT SHIFT DIFFERENTIAL

Shift Differential Employee Compensation *Utility Department Plant Operators

- Employees may earn additional shift differential pay based on the scale below:
 - Shift 1: 07:00 – 15:00 or 08:00 – 16:00 – straight pay
 - Shift 2: 15:00 – 23:00 or 16:00 – 00:00 \$0.50/hour additional pay
 - Shift 3: 23:00 – 07:00 or 00:00 – 08:00 \$0.75/hour additional pay

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Resolution Approving City's Purchasing Policy.

DEPARTMENT: Finance

PREPARED BY: Daniel Stauffer, Finance Director

ATTACHMENTS: Resolution, City of DeLand Purchasing Manual

APPROVED BY: Michael Pleus, City Manager, November 29, 2022

SUMMARY/HIGHLIGHT:

The City's current Purchasing Policy is old and outdated. It refers to old processes under the City's former financial software system and is not very user-friendly. Finance has created an updated Purchasing Policy that corresponds with processes under the City's new financial software system.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

Staff recommends the City Commission adopt the Resolution establishing the City's new Purchasing Policy as presented.

BACKGROUND/DISCUSSION:

N/A

RESOLUTION NO. 2022 -

A RESOLUTION OF THE CITY COMMISSION OF DELAND, FLORIDA, ADOPTING A PURCHASING POLICY; REPEALING ALL PRIOR RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of DeLand previously adopted a purchasing policy which sets forth the purchasing guidelines that the City and its professional staff must follow, subject to controlling Charter and State law requirements, when procuring goods and services for the City; and

WHEREAS, the City's staff has spent considerable time revising the City's current purchasing policies to modernize same, and to otherwise provide for a comprehensive set of policies to guide the City's procurement activities; and

WHEREAS, the amended purchasing policy updates the City's current practices, and brings the City into compliance with modern standards and establishes the overall procedures for purchasing related activities; and

WHEREAS, an adequate purchasing policy serves as sound guidance to ensure that the City receive the best value for purchases, and to establish proper controls, cooperative assistance and lawful practices that are efficient and effective in obtaining the goods and services needed; and

WHEREAS, the City Commission of the City of DeLand desires to adopt as the purchasing policy of the City the purchasing manual attached to this Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DELAND:

Section 1. The City Commission does hereby adopt the City of DeLand Purchasing Policy as set forth in Attachment A, attached hereto and incorporated herein. This purchasing policy shall replace the existing purchasing policy.

Section 2. The City Commission of the City of DeLand may amend the Purchasing Policy by Resolution when deemed necessary and in the best interest of the City of DeLand.

Section 3. Any resolution or part of a resolution in conflict herewith is hereby repealed to the extent of the conflict.

Section 3. This resolution shall become effective immediately upon its adoption.

PASSED AND DULY ADOPTED this 5th day of December 2022.

ATTEST:

Christopher M. Cloudman
Mayor - Commissioner

Julie A. Hennessy, City Clerk - Auditor

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney

Purchasing Policy Manual

(Procurement Rules and Regulations)



City of DeLand

Adopted by the DeLand City Commission on 12/05/22

By Resolution Number 2022-XX

Table of Contents

PURCHASING POLICY ADOPTION	6
INTRODUCTION.....	6
DUTIES AND RESPONSIBILITIES IN THE CITY PURCHASING PROCESS	8
<i>City Manager Responsibilities.....</i>	<i>9</i>
<i>Finance Director Responsibilities</i>	<i>9</i>
<i>Requesting Department Responsibilities.....</i>	<i>10</i>
<i>Vendor Responsibilities</i>	<i>11</i>
<i>City Clerk Responsibilities</i>	<i>14</i>
<i>City Attorney Responsibilities</i>	<i>14</i>
ETHICS AND THE PROCUREMENT PROCESS	14
EXCEPTIONS TO QUOTES AND FORMAL SOLICITATIONS	15
<i>Alternate Source Contracts (Cooperative/Intergovernmental/ Piggyback Agreements)</i>	<i>16</i>
<i>Single/Sole Source and Standardization</i>	<i>16</i>
<i>Emergency Purchases</i>	<i>17</i>
Mission Critical.....	17
Declared Emergencies.....	18
<i>Respect & Pride Statutory Programs</i>	<i>19</i>
<i>Owner (City) Direct Purchases (ODPs)</i>	<i>19</i>
<i>Additional Exemptions</i>	<i>20</i>
UNAUTHORIZED PURCHASES	21
COMPETITIVE PURCHASING PROCESSES.....	22
<i>General Matters Relating to Submissions</i>	<i>22</i>
<i>Issuing Addenda</i>	<i>23</i>
<i>Competition Thresholds</i>	<i>23</i>
<i>Prohibition Against Subdivision, Splitting or Aggregation</i>	<i>25</i>
COMPETITIVE METHODS OF SELECTION	25
<i>Competitive Sealed Bidding, Invitation to Bid (ITBs)</i>	<i>25</i>
Conditions for Use	25
Life Cycle Cost or Total Cost Bid	26
Public Notice	26
Bid Format.....	26
Bid Conditions	26

Price Increases	27
Bid Specifications	27
Insurance	28
Bonds.....	30
Pre-Bid Conference	31
Receiving Bids	32
Late Bids	33
Correction or Withdrawal of Bids.....	33
Variances, Alternates and Multiple Bids.....	33
Options	33
Bid Opening.....	33
Public Disclosure	34
Single Bid Received	34
No Bid Received	35
Tie Bids	35
Local Preference.....	35
Waiver of Informalities.....	36
Bid Award.....	36
Request for Commission Action	40
<i>Multi-Step Sealed Bidding</i>	<i>40</i>
OTHER COMPETITIVE PROCUREMENT METHODS AND PROCEDURES.....	41
<i>Request for Competitive Sealed Letters of Interest (RLIs)</i>	<i>41</i>
<i>Competitive Sealed Information, Request for Information (RFIs)</i>	<i>41</i>
<i>Competitive Sealed Qualifications, Request for Qualifications (RFQs)</i>	<i>42</i>
<i>Competitive Sealed Proposals, Request for Proposals (RFPs)</i>	<i>42</i>
<i>Vendor Pool Contracts</i>	<i>43</i>
<i>Consultant's Competitive Negotiation (CCNAs)</i>	<i>43</i>
<i>Design-Build Contracts</i>	<i>45</i>
<i>Auditor Selection Procedures</i>	<i>46</i>
SELECTION COMMITTEES.....	48
<i>Selection Committee Team Members</i>	<i>48</i>
<i>General Principles Relating to Open Government</i>	<i>48</i>
<i>Initial Meeting of the Selection Committee</i>	<i>49</i>

<i>Conflicts of Interest</i>	49
<i>Committee Rules and Procedures</i>	49
<i>Recommendation of Award</i>	53
<i>Rejection of Proposals</i>	53
POST AWARD AND OTHER MATTERS	54
<i>Post Award Vendor Evaluations</i>	54
<i>Disqualification of Vendors</i>	54
<i>Debarment or Suspension</i>	56
<i>Reinstatement Process</i>	57
<i>Protest of Award</i>	58
PURCHASING CARD PROGRAM	59
PURCHASING PROCESSES AND PROCEDURES – ADMINISTRATIVE MATTERS	60
<i>Purchase Requisition</i>	60
Purpose	60
When to Prepare	60
Who Prepares	60
How to Prepare	60
Approvals	61
<i>Purchase Orders (PO)</i>	62
Purpose	62
Who Issues	62
Reject Vendor Acknowledgement Forms	62
Receipt of Goods and Materials	62
Blanket Purchase Order (BPOs)	63
<i>Change Orders (CO)</i>	63
PAYING FOR GOODS AND SERVICES	64
<i>Sales Tax Exemption</i>	64
<i>Prompt Payment Act</i>	64
Paper Invoices –	64
Electronic Invoices –	65
<i>Invoices</i>	65
Definition	65
Contents of an Invoice	65

Processing an Invoice for Payment	66
CITY ASSET MANAGEMENT POLICIES	66
<i>Capital Outlay Item Defined</i>	<i>66</i>
<i>Disposing of Surplus Assets of Personal Property</i>	<i>68</i>
<i>Disposing of Surplus Real Property</i>	<i>68</i>

PURCHASING POLICY

This Manual is a controlling policy document for City of DeLand (the “City”) as a Florida municipal government and contains the procurement rules and regulations as required by the *City Charter* and was adopted by means of a resolution approved by the City Commission.

It is important to review the Introduction of this Manual to ensure that the Manual is properly used as guidance for City personnel in implementation of the City’s purchasing practices and procedures.

INTRODUCTION

It is important to note that the expenditures authorized by the City are appropriated during the annual budget process. The budget for each fiscal year, running from October 1 through September 30, is established in the prior year after appropriately noticed budget workshops and City Commission meetings/public hearings at which the budget adoption resolution is considered and funding is approved such as by the levying of ad valorem taxes. The public is notified of all public meetings and is encouraged to participate in the transparent and open budget making process.

Section 62 of the *City Charter* makes it clear that the City Manager or the City Manager’s appointed purchasing agent(s), shall implement the purchasing of goods and service required by City government in accordance with the rules and regulations established by ordinance or resolution. Section 63 of the *City Charter* mandates certain competitive bidding requirements. The policies and regulations published in this Manual implement the provisions of the *City Charter* and other controlling law as well as establishing the process of checks and balances to assure previously approved, allocated and appropriated funds are spent in accordance with the budget. The City Manager and staff are charged with the responsibility to use City funds only as authorized by the City Commission and as set forth in the City budget.

With regard to controlling law that regulates the purchasing system, the statutes that impact City activities will be addressed in a general manner. Insomuch as statutes are regularly amended it is always the best practice to ensure that the dollar thresholds, timelines, procedures, etc., being applied are the current ones mandated in law. The purchasing professionals of the City as well as the City Attorney can assist in ensuring that the current law is being used by the City.

The terms purchasing and procurement are used interchangeably in this Manual and both are defined as the studied and established process by which the City acquires goods, services and interests in real and personal property. The term “bid” shall be used generically in this Manual and shall include submissions to the City in the context of cost proposals, price quotes, competitive bidding, competitive proposals, submission or qualifications or any other form of submission to provide goods or services to the City. The use of the term “vendors” in this Manual included persons or entities from whom the City has procured goods or services and persons or entities who are bidding or otherwise proposing to provide goods or services to the City. Thus, a “vendor” may be a proposer or respondent or other person or entity soliciting the sale of goods or services to the City.

When the phrase “goods or services” or like terminology is used in this Manual, reference is made to any and all types of commodities, equipment, material, supplies and personal services that the City may procure of whatsoever type or nature to include, but not be limited to, matters which involve City construction projects.

This Manual is intended to provide general orientation information for the operational activities of the City. It is not intended to be a detailed guide describing each aspect of the City procurement procedures or for any specific project. However, this Manual is intended to provide sufficient procedural detail and rules and regulations to enable City personnel and the vendor community to:

- 1) Be fully aware of, and comply with, City purchasing rules, regulations policies and procedures, and
- 2) Effectively participate in the City's purchasing program.

In any situation where compliance with this Manual will place the City in conflict with State or Federal law, or other controlling legal requirements, those requirements will prevail over the provisions of this Manual. When a procurement involves the expenditure of grant funds, the procurement shall be conducted in accordance with the requirements of the grant and any applicable mandatory laws and regulations of the granting agency, whether or not they are reflected in the *City Code* or this Manual. Nothing in this Manual shall prevent the City or any agency to which the City grants funds from complying with the terms and conditions of any grant, gift or bequest which are otherwise consistent with law.

The basic purchasing policy of the City is that its processes are conducted on the basis of full and open competition to the greatest extent possible, with award being made to:

- 1) The lowest price from the responsive and responsible vendor with the quality, performance and delivery requirements of the City being attained.
- 2) The best value vendor under qualitative solicitations that involve pricing as a competitive selection factor.
- 3) The highest ranked technical vendor with which a fair and reasonable price may subsequently be negotiated under solicitations that do not involve pricing as an initial competitive selection factor.

Further, the basic purchasing policy of the City is to ensure that processes conducted provide that:

- 1) All specifications or statements of work included in the City purchasing actions accurately describe the essential needs of the City, and contain no artificial or arbitrary requirements that limit competition.
- 2) Each purchasing action is conducted in accordance with the best interests of the City and with the highest level of integrity and fairness to all involved parties throughout the acquisition cycle.
- 3) All City purchasing operations be conducted in compliance with federal, state and local laws as applicable and ensure the highest degree of ethical standards.
- 4) Each vendor is dealt with fairly and equitably by the City.
- 5) The maximum savings of City funds is achieved through innovative procurement practices and the application of value analysis techniques.
- 6) Contracts are administered with internal efficiency and with post performance evaluations being conducted in a professional manner.

- 7) Transparency and community inclusion be sustained throughout the purchasing process.

It has been said that public purchasing is getting the right item to the right place at the right time and at the right price. While that is an oversimplification of the role of the City, it is the essence of the process and the City implements a professional purchasing system consistent with sound and generally public management practices and principles to ensure that:

- 1) Public funds that have been entrusted to the management of the City are appropriately and effectively administered and that no indebtedness beyond the budgeted amount is created;
- 2) Economies of scale are achieved by the City being able to buy, in bulk, many of its day-to-day necessities through quantity purchases for several departments or by piggybacking the contracts of other jurisdictions;
- 3) Vendors are timely paid for the products or services that have been sold to the City by providing the means to account for each purchase that has been made; and
- 4) The potential for vendors trying to establish unethical relationships with City personnel is reduced to the maximum extent.

The *City Charter* provides that the City Manager is the purchasing agent for the City and that all purchases and sales conform to such regulations as the City Commission may from time-to-time prescribe. This Manual is adopted by the City Commission to meet the requirements of the *City Charter* and to inform the public and those involved in carrying out the business of the City of the regulations in place. The City Commission may amend, revise or replace these rules and regulations from time-to-time and to waive any requirement or process herein as the City Commission deems appropriate with a finding that such waiver is in the public interest.

The provisions of this Manual are intended to provide a comprehensive, but general, set of rules and regulations for application to the City's purchasing process for use by City personnel and others involved in the City's processes and procedures. That being said, there will be situations which arise that, due to the uniqueness of each procurement, require guidance from the Finance Director, the City Attorney or other City management personnel. And, of course, overall policy issues are matters that are vested in the legislative authority of the City Commission.

Again, when statutory provisions are referenced in this Manual, the details of such statutes are not outlined with any specificity as statutes are amended from time-to-time and it is important that the current provisions of each controlling statute be adhered to. Accordingly, guidance may be provided by the Finance Director and City Attorney to ensure that the City attains statutory compliance with the current terms and provisions of statutes.

This Manual also contains provisions relating to the management of City assets whether real or personal property and disposing of City interests in real or personal property when such property is determined to be surplus. Both functions are a part of the overall business of the City and relate to the purchasing process.

DUTIES AND RESPONSIBILITIES IN THE CITY PURCHASING PROCESS

The City operates a decentralized purchasing function where each department makes purchases in accordance with purchasing policies and the Finance Department serves as the purchasing gateway to assist departments and provide technical expertise in purchasing procedures for overall accounting, budgeting and internal control while also coordinating purchases that occur by multiple departments insofar as practicable.

City Manager Responsibilities

As noted in the Introduction, Section 62 of the City Charter provides that the City Manager or the City Manager's appointed purchasing agent(s), shall implement the purchasing of supplies, materials and equipment required by City government in accordance with the rules and regulations established by ordinance or resolution.

Finance Director Responsibilities

The Finance Director is responsible for implementing, under the delegation and direction of the City Manager, the provisions of this Manual and other controlling law, and coordinating the purchasing procedures within the City.

The Finance Director, or designee, shall:

- 1) Determine if any purchases fall outside the requirements of this Manual or other controlling law.
- 2) Develop purchasing objectives, policies, programs and procedures for the acquisition of goods and services.
- 3) Coordinate and assist with purchasing processes procedures of all City departments.
- 4) Consolidate the purchase of like or common items or services and apportion costs therefor.
- 5) Ensure all purchases are made in accordance with Federal, State and City laws, rules and regulations.
- 6) Provide training and guidance to ensure an understanding of sound purchasing policies and procedures throughout all departments of the City and establish and maintain active communication with all departments in order to meet their purchasing requirements.
- 7) Work with the originating department to ensure the procured goods or services meets the requirements of the department and is the best value of the City.
- 8) Develop manuals, provide training and be a resource to all departments in meeting their purchasing needs and, to that end, in consultation with other department directors, under the direction of the City Manager, shall review the provisions of this Manual annually and submit recommendations to the City Manager for review and submission to the City Commission. If a change is recommended for approval by the City Manager, the Finance Director will prepare and submit the agenda item to the City Commission for final approval.
- 9) Establish and maintain highly functional and positive relationships with vendors for the benefit of the City.
- 10) Inform City personnel of market changes, new products and other such factors that may assist them in economically accomplishing their missions.
- 11) Exchange ideas and information with other public purchasing agencies for the benefit of the City.

- 12) Develop standardized specifications for use by all departments, improve the purchasing practices, understand piggyback procedures and apply them where feasible to include maximizing the piggybacking of contracts when beneficial to the City.
- 13) Maintain expertise in procurement laws and practices.
- 14) Review draft specifications or requests for responses relative to bids.
- 15) Determine dates/times for advertising and submissions for bids and ensure compliance to all legal requirements.
- 16) Assist the City Manager in resolving, monitoring and negotiating contract disputes regarding contract compliance.
- 17) Engage in pre-audit and post-audit activities relative to the purchasing activities of the City.

Requesting Department Responsibilities

Requesting departments, shall:

- 1) Initiate purchases, as outlined in this Manual, allowing sufficient lead time for City personnel to process the order and for the vendor to deliver the goods or services. The lack of prior planning is not a legitimate basis for deviation from the requirements of this Manual or other controlling law.
- 2) Adhere to the provisions of this Manual and other controlling law.
- 3) Prepare clear and unrestrictive technical specifications when needed for products or services.
- 4) Review bid tabulation sheets and other submissions to determine the department's recommendation for award.
- 5) Provide complete and proper specifications for bid solicitation, or proper documentation to waive bidding, when exercising an option to "piggyback", declaring sole/single source procurement or to deal with emergencies.
- 6) Promptly inform the Finance Director of any contract compliance issues or when any vendor or the public raise issues of concern relative to the City's purchasing processes or procedures or a particular procurement.

Vendor Responsibilities

The City is committed to conducting a procurement process under the highest ethical standards and enjoys the complete confidence of the public. To achieve this, each vendor must subscribe to the following Vendor Code of Ethics and by doing business with the City or bidding to do business with the City, a vendor shall be conclusively deemed to have agreed to the following ethical standards as well as those otherwise applicable under controlling law and the following provisions shall be deemed to be a part of every City contract and procurement document:

- 1) Submitted bids shall be competitive, consistent and appropriate to the solicitation documents and, upon executing a City contract, vendors certify and affirm the truthfulness and accuracy of each statement of its communications with the City and the certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into by the City and shall be a representation to the City that vendors are not excluded, debarred or disqualified from entering into a contractual relationship with the City. A vendor must disclose any preclusion to bid result from Section 287.133, *Florida Statutes*, dealing with vendors convicted of "public entity crimes such as bid rigging, price fixing, bribery, fraud and theft and must certify that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, *Florida Statutes*. The Florida Legislature regularly adds prohibitions with regard to the nature and types of vendors with which local governments may engage in business and such legislative enactments should be evaluated in a routine manner in order for the City to remain current in statutory compliance.
- 2) Vendors shall not discuss or consult with other vendors intending to respond to the bid in a manner which limits competition. Moreover, vendor shall not attempt to induce any individual or entity to submit or not submit a bid.
- 3) Vendors shall not disclose the terms of its solicitation submittal, directly or indirectly, to any other vendor prior to the solicitation submittal deadline.
- 4) Vendors shall completely perform any contract awarded to them at the contracted price pursuant to the terms set forth in the contract.
- 5) Vendors shall submit timely, accurate and appropriate invoices for goods or services actually performed under the contract.
- 6) Vendors shall not offer or give any gift, item or service of value, directly or indirectly, to a City employee, employee family member or other vendor.
- 7) Vendors shall adhere to the cone of silence and shall not communicate with any officer, elected official (including Mayor and City Commission), department, division, office, City employee or any selection committee members during an active solicitation from the date of issuance through award, unless specifically authorized in the City's solicitation. Vendors shall utilize the request for information and guidance through the bid addendum process.
- 8) Vendors shall not cause, influence or attempt to cause or influence, any City employee of official, which might tend to impair objectivity or independence of judgment; or use, or attempt to use, official position to secure any unwarranted privileges or advantages.

- 9) Vendors shall not allow City employees or former City employees to work on City projects or provide services to the City under agreements or sub-agreements without express written consent from the City.
- 10) Vendors shall not draft contract documents absent precise authorization from the City or submit contractual provisions which deviate from City standard provisions such as:
- a) Provisions which relate to insurance coverage requirements for vendors which deviate from City norms.
 - b) Indemnification, hold-harmless clauses, or other terms, which would waive the City's sovereign immunity protection as provided by Section 768.28, *Florida Statutes*, or which are averse to the City.
 - c) Requiring the application of the law of any state other than Florida in interpreting, governing or enforcing the contract or requiring or permitting that any dispute under the contract be resolved in the courts of any venue other than the Seventh Judicial Circuit in and for Volusia County, Florida.
 - d) Automatic renewals without the inclusion of a cancellation or termination clause.
 - e) Requiring or stating that the terms of the vendor's terms and conditions prevail over the City's. The attempt to add any provision of that nature by the vendor via a quotation, proposal, scope of work or insertion or other attachment is a breach of contract.
 - f) Binding the City to any arbitration or to the decision of any arbitration board, commission, panel or other entity.
 - g) Bestowing any right or incurring any obligation that is beyond the duly granted authority of the City employee to bestow or incur on behalf of the City.
 - h) Providing that the intellectual property resulting from a relationship is not owned by the City. All materials purchased by or developed for the City becomes property of the City with all rights owned by the City.
 - i) Any alteration of any City form by the vendor (without the express written consent of the City which the City shall not give absent extraordinary circumstances with the approval of the Finance Director and City Attorney) shall constitute a breach of contract and a default. Only City forms may be used in contract implementation with regard to any manner proposed to be binding upon the City.
- 11) Vendors shall not use the City's seals, logos, crests, or reproductions of flags or likenesses of City officials without specific written City pre-approval.
- 12) Vendors shall not commence the performance of work or the provision of goods prior to any authorization of the City and no payment from the City will be sought until all required proof or evidence of insurance has been provided and approved by the City's Risk Manager.

- 13) Vendors shall not submit false claims and any vendor who submits a false claim shall be liable to the City and shall reimburse the City when such a claim is found to have been submitted by a controlling legal authority as well as for any and all statutory penalties set forth in controlling law. A vendor will be deemed to have submitted a false claim to the City if the vendor:
- a) Knowingly presents or causes to be presented to an officer or employee of the City a false claim or request for payment or approval.
 - b) Knowingly makes, uses, or causes to be made or used a false record or statement to get a false claim paid or approved by the City.
 - c) Conspires to defraud the City by in any way causing a false claim allowed or paid by the City.
 - d) Knowingly makes, uses, or causes to be made or used a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the City.
 - e) Is a beneficiary of an inadvertent submission of a false claim to the City, subsequently discovers the falsity of the claim, and fails to disclose the false claim to the City within a reasonable time after discovery of the false claim.
- 14) Vendors shall be responsible for the professional quality, accepted standards, technical accuracy, neatness of appearance of employees, employee conduct, safety, and the coordination of all goods or services furnished by vendors under the City's contract documents as well as the conduct of its staff, personnel, employees and agents.
- 15) Vendors shall pay all royalties and assume all costs arising from the use of any invention, design, process, materials, equipment, product or device in the performance of services or the provisions of goods which is subject to patent rights of copyrights. Vendors shall, at their own expense, hold harmless and defend the City against any claim, suit, or proceeding brought against the City, which is based upon a claim, whether rightful, or otherwise, that the goods or services, or any part thereof, furnished to the City, constitutes an infringement of any patent or copyright and, further, vendors shall pay all damages and costs awarded against the City.
- 16) Vendors shall advise the City of any violations of the City contract documents. Adopt and implement security systems that protect the City's computer systems such as, by way of example and not limitation, the protection of passwords, encryption of data during transmission and at rest, the implementation of firewalls, the use of intrusion detection tools, use of appropriate internet protocols, adhering to patch management and the use of software to detect and eliminate malware, spam and spyware. Vendors shall also take other security measures, as needed, to wipe hard drives, shredding before recycling and related measures. Vendors shall advise the City of any security breaches relative to which a vendor becomes aware.

- 17) Vendors shall, at all times, maintain complete loyalty to the City and disclose any circumstance that could be detrimental to the City or advantageous to the City regardless of any representation or, or services performed to, or goods provided to, any other client of a vendor. Any representation or work performed to another client of the vendor after the occurrence of an event that could result in a detriment to the City or the failure to provide to the City any information to the City that could be, in any way, of benefit to the City or which could result in a detriment to the City shall be an irrebuttable conflict of interest. The word “client” means and includes customers of any type or nature whatsoever.
- 18) Vendors shall comply with Section 448.095, *Florida Statutes*, including, but not limited to, registration and use of the E-Verify system to verify the work authorization status of all newly hired employees. Vendors shall require all subcontractors to provide an affidavit attesting that the subcontractor does not employ, contract with, or subcontract with, an unauthorized alien. Vendors shall maintain a copy of such affidavit for the duration of the contractual relationship with the City.
- 19) Vendor shall not discriminate against any person in its operations, activities or delivery of services. Vendor shall affirmatively comply with all applicable provisions of Federal, State and local equal employment laws and shall not engage in or commit any discriminatory practice against any person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for disqualification.

City Clerk Responsibilities

The City Clerk acts as custodian of all contracts as the custodian of public records and shall attest to the appropriate signatory for purchasing documents.

City Attorney Responsibilities

The City Attorney shall provide legal direction and guidance, as needed, in order to lawfully implement the procurement activities of the City. The City Attorney shall provide legal review of any proposals to amend this Manual and recommend any other changes that may be required by controlling law.

ETHICS AND THE PROCUREMENT PROCESS

The City rigidly adheres to the *Code of Ethics for Public Officers and Employees* as set forth in Part III of Chapter 112, *Florida Statutes*. Also, Florida’s Constitution clearly states that “A public office is a public trust” and the City is committed to that principle. Other statutes pertain to ethics in government. Furthermore, the Finance Director promotes the *Code of Ethics* as adopted by the National Institute of Governmental Purchasing Officers and the Florida Association of Public Procurement Officials, Inc. Further, the City is careful to ensure that it deters vendors and other from knowingly causing or assisting in causing the City to pay contract claims that are false or fraudulent.

All City employees involved in any part of the procurement process shall act in an ethical manner. No officer or employee of the City shall have any personal beneficial interest, either directly or indirectly, in any expenditure, purchase, sale (not including items auctioned by the City) or contract for goods or services procured by the City. Additionally, they shall not have personal or financial interest in any firm, corporation or association furnishing or bidding on goods or services.

All City employees shall keep themselves free of obligations and the appearance of obligations to vendors by refusing to accept any gifts or entertainment, other than advertising materials such as pens, note pads, calendars, baseball caps, t-shirts or other inexpensive office supplies advertising the vendor's name or product, offered by any vendor.

It is prohibited for officer or employee of the City, acting as agent for the City, to directly or indirectly, purchase, rent, lease any supply or service from a business entity in which he/she or his/her immediate relative owns a material interest. A public officer or employee acting in a private capacity shall not rent, lease or sell any goods or services to the City.

A vendor should not be allowed to gain an upper hand over other vendors by making presentations on goods or services outside of the normative procurement processes. Presentations on new strategies, techniques, products (goods or services) should be made by City personnel or consultants and not prospective vendors.

The City is also committed to government transparency and adherence to all laws that relate to open records and the openness of government proceedings and actions.

All solicitations, once advertised and until the appropriate authority has approved an award recommendation, are under the "Cone of Silence." The Cone of Silence prohibits certain oral communications regarding a particular solicitation during the period the Cone is in effect. The Cone of Silence is designed to protect the professional integrity of the procurement process by shielding it from undue influences prior to the recommendation of the contract award. The Cone of Silence is intended to prevent purchasing decisions from being influenced by lobbying which is intended to influence or attempting to influence action or non-action in a purchasing or attempting to obtain the goodwill of a City employee or office or, selection committee member relating to the selection, ranking or contract award in connection with the purchasing decision through direct or indirect verbal or written communication. This type of activity included actions whether performed by the vendor itself, any employee of the vendor, the vendor's attorney, agent, or other paid or non-paid representative; or any person who performs such actions on behalf or at the behest of the vendor.

Written communications between potential vendors or vendors on City solicitations, the City's professional staff, and the City Commission members are permitted only through addendums described below.

A violation of the Cone of Silence shall result in the disqualification of the vendor from the bid relative to which the violation occurs.

EXCEPTIONS TO QUOTES AND FORMAL SOLICITATIONS

Certain purchases made by the City are authorized for direct purchases. The current list of purchases authorized for direct payment are as follows:

Alternate Source Contracts (Cooperative/Intergovernmental/ Piggyback Agreements)

Procurement procedures allow for purchases in any amount against an established, active alternate source contract, provided they are in the best interest of the City. Alternative source contracts consist of Federal General Services Administration contracts, Florida governmental contracts, governmental joint agreements, any Florida local or county governmental agency contract, cooperative purchasing organizations, joint bids, or purchasing associations, non-profit organizations and any other entities allowed by law and policy determination of the City. The City considers alternate source contracts as an acceptable source selection method provided they mirror the City's procurement policies and generally accepted governmental best practices related to competition, award selection and contract requirements.

Piggybacking is a procedure of procuring goods or services without the formal solicitation process by means of utilizing another public entity's award under an authorized process. The award must be in accordance with all the terms and conditions, prices, time frames and other criteria as included in the other public entity's awarded contract. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the City's bid limit (\$50,000). Expired contracts cannot be piggybacked and piggybacking can only last for as long as the piggybacked contract is in effect. Contracts procured under the Consultants Competitive Negotiations Act may not be piggybacked.

Cooperative procurement is a procurement by a public entity with one or more other public entities, for the purpose of combining requirements for the purchase of like goods or services in order to increase efficiency and/or reduce administrative expenses.

Alternative source contracts in the amount of \$50,000 and above do not require City Commission approval, but require City Manager approval.

All sole source procurements \$50,000 and above require City Commission approval, but all such procurements must be well documented and implemented in accordance with controlling law.

Single/Sole Source and Standardization

The City attempts to purchase non-proprietary product/services when possible. Sometimes, however, single, sole source and product/services standardization purchases are justified. Sole source procurements are defined as the acquisition of goods or services that (1) is the only good or service that will produce the desired results or is the most appropriate for the given situation; or (2) is available from only one source of supply or the use of such source is both economically and operationally in the City's best interests. Sole source services must be available only from vendors who are uniquely qualified to perform such services.

Single source procurements occur when there is more than one viable supplier, but the City determines it is in the best interest to select a particular manufacturer/service provider based on significant business reasons. Legitimate reasons to single source a purchase may involve the vendor's special ability to provide unique spare parts, unique emergency repair service or unique knowledge and qualifications, etc.; provided, however, that the planning activities of the City shall consider avoiding long term adhesive contractual relationships with vendors that are disadvantageous to the City.

Sole source procurements include the purchase of goods or services which are proprietary or only available from one source from which there are no competitive alternative sources. On occasion, equipment parts for replacement or repair services for equipment can only be obtained from the manufacturer or local area sales and service outlets of the particular manufacturer.

Upon receipt of a document's justification for a sole source procurement with signatory recommendations by all appropriate City staff, the Finance Department shall determine through review of the material and appropriate market research. If it is determined that more than one source is present in the market, the Finance Department will provide the requesting department with a written market research summary and a recommendation on the appropriate procurement process to follow.

Standardization of approved brands or services is based on compatibility of goods or services, cost savings, ease of maintenance, safety factors or any other grounds to make standardization in the City's best interest. The standardization of goods or services is to support cost reduction and effective maintenance, training, integration and economies of scale.

Upon receipt of a signed memorandum from the department head for a City standardization purchase, the Finance Department shall issue a written decision after review of the materials submitted and appropriate market research.

Care should be taken to ensure that the procurement of goods and services do not adhere the City to long term relationships that eliminate or severely limit the ability of the City to engage in competitive procurement such as being tied to certain software or design configurations which result in the elimination of the ability of the City to utilize goods or service provided by other, competing, vendors who may be able to offer the City better pricing, higher quality or more modern goods or services.

Emergency Purchases

Mission Critical

An emergency purchase is those that result from an unforeseen or unanticipated urgent and immediate need for equipment, supplies or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using normal purchasing procedures, but which are critical to attaining the mission of a department.

Before any purchase controlled by this section is made, the requesting department shall contact the City Manager for concurrence, explain the nature of the emergency, and provide a written certification, including the department's justification and/or explanation of circumstances for the emergency purchase, along with the City Manager written approval to the Finance Department. Unless precluded by the nature of the emergency situation, vendors shall comply with all City purchasing requirements including, but not limited to, City affidavits, prior to recommendation of approval by the Finance Director, City Manager or the City Commission. The City Attorney may be required to provide guidance as to the effect of controlling provisions of law upon the procurement.

Emergency purchases are limited to the purchase of items and qualities needed during the emergency event and for a time-period sufficient to meet the immediate threat or emergency situation and are not to be used to meet long-term requirements. If such conditions exist, the City will proceed with the procurement of good or services

without competition and issuance of an emergency purchase order the same day or next working day if the emergency occurs after hours, on weekends or on a holiday.

The Finance Director shall report to the City Manager any emergency procurement practices that reflect poor operational planning or management and have the potential effect of defeating the purpose of the procurement process.

Declared Emergencies

Emergency disaster purchases are those needed due to unforeseen acts of nature to include, but not be limited to, hurricanes, tornados, floods, fire, etc., but may occur only when the Mayor of the City, or a state of emergency has been declared in accordance with the controlling provisions of law. The City Attorney may be required to provide guidance as to the effect of controlling law upon these purchases as State law regulates the actions of local governments with regard to situations when a declaration of emergency has been declared. State law limits the duration of each state of emergency declared locally to 7 days which may be extended, as necessary, in 7-day increments. State law allows the City to waive the procedures and formalities otherwise required pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community.
- 2) Entering into contracts.
- 3) Incurring obligations.
- 4) Employment of permanent and temporary workers.
- 5) Utilization of volunteer workers.
- 6) Rental of equipment.
- 7) Acquisition and distribution, with or without compensation, of supplies, materials and facilities.
- 8) Appropriation and expenditure of public funds.

For acquisitions of this type, the following procedures apply:

- 1) The City Manager shall have the authority to enter into any contract when it is determined that such work is necessary to protect the life, health, safety or welfare of City residents and the wider community or preserve public property.
- 2) The requesting department director, or designee, shall first procure goods or services from vendors which have existing City contracts for the goods or services needed.
- 3) All disaster purchases that are required without full and open competition or under an existing contract by a department director must be subsequently ratified by the City Manager or City Commission, as appropriate.

Respect & Pride Statutory Programs

Items purchased from these agencies are exempt from competitive bidding:

RESPECT of Florida (Florida Association of Rehabilitation Facilities, Inc.) is a program established under Sections 413.032 through 413.037, *Florida Statutes*, which directs State and local government agencies to purchase certain products and services from qualified, nonprofit, community-based organizations employing persons with disabilities.

PRIDE (Florida Prison Industries) is a program established under Section 946.006, *Florida Statutes*, which relates to the manufacture, processing or production of “such items as are ... needed and used in the state institutions and agencies and in other governmental jurisdictions of the state.”

Owner (City) Direct Purchases (ODPs)

It may be to the City's advantage to directly purchase materials, components or systems to be used in a City construction project. The advantages are a savings in sales tax (the City is tax-exempt, contractors are not), and the contractor's markup. If the City desires to engage in ODPs, the construction contract must contain language to make the contractor responsible for expediting, receiving, storing, protecting, installing the goods, arranging for training of staff by the supplier, and providing the vendors' and manufacturers' warranties. Also, long-lead-time items may be ordered by the City, while the bidding/contract negotiation process is ongoing. This process recovers or saves funds which would otherwise be expended for sales tax. The City 's tax recovery is based on the Volusia County and Florida sales tax rates.

When the City elects to use this option, the vendor shall comply with the following procedures. It is noted that the term vendor as used herein includes subcontractors of the vendor as a contractor.

In order to provide real time response(s) to sustain the vendor's schedule and to maintain the integrity of interfacing and warranty considerations, the City shall have the contractual; right to issue a deductive change order to remove any and all materials associated with a contract and purchase those items directly from the manufacturer or supplier using sole source procedures. The materials shall be purchased from the manufacturers or vendors originally selected by the vendor, for the price originally negotiated by the vendor including special terms and conditions agreed upon by the vendor.

It is recognized that the vendor has used a competitive process to establish procurements applicable to the contract. Also, the fact that the contract was competitively established satisfies the considerations of obtaining competition to ensure a prudent expenditure of funds. The vendor shall, within 21 calendar days from the date of the notice to proceed, prepare a complete list of materials, supplies and equipment applicable to the project. The list must include the delivered cost (including but not limited to applicable taxes) of each item, time-frame for delivery from supplier ARO, and information relevant to maintaining timely scheduling of the project. The City will advise the vendor within 10 days which items from the list the City wishes to purchase directly.

In the event the City elects to make direct purchases, the responsibilities of both, the City and the Vendor, relative to direct purchase items shall be governed by the terms and conditions set forth in the solicitation and the implementing contract.

Additional Exemptions

Purchases of the following goods and services are exempt from competitive quotes and formal solicitations:

- 1) Water, sewer, gas, electrical and other utility services; telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol, cellular/wireless phones, wide area network connectivity, pagers and wireless adapters for cellular data ("air cards").
- 2) Casualty and property insurance.
- 3) Life, health, dental and vision insurance.
- 4) Employee benefits/contracts with third parties for payroll deduction.
- 5) Services procured with non-City funds that are a "pass-through" (developer deposits, etc.)
- 6) Debt service payments.
- 7) Pension payments.
- 8) Unemployment compensation.
- 9) Tax withholding payments.
- 10) Retirement plans and section 457 (deferred compensation) contributions.
- 11) Memberships, dues, books, subscriptions and publications.
- 12) Any items covered under the City's travel policy (seminars, travel expenses, etc.)
- 13) Investments.
- 14) Postage.
- 15) Recording fees.
- 16) State or County licenses, permits or auto tags.
- 17) Advertisements.
- 18) Legal services, expert witnesses, court reporter services and all other related expenses of claims and/or litigation.
- 19) Items purchased for re-sale.
- 20) Recreational programs provided by independent contractors.

- 21) Lobbying services.
- 22) Training (when a provider is contracted by the City to provide the training).
- 23) Art and talent/artistic services.
- 24) Medical services.
- 25) Food and beverage.
- 26) On-going maintenance, support and upgrades to existing information technology software, hardware or firmware, where the initial purchase was competitively sourced.
- 27) Acquisition of real property, such as land, easements, rights-of-way, existing buildings, structures, or improvements, resulting from negotiations and approved by the City Commission,
- 28) Court-ordered fines, fees and judgments, resulting from litigation.
- 29) Consulting services, other than those regulated by Section 287.055, *Florida Statutes*.
- 30) Purchases made from other governments or public entities.

UNAUTHORIZED PURCHASES

Except for emergencies or other authorized exemptions stated in this Manual, no purchase of goods or services may be made without authorization as required in this Manual. In general, it is prohibited to make a purchase of goods or services over \$5,000 without an approved purchase order.

No representative of the City shall enter into a verbal agreement or make any arrangements until final purchasing approval is granted. In the event that an unauthorized purchase is made, the following may apply:

- 1) Such purchases are void and not considered an obligation of the City; and
- 2) The person ordering the unauthorized purchase may be held personally liable for the total costs of the purchase and may be subject to disciplinary action.

Unless specifically approved in writing by the City Manager, no City employee may purchase City property unless it is purchased through the City's public auction or through sealed bid procedures of the City. This includes, but is not limited to, new and used equipment and materials or supplies.

City employees are prohibited from, directly or indirectly, using the purchasing power of the City to make private purchases and City employees are prohibited from having private purchases delivered to the City C.O.D. to be paid for by the employee.

It is the vendor's responsibility to ensure receipt of all addenda, and any accompanying documentation. The vendor is required to submit a signed "Acknowledgement of Addenda" form with each bid when any addenda have been issued.

COMPETITIVE PURCHASING PROCESSES

General Matters Relating to Submissions

The role of the City's purchasing process is to meet the valid needs for goods and services by providing the right products or services, in the right quantity, at the right price, at the right time and at the right place.

The purchasing process begins with a "need" by a using department. For all persons and entities involved in the process (users, vendors and the Finance Director, or designee) to efficiently and effectively manage City procurements, users must logically and timely plan to meet needs. This should occur as far in advance as possible. Each need must be thoroughly reviewed as to the type of purchasing process that will best facilitate the delivery of the goods or services required. It is recommended that users review the adopted budget at the beginning of each fiscal year to plan purchasing strategy and timetables. Planning must include coordination with other departments, as necessary or beneficial for the City, and with the Finance Director, or designee. The Finance Director, or designee, must be prioritized by time of need. The Finance Director, or designee, will work closely with each department, providing whatever level of service is required to ensure the purchase is made in a timely manner.

Generally, the City engages in a competitive purchasing process to attain goods and services at the best price and with the highest quality. When competition occurs, the City will use the following services:

- 1) **DemandStar:** All competitive bids, proposals and sealed quotes are posted on DemandStar, the City's current online bidding service provider. Registration may be implemented at www.demadnstar.com/registration. On the registration form, the vendor shall enter the required information and should be sure to select City as your Free Agency Registration.
- 2) **VendorLink:** VendorLink is a vendor management notification system and an internet portal where businesses may register to receive electronic email notification of upcoming solicitations as they become available. This online registration service allows vendors to provide basic information about their business and to select specific commodity codes for the goods and services they provide. When a solicitation matching those selections become available, the VendorLink system automatically sends an email notification to the email address provided during the registration process. The email notification contains the link and information necessary for the solicitation to be viewed and downloaded from any computer. Completing the registration information allows potential vendors to receive solicitation announcements from the City.

Electronic bid submittals will be available for use through VendorLink & DemandStar for vendors that are registered users. Vendors will have access to electronically submit proposals or bids instead of mailing paper or electronic files to our physical address. Vendor registration instructions can be found at www.myvendorlink.com/common/register.aspx and www.demadnstar.com/registration. There is NO COST to vendors to register or to submit bids or proposals using VendorLink. Vendors should register as soon as possible to allow uninterrupted access to the City's bids and the notification of solicitations.

Some procurement activities of the City require specific advertising and notice such as construction contracts. The Finance Director will provide guidance as to the particular type of public notice and advertising that is required for various projects. For example Section 255.0525, *Florida Statutes*, requires a City construction project that is projected to cost more than \$200,000 be publicly advertised at least once in a newspaper at least 21 days prior to

the established bid opening and at least 5 days prior to any scheduled Prebid conference and Section 180.24, *Florida Statutes*, provides that the City when seeking utility construction contracts in excess of \$25,000 publish notice in a newspaper at least once each week for 2 consecutive weeks or post 3 notices in 3 conspicuous places and that contracts for the purchase, lease, or renting of materials or equipment to be used in a City utility in excess of \$10,000 also be noticed.

Issuing Addenda

Vendors may request information, clarification and guidance from the City's Finance Department which may issue an addendum in response to any inquiry received, prior to the close of the solicitation period, which changes, adds or clarifies the terms, provisions or requirements of the solicitation. The vendor should not rely on any representation, statement or explanation, whether written or verbal, other than those made in the solicitation document or in the addenda issued. If there appears to be a conflict between the solicitation and the addenda, the last addendum issued shall prevail.

Once procurement activity has been initiated by the City, no changes in the specifications can be made unless all prospective vendors are notified by means of an addendum which clearly points out such changes.

All Addenda shall be issued at least 7 calendar days prior to bid opening date. If there is not sufficient time, the bid date will be changed.

Competition Thresholds

The City contracts for millions of dollars in supplies and services each year, which has a tremendous impact on State and local economies. The competitive process ensures contracts go to the most responsive, responsible vendor who complies with the specifications, terms and conditions. It is the intention of the City to obtain the "best value" for the City and its citizens through a competitive process, unless otherwise exempt or waived by the City's resolution, policies and/or procedures.

Purchases of \$0.01 to \$1,499.99

All purchases in this category require the approval of the department director, or designee. Prior to purchase, the department director, or designee, must verify funds are available within the respective budget line. No quotations, requisition or respective purchase order is required.

Purchases of \$1,500.00 to \$4,999.99

All purchases in this category require the approval of the department director, or designee. Prior to purchase, the department director, or designee, must verify funds are available within the respective budget line. Two quotations, preferably three quotations, are required to ensure best possible pricing. The department making the purchase is responsible for maintaining a file on the quotations in anticipation of a possible internal audit. No requisition or respective purchase order is required.

Purchases of \$5,000.00 to \$9,999.99

Purchases in this category are required to be made on a purchase order and, therefore, require a purchase requisition with documentation of best attempts to obtain at least three quotations. If at least three quotations cannot be obtained, or if other than the lowest quote is being recommended for purchase, the reasons shall be documented in a memorandum and attached to the purchase requisition. All purchases in this category require the approval of the department director. Appropriate staff in the Finance Department will review the availability of funds and compliance issues. At this level vendors shall provide confirmation of registration and use of the E-Verify system to verify the work authorization status of all newly hired employees.

Purchases of \$10,000.00 to \$34,999.99

Purchases in this category are required to be made on a purchase order and, therefore, require a purchase requisition with documentation of best attempts to obtain at least three quotations. If at least three quotations cannot be obtained, or if other than the lowest quote is being recommended for purchase, the reasons shall be documented in a memorandum and attached to the purchase requisition. All purchases in this category require the approval of the department director. Appropriate staff in the Finance Department will review the availability of funds and compliance issues with final review and approval is required by the Finance Director. At this level vendors shall provide confirmation of registration and use of the E-Verify system to verify the work authorization status of all newly hired employees.

Purchases of \$35,000.00 to \$49,999.99

Purchases in this category are required to be made on a purchase order and, therefore, require a purchase requisition with documentation of best attempts to obtain at least three quotations. If at least three quotations cannot be obtained, or if other than the lowest quote is being recommended for purchase, the reasons shall be documented in a memorandum and attached to the purchase requisition. All purchases in this category require the approval of the department director. Appropriate staff in the Finance Department will review the availability of funds and compliance issues with final review and approval is required by the Finance Director and the City Manager. At this level vendors shall provide confirmation of registration and use of the E-Verify system to verify the work authorization status of all newly hired employees.

Purchases of \$50,000.00 or More

All purchases in this category require a sealed formal competitive bid process and must be approved by the City Commission (unless a piggyback contract is awarded or a contract is awarded under a cooperative purchasing program, the procurement is made in the course of a declared emergency, the purchase is implemented under a direct purchase list, goods or services are provided under the provisions of an interlocal agreement or the procurement has been authorized under a documents sole source procurement scenario). At this level vendors shall provide confirmation of registration and use of the E-Verify system to verify the work authorization status of all newly hired employees. See pg. 14 for Exceptions to Quotes and Formal Solicitations.

Prohibition Against Subdivision, Splitting or Aggregation

No contract or purchase shall be subdivided, split or aggregated to avoid the requirements of this Manual or other controlling law and it is prohibited to do so.

Delegated procurement authority is based on the total cost of anticipated goods or services.

COMPETITIVE METHODS OF SELECTION

Each procurement method has advantages and disadvantages. The procedures for preparing and processing bids and other competitive methods of procurement are similar.

Competitive Sealed Bidding, Invitation to Bid (ITBs)

ITBs, also known as sealed competitive bidding, is the generally preferred method of procuring a good or service. Award is made to the lowest responsive and responsible bidder, based solely on the specifications set forth, and may not involve negotiation or discussion with the vendor. Formal (sealed) bids and proposals are the most effective procedures for soliciting competitive prices from vendors in the public (governmental) purchasing sector.

Conditions for Use

Competitive sealed bidding is the preferred method for the procurement of goods and services once the financial threshold of \$50,000 is established. Award is made to the lowest responsive and responsible vendor and is based solely on the specifications set forth without negotiation or discussion with the vendor.

The ITB shall include specifications and pertinent attachments, shall clearly define the items or services needed in order for the vendors to properly respond to the Invitation. It shall include the following:

- 1) Instruction and information to vendor concerning the bid submission requirements including, but not limited to, the time and date for receipt of bids, the address of the office to which bids are to be delivered, and any other special information.
- 2) The purchase description, evaluation factors, delivery or performance schedule and such inspection and acceptance requirements as are not included in the purchase description.
- 3) The contract terms and conditions including, but not limited to, warranty and bonding or other security requirements, as applicable, to the procurement. These terms and conditions can be published on the City's website or otherwise made available to vendors, but, in such circumstances, the vendors shall be responsible for a full and complete review of the terms and conditions.

Life Cycle Cost or Total Cost Bid

A Life Cycle Cost or Total Cost Bid may be used when it is desirable to award on the basis of the cost to the City to acquire and use the goods or services over a period of time. An example would be a copier. The ITB would require vendors to supply the price per copier, its electronic usage, the cost of maintenance, and the cost for supplies for five years usage, or for making a specific number of copies. The lowest cost is determined by adding together the costs of each of these components.

Public Notice

Prior to publication; bid advertisements, specifications, budgeted cost, and general ledger account number must be submitted to the Finance Department for review, at which time a bid number will be assigned by the Finance Department as a reference number to be used throughout the purchasing process. The bid advertisement and specifications will be forwarded by the Finance Department to the City Manager for authorization and approval which must be obtained prior to proceeding with the competitive bid process.

When a specific statutory or other legal process is not mandated upon the City, notice of requests for competitive bid shall be advertised in a local publication of record and shall appear not less than 10 days prior to bid opening, and shall be placed in a newspaper published or distributed in the City. Currently the Daytona Beach News Journal is the locally distributed newspaper. The Purchasing Coordinator is responsible for placing the advertisement.

Bid Format

The Finance Department shall implement the format in which bids are to be received. Care is taken that appropriate protection is afforded the City through requirements for bid bonds, insurance and performance and payment bonds. Deletion of these items may result in loss of any meaningful protection for the City in the event of a vendor default or non-compliance.

Bid Conditions

In addition to the general conditions or “boilerplate,” most bids require special conditions, which pertain specifically to the bid in question. Conditions differ from specifications in that conditions refer to requirements, which must be met by the vendor before specifications of the bid item are even considered. For example, a supplier of furniture who cannot meet the required condition of a 30-day delivery will be eliminated, even though the furniture may meet all physical specifications.

Conditions allow the City a high level of protection by the inclusion of various clauses relative to renewal of contract, cancellation, settlement of disputes, payment terms, delivery schedules, etc. Procurement staff should remember that, by referencing the bid in their purchase order, they effectively bind the vendor to the terms, conditions and specifications of that document. Therefore, should disputes arise, the written contract (bid and purchase order) will prevail.

Price Increases

Price Increase language must be discussed for every bid or proposal individually in concert with the Finance Director, or designee. Price Increases can be very complicated and unique but for most bids the language below will be used if price increase language is deemed best for the good or service being procured:

Bid prices shall remain firm for the initial term of the Contract. The Vendor may request a price adjustment for each renewal period of the Contract. The request for price adjustment must be submitted in writing no later than 90 calendar days prior to the expiration of the term. The request for price adjustment must include a detailed written justification for the increase and a copy must be provided to the City's Finance Department. Any approved request for price adjustment will not take effect until the contract renewal start date and any such granted price adjustment will be in effect for the renewal period. Written request for price adjustments shall not exceed the rate of inflation determined by the Consumer Price Index (CPI) determined to be applicable by the City's Finance Director, or designee, and established in writing in a renewal document.

Bid Specifications

The department wishing to purchase under competitive bidding is responsible for the initial drafting of bid specifications. The City Engineer shall review all bid documents that are of a technical nature prior to the bids being released. The City may cause other City personnel or consultants to review specifications, but not a vendor who will bid on the project. A copy of the specifications and bid advertisement shall be sent to the Purchasing Coordinator who will be responsible for all bid openings.

Bid specifications are the foundation upon which the entire competitive bid process rests. Good specifications will prevent misunderstanding, delay, change orders and errors in delivery or performance. They shall not contain unnecessary features that will unduly restrict competition.

The use of abbreviations shall be restricted to those in common usage and not subject to possible misunderstanding. Wherever used, the meaning should be clear from the context and a genuine saving in space effected.

When possible, specifications shall describe energy efficient materials and equipment. When practical, specifications shall describe the use of recycled materials in products or services.

If the bid includes additive or deductive bid items, the specifications shall include the procedure to be used in making an award. **Since additive and deductive items can affect or change which is the lowest bid they should be avoided when possible.**

Below are the basic types of specifications used to describe what is to be purchased:

- 1) **Performance.** Specifications which describe the characteristics and capabilities that are pertinent to the intended use of the item. This specification is less concerned as how a product is made, and more concerned as to how well it performs, and at what cost.

- 2) *Design*. Specifications which employ dimensional and other physical requirements of the item being purchased. This type of specification concentrates on how a product is to be fabricated or constructed and is used when a structure or product has to specially made to meet the purchaser's unique need.
- 3) *Approved Products List*. Specifications based on manufacturers' names, brand names and model or catalog numbers which have been tested or examined and approved, prior to seeking prices.
- 4) *Sample*. Specifications requiring the vendors to furnish representative samples of products offered for the purchaser's comparison and evaluation in determining the successful vendor.
- 5) *Name Brand "Or Equal"*. Specification wherein the exact product of one or more vendors or typical workmanship is designated as the level of quality desired, and the purchaser reserves the right to approve any other as equal or acceptable.

The following guidance is provided for the preparation of a specification:

- 1) State exactly what is wanted clearly, definitively and completely.
- 2) Provide the means or basis for testing deliveries for conformance with the specifications. Without this check, the specification loses much of its force as a purchasing tool.
- 3) Avoid non-essential quality restrictions that add to cost and difficulty in procurement without adding to utility and value.
- 4) Avoid definitions that unnecessarily restrict competition.
- 5) Conform, as far as possible, to establish commercial and industrial standards.
- 6) State what you want the good or service to do or provide.
- 7) State what the good or service will be used for.
- 8) State any particular concerns for the item or project.

Insurance

Insurance is required to safeguard the City from any claims resulting from damage to property and/or injury to persons caused by the vendor or their actions. The vendor, at their own cost, must secure insurance policies that name the City as an "additional insured" party. A certificate of insurance is not adequate to protect the City. The City requires that it be named as an additional insured in a policy document. Also, each policy shall provide for 30 days prior notice of cancellation to the City's Risk Manager.

Vendors shall submit proof of insurance to the City with their submittal including the types and dollar amounts of coverage they currently maintain.

Requirements include:

- 1) Indemnification. The vendor shall defend, indemnify and hold harmless the City, its representatives, employees and elected and appointed officials, from and against any and all liability, losses, damages, claims, demands, expenses, fees, fines, penalties, suits, proceedings, actions and costs of actions (including, but not limited to, attorneys' fees), of whatsoever kind or nature arising out of or in any way arising out of the agreement or any act or omission of Vendor or its agents, servants, employees, independent contractors, customers, patrons or invitees, unless such claims are as a result of the City's sole negligence.
- 2) Commercial General Liability. The vendor shall secure and maintain, at its own expense at all times during the term of this contract, a comprehensive public liability insurance policy issued by a responsible insurance company, and in a form acceptable to the City, protecting and insuring against all of the following: claims, demands, damages, fees, fines, penalties, suits, proceeding, actions, and cost of actions, etc. coverage limits of not less than \$1,000,000 for bodily injury to or death to one or more person(s), and \$1,000,000 for damage to any property, or a combined single limit of \$2,000,000 for any occurrence of bodily injury to persons or damage to property, which insurance shall be issued on the occurrence basis.
- 3) Business Auto Policy. The vendor shall secure and maintain, at its own expense at all times during the term of this contract an automobile liability coverage policy with a minimum of a \$1,000,000 combined single limit per occurrence.
- 4) Worker's Compensation. The Vendor shall secure and maintain, at its own expense at all times during the term of this contract, worker's compensation and employer's insurance covering all the persons employed by the vendor in connection with this contract. Worker's compensation shall be the statutory limits in accordance with Chapter 440, *Florida Statutes*.
- 5) Sex Abuse Insurance. The Vendor shall secure and maintain, at its own expense at all times during the term of this contract, if the City's Risk Manager determines that the vendor will be in contact with children or other vulnerable persons (such as, by example only, the aged), sex abuse insurance in such amounts as the Risk Manager may deem appropriate under the circumstances of the goods or services being provided to the City.
- 6) Professional Liability Insurance. The Vendor shall secure and maintain, at its own expense at all times during the term of this contract, if the City's Risk Manager determines that the vendor is providing a professional service to the City, professional liability insurance in such amounts as the Risk Manager may deem appropriate under the circumstances of the services being provided to the City.
- 7) Cyber Liability Insurance. The Vendor shall secure and maintain, at its own expense at all times during the term of this contract, if the City's Risk Manager determines that the vendor will interact with the information technology systems of the City, cyber liability insurance in such amounts as the Risk Manager may deem appropriate under the circumstances of the goods or services being provided to the City.

- 8) Subcontractors. It shall be the responsibility of the vendor to ensure that all subcontractors comply with the same insurance requirements that are applicable to the vendor.

Insurance Deductible Amounts shall be paid for and be the responsibility of the vendor for any and all claims under this contract.

Coverage limits are set at the advice of the City's Risk Manager and shall not be changed without approval. The Risk Manager may review and reject any insurer providing coverage.

The vendor shall not commence the provision of goods or services to the City until all insurance required has been obtained and proof of such coverage is submitted to the City's Risk Manager for approval.

Bonds

Bonds offer tangible protection in the form of monetary assurances that the vendor will meet their obligations. Bonds must be secured by the vendor at their own cost, and generally may be classified as follows:

- 1) Bid Bond. This bond, usually in an amount of 5% of the bid, which guarantees that the vendor will enter into a contract with the City if they are determined to be the lowest responsive and responsible vendor. Bid bonds protect the City from erroneous or deliberate low bids which the vendor has no intention of honoring. Should they fail to enter into a contract, the bid bond is forfeited. Bid bonds must be submitted with the bid.
- 2) Performance Bond. This bond is a surety instrument guaranteeing that the vendor will perform according to the terms of the contract and is generally in an amount of 100% of the bid. This bond affords protection from non-performance and non-completion of major contracts, the effect of which would result in considerable injury to the City. Should the vendor default, the bond is cashed, and the City may then utilize the funds to complete the contract with another vendor. Performance bonds are submitted with the bid/submission. Some performance bonds are required relative to construction on City public buildings such as by Section 255.05, *Florida Statutes*.
- 3) Cash Bond. A bond which is in the form of cash as opposed to a surety instrument.
- 4) Letter of Credit. A letter issued by a bank to serve as a guarantee for payments made to a specified person under specified conditions and this form of security is preferred in the case of certain construction projects or multi-year contracts. All letters of credit are subject to review and approval by the City Attorney.
- 5) Payment Bond. This bond guarantees payment of sub-contractors and vendors providing goods and services to the general contractor, who is under contract with the City. The payment bond relieves the City of financial liens against a project should the general contractor fail to pay his vendors and sub-contractors. These creditors will look to the bond for payment. Performance bonds are submitted with the bid/submission. Some bonds to protect subcontractors are required relative to construction on City public buildings such as by Section 255.05, *Florida Statutes* (which process is in lieu of the notice of commencement process that is required for construction on private property).

- 6) Labor and Material Bond. Same requirements as the Payment Bond.
- 7) Appeal Bond. When a vendor submits an unsuccessful bid and desires to appeal, a bond equal to 5% of the bid amount that has been determined to be the lowest bid amount from a responsive and responsible bidder or the amount of \$25,000, whichever is greater, shall be required. Bid bonds protect the City from frivolous appeals or appeals designed to cause delays. Should an appeal be unsuccessful, the appeal bond is forfeited. Bid bonds must be submitted when the appeal is tendered to the City.

All bond guaranties may, at the discretion of the City, be in the form of a cashier's check, bank money order, bank draft of any national or state bank, certified check, or surety bond, payable to the City. The surety on any bid bond shall be a company recognized to execute bid bonds for contracts under controlling law. Safekeeping procedures for custody of bonds and bid deposits will be determined by the Finance Department.

Pre-Bid Conference

A pre-bid conference may be held with all vendors and concerned project personnel on complex procurement projects. The primary objective of such a pre-bid conference is to provide a clear understanding of instructions to vendor relative to drawings, specifications, local conditions, location of work, and basic construction methods or work requirements. A site visit may be scheduled following the pre-bid conference if the project personnel feel it would be beneficial for clarification of specifications. Pre-bid conferences may be optional or mandatory as determined by the City.

In addition to avoiding quality assurance problems and contingency items in quotations, other benefits that may be derived from pre-bid conference are:

- 1) The number of changes in specification can be reduced.
- 2) Competition may be stimulated by interesting more prospective vendors.
- 3) Pre-bid conferences tend to ensure that qualified vendors will submit participate and tend to discourage submission by vendors who are not qualified.
- 4) An opportunity is given to discuss schedules which is particularly valuable when hard to get or special materials and equipment is involved.
- 5) An opportunity is given to explain policies and requirements with respect to procurement methods, competitive bidding and negotiation, quotation qualifications and conditions, price provisions and any resulting contractual agreements and the determining factor in making awards.

The pre-bid conference must be a formally announced meeting with vendors. An announcement of the pre-bid conference shall be included with the ITB. The announcement will state when and where the pre-bid conference will be held. In order to derive the greatest benefit from a pre-bid conference, adequate time should be provided for the prospective vendors to review the plans and specifications prior to the pre-bid conference. The pre-bid conference should be attended by City personnel qualified to answer completely and accurately all questions relating to matters such as contract provisions, design and specifications and production techniques that are expected to be discussed. A formal record shall be made of the persons attending and the organizations represented through the use of a sign-in sheet.

During the pre-bid conference, the specifications are reviewed and discussed with all vendor representatives in attendance. Care shall be taken to clarify the specifications as requests so as to ensure that a vendor is not written out, thereby, eliminating them from bidding with due cause. Only in those instances where a vendor requests a change in the specifications that would result in compromising the intended use quality of the equipment are such requests denied.

It is important that persons attending be clearly informed that no oral statement from any person which modifies plans and specifications will in any manner or degree, be considered official until covered in an addendum to the bid.

Receiving Bids

Control of the bid document is essential. Bidders will submit their bid in a sealed envelope with the following information clearly marked on the outside:

- 1) Vendor Name
- 2) Opening Due Date (month, day, year)
- 3) Opening Time Due (hour/ a.m. or p.m.)
- 4) Bid Number
- 5) Bid Title

On occasion, an envelope will be received with proper information on the outside identifying it as a bid reply and opened inadvertently by mistake. After the envelope has been opened, the appropriate bid information will be written on the outside of the envelope, time stamped, reason it was opened accidentally, and resealed for re-opening on bid closing date.

All sealed bids shall be received at the City, Finance Department, 2nd Floor Receptionist, 120 South Florida Avenue, DeLand, Florida 32720. Electronic submittals will only be accepted through VendorLink & DemandStar on specified solicitations. Vendors should be cognizant that submittals to VendorLink & DemandStar are not accepted after the submittal deadline has passed.

In accordance with Section 255.0518, *Florida Statutes*, the City shall, when opening sealed bids or the portion of any sealed bids that include the prices submitted that are received pursuant to a competitive solicitation for construction or repairs on a public building or public work, open the sealed bids at a public meeting conducted in compliance the Florida Open Meetings Law and announce at that meeting the name of each vendor and the price submitted in the bid and make available upon request the name of each vendor and the price submitted in the bid. And, Advisory Legal Opinion Number AGO 2013-30 issued by the Florida Attorney General has determined that such bid openings require the taking and maintaining of minutes as with any other meeting to which the Sunshine Law would be applicable.

Late Bids

The City will not accept late bids. All late bids will be rejected and returned to the vendor unopened and shall merely photocopy the outside envelope of the late submission for the purpose of maintaining a public record and evidence of the rejection.

Correction or Withdrawal of Bids

Correction or withdrawal of inadvertently erroneous bids before bid opening may be permitted where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by the vendor who submitted the ITB by written notice delivered and received by the City prior to the time and date set for bid opening. After bid opening, corrections in bids shall not be permitted. No changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted.

Variances, Alternates and Multiple Bids

Unless specifically provided for in the specification, variances, alternates and multiple bids shall not be accepted. Any such bid shall be rejected as non-responsive, provided that if a vendor clearly indicates a base bid, it shall be considered for award as though it were the only bid or proposal submitted by the vendor.

Multiple and alternate bids, and variances to specifications are acceptable, provided they are requested in the specifications, and the method of selection and award is clear in the specifications. A performance specification should be used in such instances when alternate or variances are acceptable.

Options

When options to a bid are requested, the lowest responsible base bid will be combined with such options, applied in such order as elected by the City that will produce a sum which is within the amount of funds available to finance the contract.

The City reserves the right to award any and/or all bids on an item-by-item basis or in the aggregate, whichever is deemed in the best interest of the City. The City also reserves the right to award a portion of a quantity requirement to multiple vendors. Such incremental awards may be desirable for the City when the City determines that a single vendor may not reasonably be able to supply the total required quantity, or if it is in the best interest of the City to have multiple vendors because of commodity shortages, emergency contingency planning, rationing or the like.

Bid Opening

A sealed bid opening is a formal, official event and shall be carried out in a professional, business-like manner. Procurement staff should be on guard not to make frivolous, or preferential statements, which might compromise the City's position and the reputation of the City.

Unless conditions demand another site, bids should be opened at the DeLand City Hall Commission Chambers. Bid openings are open to the public and all interested vendors. The bid opening date and time shall be strictly adhered to.

Bids will be opened by the Purchasing Coordinator or designee and recorded by another member of City staff. As each bid is read aloud, the name of the vendor and the dollar amount should be repeated clearly twice.

The use of electronic media, including acceptance of electronic signatures and proposal, is authorized as long as such system provides for:

- 1) Appropriate security to prevent unauthorized access to the bidding, approval and award processes.
- 2) Accurate retrieval or conversion of electronic forms of such information into a medium which permits inspection and copying.

After the last bid is opened, attending vendors should be advised that an award decision will be made after review of the submitted proposals, and thanked for attending the bid opening. To avoid possible tampering, bids should not be distributed for general investigation by the vendors present. Under no circumstances will vendors or the general public be allowed to privately review bids.

All bids are tabulated by the Purchasing Coordinator in the Finance Department. Bid tabulations will be posted no later than 5 business days after the opening. The original copy of the tabulation is kept on file in the Finance Department along with the original bid documents.

Public Disclosure

All provisions of controlling State law shall be adhered to. Exemptions relating to public records pertaining to bids and like matters shall be also adhered to.

Single Bid Received

When only one bid is received, the following steps shall be taken:

- 1) Communicate with department to see if bid opening date is to be extended. The one bid response will be returned unopened if the option is accepted.
- 2) Inquire of those who did not bid to determine the reason for lack of response.
- 3) Accept or reject the bid based on information received and taking into consideration the City's position favoring competition.
- 4) Accept the bid if time is crucial and cost is reasonable, as the opportunity for competition was afforded by initial competition.
- 5) Reject the bid if time permits for re-solicitation.
- 6) Review specifications and bid list, revise if necessary and rebid per regular procedures.

- 7) The City may negotiate with the one vendor if the price is over the approved budget or the City determined that it would be advantageous and in the public interest for the City to attempt to procure the goods or services from the bidding vendor.

No Bid Received

On occasion, the ITB will receive no responses. In those cases, these follow actions may be taken:

- 1) Extend the bid opening date.
- 2) Contact potential vendors on bid list to determine reason for lack of response.
- 3) Contact the user department to determine if a rebid is desired, using information obtained from a vendor survey.
- 4) Close the ITB if the decision is made not to rebid.
- 5) Review specifications and bid list if decision is made to rebid.
- 6) Revise bid documents where appropriate.
- 7) Re-initiate the bidding process.
- 8) Contact interested vendor or vendors and begin direct negotiations if in the public interest.

Tie Bids

Tie bids are offers where one or more responsive and responsible vendors offer the same lowest price for an item or group of items, depending on the method of award. In such instances, tie bids will be awarded using the following process:

- 1) If a tie occurs between a local vendor and a non-local vendor, the local vendor is awarded the bid.
- 2) If a tie occurs between 2 local vendors a coin flip will determine the awardee.
- 3) If a tie occurs between 2 non-local vendors a coin flip will determine the awardee.
- 4) If a tie occurs between more than 2 vendors, numbers will be drawn to determine the awardee by lot (unless local preference can be applied).

Any vendor involved in a tie shall be notified and given the opportunity to attend the tie-breaker.

Local Preference

In compliance with Section 25A.5-2 of the City Code, local preference shall be weighed on all bids over the amount established by the City Commission pursuant to Article VIII, Section 63, of the City Charter.

Preference - Where the lowest bid is submitted by a vendor which is not a Local business, and a bid is submitted by a local business which is within five percent (5%) of the lowest bid, then the local business submitting the lowest bid amongst all local business submitting bids, and the vendor submitting the lowest bid, shall each have the opportunity to submit, within five (5) working days of the bid opening, a best and final bid equal to or lower than the amount of the lowest bid. The contract shall be awarded to the vendor submitting the lowest final bid. In the case of a tie between a local business and a vendor which is not a local business, the contract shall be awarded to the local business.

Waiver of Informalities

Bids may be defective in that they fail to give certain information requested by the invitation. For example, a bid may fail to furnish required catalogs or descriptive data. These “minor” informalities may be corrected by allowing the vendor to furnish the information prior to award, or by waiving them if time does not permit their correction.

The difference between a minor informality and a failure to conform to the essential requirements of the ITB may require advice from the City Attorney. Nevertheless, the decision to allow the defect to be corrected will be judged according to the fundamental principle: Is it in the best interest of the City to do so and will it be prejudicial to the interests of the other vendors?

The City reserves the right to waive any bid informalities when deemed to be in the best interest of the public.

Bid Award

Bids shall be awarded to the lowest responsible and responsive vendor whose bid meets the requirements and criteria set forth in the specifications.

Responsive vendor - A vendor determined by the City to have submitted a bid or proposal that fully conforms in all material respects to a City solicitation and all of its requirements including form and substance. Vendor responsiveness refers to a vendor’s unequivocal promise, as shown on the face of its offer, to provide the goods or services called for by the material terms of the solicitation. A responsive bid means one submitted at the correct time and place, in the correct format, containing all required information, signatures, and affidavits. A bid that deprives the City of the assurance that the contract will be entered into in accordance with its terms is not responsive. Any omission is normally not curable, as a vendor submitting an incomplete or qualified bid could opt in or out of the process at its will, depriving the City of a valid offer and placing that vendor at a material advantage over other vendors who have made firm offers. The determination of responsiveness is based on the application of bid requirements and legal precedent to facts provided by City staff or developed in the course of a bid protest. In consultation with the City Attorney, the Finance Director has the authority to decide whether a bid is responsive or non-responsive.

Responsible vendor - A vendor determined by the City to be capable of meeting all of the requirements of the solicitation and subsequent contract. The vendor must possess the capability, including financial and technical, to perform as contractually required. Vendor must be able to fully document the ability to provide good faith performance. The requesting department must thoroughly review each bid for compliance with all conditions and requirements of the specifications. In addition to price, all bids awards may take the following into consideration:

- 1) The character, integrity, reputation, judgment, experience, previous performance and efficiency of the vendor.

- 2) The ability, equipment, capacity, financial strength, personnel resources and skill of the vendor to perform the contract.
- 3) The quality, availability and adaptability of the supplies or contractual services to the particular use required.
- 4) The ability of the vendor to provide future maintenance and service for the use of the subject of the contract.
- 5) The quality of performance of previous contracts and whether the vendor can perform the contract within the time specified, without delay or interference.

In making the determination of whether the vendor has the capability to perform the contract the City may consider factors including, but not limited to, the following:

- 1) Past performance of the vendor, its principals, affiliates, or supervisory personnel in the execution of prior City contracts.
- 2) Any information which the City may obtain relating to the performance of the vendor, its principals, affiliates, or supervisory personnel on contracts with third parties, including without limitation, contracts with other governmental entities.
- 3) Financial performance and capability, including without limitation, pending and unsatisfied claims.
- 4) Qualifications and past performance of the personnel who will have supervisory responsibility for the performance of the specific City contract.
- 5) Licensing, certifications and other permits.
- 6) Any significant changes in the vendor's financial position or business organization.

In making the determination whether the vendor has a satisfactory record of integrity and business ethics, the City may consider factors including, but not limited to, the following:

- 1) Pending criminal charges against the contractor, its principals, affiliates, or supervisory personnel.
- 2) Criminal conviction of vendor, its principals, affiliates, or supervisory personnel;
- 3) Debarment of the vendor, its principals, affiliates, or supervisory personnel in any jurisdiction.
- 4) Pending disciplinary proceedings against the vendor, its principals, affiliates, or supervisory personnel.
- 5) Pending enforcement cases, civil judgments, citations, or notices of violation of regulatory authorities with jurisdiction over the goods or services to be rendered, or any adverse determination resulting therefrom, including, but not limited to, those related to environmental protection, the health and safety of labor and determinations by any government entity.
- 6) Pending investigation related to, or arising from allegations of dishonesty illegal or fraudulent business practices.

- 7) Efforts by the vendor to redress any breach of prior contracts and compliance with settlement agreements to redress any contract deficiency.
- 8) Inaccurate, incomplete or fraudulent accounting practices.
- 9) Efforts by the vendor to remediate any of the adverse conditions mentioned herein, including compliance with the terms and conditions of any compliance agreement.
- 10) The preponderance of the evidence, nature and credibility of any and all facts underlying any of the above-cited investigations, allegations, charges, accusations, proceedings or indictments.

In evaluating the factors above, the City shall give priority to acts or legal proceedings occurring within the past 5 years, and any violation or deficiency that is continuous or uncured. Additionally, at any time, the City may require that the vendor submit documentary evidence and other proof necessary to evaluate the factors identified above.

The City shall be entitled to rely on information of the type and nature that a reasonable person would rely on in evaluating the conduct of business affairs. If the vendor is unable to furnish such documentary evidence or other proof, or if the City is otherwise unable to make an affirmative determination that the vendor is responsible to perform the work as required, the vendor shall be determined non-responsible. Failure of the vendor to provide requested information to determine responsibility in response to a solicitation may cause such bid or proposal to be rejected.

Generally, prospective prime contractors are responsible for determining the responsibility of their prospective subcontractors. Determinations of prospective subcontractor responsibility may affect the City's determination of the prospective prime contractor's responsibility. A prospective contractor may be required to provide written evidence of a proposed interest to do so, and the City may directly determine a prospective subcontractor's responsibility. In this case, the same standards used to determine a prime contractor's responsibility shall be used.

All meetings considering the responsibility determination shall be recorded. Specific questions relevant to the unique responsibility issues of the procurement will be developed in advance. In the event a vendor is determined to be non-responsible, the Finance Director shall make, sign, and place in the contract file a determination of non-responsibility, which shall state the basis for the determination. All documents, reports, recordings of meetings, supporting a determination of non-responsibility shall also be included in the contract file.

Award to Other than the Low Bidding Vendor

If award of bid is made to other than the low bidding vendor, justification for doing so shall be completely documented in writing and included in the bid file. Justification for awarding to other than the low bidding vendor includes, but is not limited to: does not meet specifications (must specify how bid does not meet specifications), unsatisfactory performance on previous City contracts, unfavorable references, unable to meet project time or delivery requirements, etc.

Negotiation of Bids

The City reserves the right to negotiate prices with the vendor that provides the best value to the City provided that the scope of work of the solicitation remains the same. The City may terminate negotiation if unsuccessful and begin negotiations with the next vendor that provides the best value to the City.

Best and Final Offer

The City reserves the right to negotiate with all vendors for the purpose of obtaining best and final offers. Vendors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Any such revisions may be permitted through negotiations after submissions and prior to award for obtaining best and final offers. Any revisions to scope or work will be offered to all vendors for the purpose of obtaining the best and final offer. The City, at any time during these negotiations, may request a "best and final offer" from any or all of the responsive and responsible vendors that submitted proposals. By the date and time established by the City, the "best and final offer" will be provided in a sealed envelope and opened at a public meeting that follows the same procedure as a formal bid opening.

Rejection of Bids

After bids are received, they must be presented to the City Commission for disposition. The authority to accept and reject bids rests with the City Commission. There is no Commission action required if no bids are received.

The City reserves the right to reject any or all bids or parts of bids. The City also reserves the right to reject any unit prices, for additions to or deductions from the scheduled amount of work as given in the bid, if they are considered excessive or unreasonable, or to accept any or all such unit prices that may be considered fair and reasonable. If any unit price is rejected for the reasons stated herein, the work governed by such unit prices, if required, shall be treated as a change in the work as specific in the general conditions, or may be cause for rejection of the entire bid.

Bids may be rejected if they show any alterations of form, additions not called for, conditional bids, incomplete bids, erasures, or informalities of any kind. If a bid amount is changed after the amount is originally inserted, the change should be initialed by the person signing the Bid Proposal.

The following reasons may be considered causes for rejection:

- 1) All prices too high or unbalanced.
- 2) Sufficient funds not budgeted or available.
- 3) An error in the specification sufficient to have caused confusion and/or misunderstanding amount vendors.
- 4) The item on which bids were received is not needed.
- 5) Lack of adequate competition.
- 6) Noncompliance of specifications.
- 7) Submission of more than one bid in response to a single invitation.
- 8) Lack of adequate work history and/or work experience.

Request for Commission Action

After completion of the bid review, the requesting department must complete a “Request for Commission Action” (RCA) recommending for award the lowest bid meeting specifications, if it provides the best value to the City. The RCA should also state the amount of funds budgeted, and if the bid exceeds the budget, how the excess funds needed will be appropriated. The requesting Department Director shall make the recommendation of bid award; however, the final decision remain with the City Commission.

The Purchasing Coordinator shall notify the successful vendor(s) in writing of the intent to award. Until a Purchase Order is issued, funds have not been encumbered and the awarded vendor shall not perform.

Multi-Step Sealed Bidding

Multi-step sealed bidding is a 2-phase process consisting of a technical first phase including vendors submitting un-priced technical offers to be evaluated; and a second phase in which those vendors whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible vendor, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.

When it is not possible to write specification with a description sufficient to award based on price, an RFQ may be issued requesting the submission of un-priced offers, followed by the second step of issuing an ITB to only those vendors whose offers have been qualified under the criteria set forth in the first step. The specifications may, instead, require submittal of a second sealed envelope within the main sealed bid envelope. The second sealed envelope shall contain the prices, and only those bids of the vendors whose offers have been qualified will be opened.

Multi-step sealed bidding may be used when it is considered desirable to:

- 1) Invite and evaluate technical offers to determine their acceptability to fulfill the purchase description requirements.
- 2) Conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description.
- 3) Accomplish the preceding prior to soliciting bid prices.
- 4) Award the contract to the lowest responsive and responsible vendor in accordance with the competitive sealed bidding procedures.

It may be beneficial to conduct a pre-bid conference or a conference during the evaluation of the technical offers.

The policies applying to ITBs shall apply to multi-step sealed bidding.

OTHER COMPETITIVE PROCUREMENT METHODS AND PROCEDURES

The following methods of procuring goods and services provide the City with alternatives to the mere competitive pricing of goods or services and allow the City to explore diverse ways and means to obtain high quality goods and services often in ways that address unique needs of the City. Many of the administrative procedures noted above with regard to competitive price bidding such as public noticing, timeliness of submissions, form and method of submissions to the City, insurance and bond requirements, pre-bid conferences, modifications of submissions apply to the following methods of procuring goods and services and shall be used by the City, as determined to be appropriate by the City.

Request for Competitive Sealed Letters of Interest (RLIs)

A Request for Letters of Interest (RLI) is used when there is no expert on staff to write technical specifications, evaluate technical bids or proposals, or keep up with changing technology, and when the City is willing to consider many different approaches. It allows the purchase of complex and often expensive goods and systems without large investments in specifications development. It helps to develop knowledge, allowing some latitude in changing the requirements to obtain the most suitable goods or systems. It begins when a using department provides a succinct, clear explanation of the results they desire from a technology system (this is sometimes called a performance specification). That explanation along with standard language that advises each interested party of the job's basic requirements, and a detailed list of evaluation factors by which each response will be judged, shall be advertised, and mailed to known providers. Each respondent shall provide evidence of their capability and past experience to meet the desired results. The respondents are then short-listed, and those on the short-list are invited to provide additional evidence through interview or demonstrations before a Selection/Negotiation Committee. The Committee then decides whether they recommend inviting bids from or beginning negotiations with the selected firms. Each firm deemed capable of meeting all requirements shall submit a detailed bid or proposal, including costs, for evaluation. The firm with the bid or proposal that is most advantageous to the City will then be offered a contract. If it is bid, this would be a form of multi-step bidding.

Competitive Sealed Information, Request for Information (RFIs)

A Request for Information (RFI) is a written solicitation prepared and issued for the purpose of seeking information, comments or reactions from the industry by a certain date and time. An RFI may be used during market research phase of an acquisition to assist the City in identifying potential vendors, approaches, prices, or other relevant information. The RFI precedes the issuance of a Request for Qualifications or Request for Proposals. Contract award cannot be made on response to an RFI.

Competitive Sealed Qualifications, Request for Qualifications (RFQs)

A Request for Qualifications (RFQ) is used to obtain statement of qualifications from vendors when the scope of services cannot, or has not, been completely established by the City. That situation requires the identification of specific qualifications in order to evaluate responding vendors. A Request for Qualifications includes, but is not limited to, a brief explanation of the purpose of the Request for Qualifications, a description of the service to be purchased, required qualifications, instructions for response, and evaluation and selection criteria. These types of contract awards are generally not based solely upon price. Instead, there is an extensive evaluation, which may include such criteria as qualifications and experience of principals and staff, technical superiority, financial stability, experience and history of the firm, and references.

Competitive Sealed Proposals, Request for Proposals (RFPs)

A Request for Proposal (RFP) is a solicitation whose associated award evaluation and vendor selection process is predicated on a best value evaluation, rather than strictly upon award to the lowest priced responsive and responsible vendor. This type of evaluation is a sensitive and demanding process, and detailed guidelines have been developed to ensure such evaluations are conducted in an appropriate and accurate manner.

An RFP, by nature, is more general than bids, thus it is vital to provide the correct parameters within which vendors are to operate. Otherwise, confusion and misinterpretation may result in proposals which do not address the matter in question. The RFP must specifically define the good or service needed by the City and clearly specify the criteria that will be used by the City to determine the most qualified vendor(s).

The RFP shall include specifications and pertinent attachments, shall clearly define the items or services needed in order for the vendors to properly respond to the Invitation. It shall include the following:

- 1) Instruction and information to vendors concerning the bid submission requirements, time and date for receipt of bids, the address of the office to which bids are to be delivered, and any other special information.
- 2) The purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.
- 3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable to the procurement.

After the last proposal is opened, attending vendors should be advised that an award decision will be made after review and evaluation of the submitted proposals, and thanked for attending the proposal opening. At this time, no attempt should be made to read or compare the proposals. Proposals shall be viewed and reviewed only City personnel having legitimate interest in them.

Vendor Pool Contracts

Vendor pool contracts are contracts that have been awarded to multiple vendors which have met the basic qualifying requirements established for the contract, but do not contain within the contract itself all of the data needed to establish form pricing for a specific product or specific service to be provided under the contract. Examples of these contracts include, but are not limited to:

- 1) Pre-qualification contracts awarded by the City. These contracts simply specify a pool of contractors who are authorized to provide the required product or service to the City;
- 2) Contracts awarded by the City that include pricing information relating only to hourly rates, or discount rates from catalogs or otherwise established commercial pricing sources, may be determined to be vendor pool contracts. Contracts structured in this manner often do not include all the information necessary to determine the firm price for a given product or service from the information contained in the contract. Contracts that do not contain sufficient information in that regard are considered to be vendor pool contracts;
- 3) Contracts awarded by other government agencies and not-for-profit organizations that include pricing information relating only to hourly rates, or discount rates from catalogs or otherwise established commercial pricing sources, may be determined to be vendor pool contracts.

Vendor pool contracts require additional competitive action prior to award of a specific purchase to a specific vendor listed on the contract. Specific quoting and award procedures (i.e. a “road map”) for use of each vendor pool contract will be developed on a case-by-case basis by the Finance Department in coordination with the requesting department. These procedures shall be structured to provide the competitive structure and documentation necessary to clearly support the award of a specific purchase to a specific vendor.

A pre-qualification contract that establishes a pool of vendors based on minimum requirements may allow for additional vendors to be added to the pool at any time during the contract term. If this is allowed, it must be specifically stated in the contract terms and conditions. Additional qualified vendors must meet the minimum qualifications established in the original solicitation to be added to the pre-qualified vendor pool.

Consultant's Competitive Negotiation (CCNAs)

The City's selection process for professional engineering, architectural, landscape architectural, and surveying or mapping services and design building professionals shall be governed by Florida Statutes Section 287.055, commonly known as the “Consultants’ Competitive Negotiation Act” (CCNA). Per the Act, the City shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project where the basic construction cost is estimated by the City to exceed the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY FIVE (\$325,000) or for a planned or study activity when the fee for professional services exceeds the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY TWO (\$35,000), except in cases of valid public emergencies. A project means that fixed capital outlay study or planned activity described in the public notice of the City. A project may include: (1) A grouping of minor construction, rehabilitation or renovation activities or (2) A grouping of substantially similar construction, rehabilitation or renovation activities. The public notice must include a general description of the project and must

indicate how interested consultants may apply for consideration. The City shall provide a good faith estimate in determining whether the proposed activity meets the threshold amounts.

The City shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the City to submit statements of qualifications and performance data annually. Any firm or individual desiring to provide professional service to the City must first be certified by the City as qualified pursuant to the law and the regulations of the City. The City 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. The City 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 Assistance Act, and other factors determined by the City to be applicable to its particular requirements. When securing professional services, the City must endeavor to meet the minority business enterprise procurement goals under Florida Statutes Section 287.09451.

For each proposed project, the City shall evaluate current statements of qualifications and performance data on file with the City, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three (3) firms regarding their qualifications, approach to the project, and ability to furnish the required services. The City shall select in order of preference **no fewer than three** (3) firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the City 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 the City, with the object to effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The City may request, accept and consider proposals for the compensation to be paid under the contract only during competitive negotiations.

The Act does not apply to a professional service contract for a project where the basic construction cost is estimated by the city to be not in excess of the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY FIVE (\$325,000) or for planning or study activity when the fee for professional services is not in excess of the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY TWO (\$35,000). However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, the City shall reject all proposals and reinstate the procurement pursuant to this section. Nothing in this section shall be construed to prohibit a continuing contract between a firm and the City.

The City shall negotiate a contract with the most qualified firm for professional services at compensation which the City determines is fair, competitive and reasonable. In making such a determination, the City 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 the threshold amount provided in Florida Statutes Section 287.017 for CATEGORY FOUR (\$195,000), the City 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 the City 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 one (1) year following the end of the contract.

Should the City be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the City determines to be fair, competitive and reasonable, negotiations with that firm must be formally terminated. The City shall then undertake negotiations with the second most qualified firm. Failing accord with the

second most qualified firm, the City must terminate negotiations and shall undertake negotiations with the third most qualified firm. Should the City be unable to negotiate a satisfactory contract with any of the selected firms, the City shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

Each contract entered into by the City 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, the City 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.

Any individual, corporation, partnership, firm or company, other than a bona fide employee working solely for an architect, registered surveyor and mapper or professional engineer, who offers, agrees or contracts to solicit or secure City contracts for professional services for any other individual, corporation, partnership, firm or company and to be paid, or is paid, any fee, commission, percentage, gift or other consideration contingent upon, or resulting from, the award or the making of a contract for professional services shall, upon conviction in a competent court of this State, be found guilty of a first degree misdemeanor, punishable as provided in Florida Statutes Sections 775.082 or 775.083.

Any architect, registered surveyor and mapper or professional engineer, or any group, association, company, corporation, firm, or partnership thereof, who offers to pay, or pays, any fee, commission, percentage, gift or other consideration contingent upon, or resulting from, the award or making of any City contract for professional services shall, upon conviction in a State court of competent authority, be found guilty of a first degree misdemeanor, punishable as provide in Florida Statutes Sections 775.082 or 775.083.

Any City official who offers to solicit or secure, or solicits or secures, a contract for professional services and to be paid, or is paid, a fee, commission, percentage, gift or other consideration contingent upon the award or making of such a contract for professional services between the City and any individual person, company, firm, partnership or corporation shall, upon conviction by a State court of competent authority, be found guilty of a first degree misdemeanor, punishable as provided in Florida Statutes Sections 775.082 or 775.083.

Design-Build Contracts

A design-build project combines the design and construction of a building or structure in a single contract performed by one firm. The City shall award design-build contracts by use of competitive proposal selection process or by the use of a qualifications-based selection process for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date. If the City elects the option of qualifications-based selection, during the selection of the design-build firm, the City may employ or retain a licensed design professional appropriate to the project to serve as the City's representative. Procedures for the use of a competitive proposal selection process must include as a minimum the following:

- 1) The preparation of a design criteria package for the design and construction of the public construction project.
- 2) The qualification and selection of no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.
- 3) The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical and design aspects of the public construction project, weighted for the project.
- 4) The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.
- 5) For consultation with the employed or retained design criteria professional concerning evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the City of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.
- 6) In the case of public emergencies, for the Mayor of City to declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

Auditor Selection Procedures

Contracts for the performance of services in connection with the annual financial audits shall be procured in accordance with the provisions of Florida Statutes Section 218.391. The City Commission shall establish an auditor selection committee, whose primary purpose is to assist the City in selecting an auditor to conduct the annual financial audit required in Florida Statutes Section 219.39. However, the committee may serve other audit oversight purposes as determined by the City Commission. The auditor selection committee must consist of at least three (3) members and one (1) member must be a member of the City Commission, who shall serve as chair of the committee. An employee, a City Manager or a Finance Director of the City may not serve as member of an auditor selection committee; however, an employee, a City Manager or a Finance Director of the City may serve in an advisory capacity.

The auditor selection committee shall:

- 1) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licenses under Florida Statues Chapter 473, and qualified to conduct audits in accordance with the government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and other factors as may be determined by the committee to be applicable to its particular requirements.
- 2) Publicly announce requests for proposals. Public announcement must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.
- 3) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

- 4) Evaluate proposals provided by qualified firms. If compensation is one of the factors established, it shall not be the sole or predominant factor used to evaluate proposals.
- 5) Rank and recommend in order of preference no fewer than three (3) firms deemed to be most highly qualified to perform the required services after considering the factors established. If fewer than three (3) firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most qualified.

The City Commission shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the auditor selection committee, and negotiate a contract, using one of the following methods:

- 1) If compensation is not one of the factors established and not used to evaluate firms, the City Commission shall negotiate a contract with the firm ranked first. If the City Commission is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the City Commission shall then undertake negotiations with the second-ranked firm. Negotiations with other ranked firms shall be undertaken in the same manner. The City Commission, in negotiating with firms, may reopen formal negotiations with any one of the three (3) top-ranked firms, but it may not negotiate with more than one firm at a time.
- 2) If compensation is one of the factors established and used in the evaluation of proposals, the City Commission shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.
- 3) The City Commission may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.
- 4) In negotiations with firms, the City Commission may allow a designee to conduct negotiations on its behalf.

The method used by the City Commission to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirement of Florida Statutes Section 218.391, and the needs of the City. If the City Commission is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue until an agreement is reached.

Every procurement of audit service shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

- 1) A provision specifying the services to be provided and fees or other compensation for such services
- 2) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.
- 3) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

Written contracts entered into may be renewed. Such renewals may be done without the use of the auditor selection procedures and shall be in writing.

If the City fails to select the auditor in accordance with the requirements of Florida Statutes Section 218.391, the City must again perform the auditor selection process in accordance with this section to select an auditor to conduct audits in subsequent fiscal years.

SELECTION COMMITTEES

Selection Committee Team Members

In consultation with the Purchasing Coordinator, the requesting department will request the number and makeup of the Selection Committee. The Finance Director has final authority on the member selections and can add or delete members if deemed in the best interest of the City. The members should have some knowledge of the RFP's subject matter; however, this is a Selection Committee, so every member does not need to be knowledgeable in every aspect of the RFP. It is required that the Selection Committee be made up of at least three (3) people and always an odd number to avoid tie votes during the selection process. Each Selection Committee Team Member must have:

- 1) No personal or financial interest in any vendor or firm which has submitted a proposal to the City for the project to be evaluated.
- 2) A professional interest that the recommendations of the Selection Committee can be supported and defended legally and ethically.
- 3) A professional interest that the recommendations of the Selection Committee will lead to the selection of a vendor who will provide goods and services that are the best value for the City.

The Purchasing Coordinator, or designee, shall serve as the Selection Committee Chairperson, and may not award points for proposals.

General Principles Relating to Open Government

A selection committee is subject to the Sunshine Law (noticed and open meeting required) because its function is to evaluate the various proposals, to determine which were acceptable and to rank them accordingly. When individual selection committee members submit written evaluations of a proposal, the scores of which are compiled and ranked, the selection committee must meet and rank the proposals at a public meeting. Section 286.0113(2)(b)1. and 2., *Florida Statutes*, provide that any portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation, is exempt from the Sunshine Law. In addition, any portion of a team meeting at which negotiation strategies are discussed is also exempt. The term "competitive solicitation" means "the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method

of procurement.” Section 286.0113(2)(a)1., *Florida Statutes*. The term “team” means a group of members established by the City for the purpose of conducting negotiations as part of a competitive solicitation. Section 286.0113(2)(a)2., *Florida Statutes*.

A complete recording must be made of the exempt meeting; no portion of the exempt meeting may be held off the record. Section 286.0113(2)(c), *Florida Statutes*. The recording and any records presented at the exempt meeting are exempt from public disclosure until the City provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier. Section 286.0113(2)(c)1. and 2, *Florida Statutes*. And see Section 286.0113(2)(c)3., *Florida Statutes* (exempt status of recording if the City rejects all bids, proposals, or replies, and concurrently provides notice of its intent to reissue a competitive solicitation).

Initial Meeting of the Selection Committee

The Purchasing Coordinator, or designee, shall conduct an initial meeting (kick-off meeting) with the selection committee to ensure that each member has a clear understanding of their duties and responsibilities in the selection process. A copy of these guidelines, the solicitation and any addenda, each vendor’s submittal, and a copy of the evaluation criteria will be distributed to committee members.

Conflicts of Interest

Once proposals have been received, a copy of the list of competing vendors shall be provided to each member of the selection committee. Each member will be asked if the member has a personal or financial interest in any competing vendor, and if the member understands and can perform impartially with the selection committee guidelines. If a conflict of interest exists or appears to exist, that member will be disqualified from the selection committee. An “Evaluator’s Statement of Independence and Non-Conflict of Interest” form shall be signed by each selection committee team member prior to the commencement of the evaluation of the proposals.

Committee Rules and Procedures

All members on the selection committee shall apply sound and unbiased judgment in scoring and awarding points for each competing submission.

It is essential that all selection committee team members read the solicitation thoroughly and have a clear understanding of the requirements and evaluation criteria before attempting to evaluate the proposals. All questions shall be directed to the Purchasing Coordinator and not the chairperson of the selection committee as communications between members of a selection committee requires strict compliance with the Sunshine Law.

The following are basic requirements of each selection committee:

- 1) Prior to receiving proposals, the selection committee members should familiarize themselves with the released responses to the solicitation and all issued addenda.

- 2) After proposals have been received, each selection committee member should be given one copy of each proposal to review. The selection committee member must read and review each proposal and, if necessary, take individual evaluation notes. Individual notes will assist the selection committee member in remembering items for the purpose of discussion during the selection committee meeting. Individual notes should highlight significant points in the proposals (for example, strengths/weaknesses) and note any questions to be discussed.
- 3) Selection committee members are prohibited from communicating with anyone, either verbally or in writing, regarding the proposals, outside of the scheduled and publicly noticed Selection committee meetings. Violations of Section 286.011, *Florida Statutes*, or this Manual are extremely serious and have personal, as well as organizational, legal and ethical ramifications. If a vendor contacts a selection committee member, the member must refer the vendor to the Purchasing Coordinator. Selection committee members are prohibited from participating in individual meetings, informal consultations, lunches, entertainment or any other direct or indirect contact with a proposing vendor or a vendor who is likely to propose.
- 4) Prior to the selection committee meeting in a public forum, any questions, clarifications or additional information requested from a member must be submitted in writing through the Purchasing Coordinator, or designee. The Purchasing Coordinator, or designee, is responsible for obtaining a written response from the vendor and sharing the response with the selection committee.
- 5) Selection committee meetings must follow the requirements of Section 286.011, *Florida Statutes*, for public meetings and meetings must be noticed at least 72 hours in advance. Except as specifically exempted under a controlling provision of law, these meetings are open to the general public, which may include vendors which have submitted responses to the City's solicitations. Meetings will be recorded and all recordings are available for the general public to listen to upon making such a request.
- 6) After all discussions and questions have been completed, evaluations of the proposals begin.
- 7) Evaluations must be based on the criteria established in the solicitation and all criteria must be scored. There are two acceptable approaches to the evaluations:
 - a) **Individual Approach** - Each selection committee member evaluates each proposal independently on score sheets, without discussing their evaluation with other selection committee members. Each member is required to sign the score sheet and any note pages and submit them to the Chairperson as part of the public record.
 - b) **Consensus Approach** - Instead of individual members evaluating and scoring proposals, the entire Selection Committee will arrive at a consensus as to the assignment of points on each evaluation criterion of each proposal. The Purchasing Coordinator, as Chairperson and non-decision maker, will act as facilitator to assist the committee in developing consensus. If the Purchasing Coordinator or other non-decision-maker is available to facilitate, the designated lead evaluator will conduct the meeting but should not unduly influence other evaluators. Each member is required to sign the final score sheet and any note pages should be submitted to the Chairperson as part of the public record.

- c) It is important to note that, with regard to either of the above approaches, the actions of the section committee are subject to the provisions of the Sunshine Law unless a specific exemption is applicable.
- 8) The order of review of proposals is a random selection. It is recommended that the selection committee review and assign points to only one proposal at a time. This approach works best when proposals are reviewed and scored by proceeding through each of the evaluation criteria of the solicitation in numerical order. After completing the review and assigning points to an entire proposal, the team then moves on to the next proposal and so forth.
- 9) Responses must be evaluated against the criteria of the solicitation and members shall not evaluate or compare proposals to each other except when evaluating for cost.
- 10) Points for each factor should be awarded only one time and care should be given to ensure that points are not assigned for the same factor in more than one evaluation criterion. For example, if it is believed that "quality assurance" should be taken under consideration and evaluated under the solicitation criterion, care should be given to ensure to not also evaluate "quality assurance" under another criterion.
- 11) In determining how well a proposal scored, the recommended approach for selection committee members is to determine how many points for the section being evaluated did the proposal "earn." With this approach, all proposals start with zero points and are awarded points based on how well they responded to the criteria of the solicitation. Selection committee members can also set a minimum threshold amount, such as awarding half the available points in a particular section to those proposals which only met the minimum requirements. Proposals which exceed the minimum requirements would receive higher scores. This approach not only allows a clear indication of which proposal met the minimum requirements, it also allows for a natural separation between outstanding, adequate and substandard proposals.
- 12) Scoring of the cost proposal information should be in accordance with specifications within the solicitation. Price will be objectively scored, as shown when applicable and where able to do so:
- a) The lowest proposal will receive the maximum cost points. If two or more vendor has submitted the exact same lowest price, then they all receive the maximum cost points.
- b) Vendors that have not submitted the lowest price will be assigned points based on the following formula:
- (Lowest submitted cost proposal / Cost of proposal being scored) x (Total cost points available) =
Pro-Rated Score (Recommended to round decimals to the nearest whole number)

Vendor	Price	% Awarded	X	Weight	=	Weighted Score
A	\$20,000	100%	X	30	=	30
B	\$25,000	80%	X	30	=	24
C	\$30,000	67%	X	30	=	20

- 13) Depending on the outcome of the scoring, the selection committee may recommend one of the following:
 - a) Award the contract to the highest ranked vendor; or
 - b) Short-list the top ranked vendors and request scheduling of oral presentations.
- 14) If the selection committee recommends awarding the contract to the highest ranked vendor, no further action is required by the selection committee.
- 15) If oral presentations are requested, the selection committee shall identify which vendors will be asked to provide oral presentations. The selection committee may request oral presentations from as many vendors as necessary. However, it is recommended that the selection committee come to a consensus and request presentations only from the top-ranked vendors.
- 16) When oral presentations are requested by the selection committee, the members shall submit a written request to the chairperson for specific areas needing additional explanation and/or clarification or any other information the Selection committee would like the vendors to provide during the oral presentations.
- 17) All vendors selected for oral presentations will be notified in writing of the publicly noticed meeting by the selection committee with the following information being provided: the name of chairperson, the date, time, location, time allotted each vendor and specific questions or information, if any, requested by the selection committee to be addressed at the presentation.
- 18) Prior to oral presentations, the chairperson will provide the evaluation criteria and score sheets to the selection committee.
- 19) During the oral presentations, selection committee members may ask germane questions of the vendors for a clear understanding of each vendor's position.
- 20) After oral presentations are completed, the selection committee will have an opportunity to continue discussions. After discussions are completed, the selection committee will finalize its scores in a similar way as discussed above. Each member is required to sign the final score sheet and any note pages are collected by the chairperson as part of the public record.
- 21) Score sheets will be tabulated and ranked from highest to lowest by the chairperson. The award recommendation will be to the vendor with the highest ranked score.
- 22) Selection committee members should not discuss the solicitation with any person outside of a selection committee meeting until the selection committee has completed its work and all vendors have been officially notified of the final selection.

Recommendation of Award

The award recommendation will be to the vendor with the highest ranked score. The Selection Committee Chairperson shall work with the requesting City department on a recommendation to award for processing through the City Manager and the City Commission.

The requesting department must complete a "Request for Commission Action" (RCA) recommending for award the proposal most advantageous to the City considering the evaluation factors specified. The RCA should give the criteria used, members of the selection committee and why the recommended award is in the "best interest" of the City. The RCA should also state the amount of funds budgeted, and if the bid exceeds the budget, how the excess funding needed will be covered. The requesting Department Director shall make the recommendation of RFP award; however, the final decision remains with the City Commission.

The Purchasing Coordinator shall notify the successful vendor(s) in writing of the intent to award. Until a Purchase Order is issued, the awarded contractor shall not perform as the funds have not been encumbered.

Rejection of Proposals

After responses are received, they must be presented to the City Commission for disposition. The authority to accept and reject proposals ultimately vests in the powers of the City Commission. There is no Commission action required if no proposals are received.

The following reasons, by way of example only and not as a limitation, may be considered causes for rejection:

- 1) The response to the solicitation does not conform to the technical specifications and/or solicitation documents.
- 2) Insufficient financial resources or lack of technical ability, physical capacity or skill of the vendor to perform the contract or the service required.
- 3) Inability of the vendor to perform the contract or provide the service within the time specified without delays or interference.
- 4) Previous and existing non-compliance by the vendor with laws and ordinances relating to the contract of services.
- 5) Inadequate quality or performance on previous contracts for goods and/or services.
- 6) The vendor has been declared to be in default on any City or public entity contract, or debarred or suspended by any public entity.
- 7) Taking exceptions to the terms, conditions and specifications of the solicitation or any proposed contractual provisions of the City.
- 8) Non-conformance with minority business and/or disadvantaged business enterprise provisions and requirements, where applicable.

- 9) When the City determines that the price quoted is not fair and reasonable.
- 10) Insufficient competition.
- 11) Inability to adhere to grant conditions.
- 12) Any other cause found to be in the best interest of the City.

POST AWARD AND OTHER MATTERS

Post Award Vendor Evaluations

In addition to responsiveness and responsibility determinations, the Finance Department, in collaboration with the requesting department, shall ensure that the goods or services to be procured are technically compliant with the specifications and requirements of the City's solicitation and the awarded contract. The requesting department shall act as subject matter experts in determination whether the offered goods or services are technically compliant with the specifications of the solicitation and the awarded contract. A vendor review shall be completed and placed in the contract file and may be used in future solicitations to determine vendor responsibility. Further, the evaluation may be used as evidence in any vendor debarment proceeding. A report of unsatisfactory materials or services may be provided to the Finance Director at any time documenting contract difficulties due to poor service, performance, quality, or materials that do not meet contract requirements. This report will be placed in the contract file and may be used to evaluate the vendor who may respond to future solicitations of the City.

Disqualification of Vendors

A vendor may be disqualified temporarily or permanently and their bid(s) rejected by the City for:

- 1) Poor performance or default, based upon documented evaluation(s), on previous contracts with the City.
- 2) Poor performance or default, based upon documented evaluation(s), on previous contracts with other public entities.
- 3) Insufficient financial or company size, based upon documented evaluation(s), to perform the requirements of the contract.
- 4) Being otherwise found not to be a responsible vendor.

Vendor performance is any action or inaction by a vendor under a contract, purchase order or other binding agreement with the City. Any action or inaction by a vendor, which does not comply with the contractual terms and conditions, will be considered nonperformance and is to be documented and reported to the Purchasing Department. Nonperformance includes, but is not limited to, late or non-deliveries, substandard or unacceptable goods and/or service levels, habitual under or over shipments, and unauthorized subcontracting or contract assignments.

The requesting department shall appoint project managers, who shall be responsible for monitoring vendor performance as it relates to the terms and conditions of the contract(s) or purchase order(s) issued. Vendor nonperformance actions are to be documented and reported to the Purchasing Department for appropriate action aimed at correcting vendor performance, placing the vendor on probation for a period of time, suspension from bidding on City contracts, vendor debarment or contract termination.

The non-performing vendor should first be contacted by telephone to discuss the problems being experienced. A mutual understanding should be reached, if possible, and a time frame for corrective action established. All such communications should be adequately documented.

The requesting department should convene a meeting with the vendor to help resolve problems, whenever possible. Should the vendor continue to not meet the requirements, the requesting department should submit a memo to the Finance Director, attach any available documentation to substantiate the problem, including a copy of any letters sent to the vendor or records of meetings (as applicable).

After receiving the vendor nonperformance, the Finance Director will review the documentation to determine the appropriate course of action. This action may include: calling the vendor, sending vendor a "Notice to Cure", or scheduling a meeting with the vendor.

Where progressive steps aimed at correcting vendor performance have proven futile, the Finance Director may hold a hearing to determine the next course of action. The vendor and the requesting department will be invited to this meeting, where the Finance Director, or designee, will act as a hearing officer. After considering the presentation of all parties, the hearing officer may:

- 1) Establish a probation period for the vendor to correct all noncompliance problems;
- 2) Recommend termination of the contract for default to the City Manager;
- 3) Recommend termination of the contract for convenience to the City Manager; or
- 4) Find no action necessary.

A copy of all written actions or documents will be provided to the requesting department. The final decision and formal action will be filed in the contract e-folder for future use in determining vendor responsibility in future award recommendations.

The City Manager may act within any authority vested in the position of City Manager or recommend to the City Commission the best course of action to safeguard the interests of the City.

The City Attorney shall be consulted, as necessary, during this process.

Debarment or Suspension

A vendor may be temporarily or permanently barred or suspended from doing business with the City for the following reasons:

- 1) Misstating any information submitted to the City.
- 2) Committing a fraudulent act against the City.
- 3) Entry of a plea of guilty, no contest, or nolo contendere to, or conviction for, commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract or in performance of such contract.
- 4) Entry of a plea of guilty, no contest, or nolo contendere or conviction under a state or Federal law of embezzlement, theft, forgery, bribery, falsification or destruction of records, anti-trust statutes arising out of submission of bids or proposals, receiving stolen property or any other offense indicating lack of business integrity or business honesty which currently, seriously and directly affects responsibility as a City vendor.
- 5) Failure, without good cause, to perform in accordance with specifications or within the time limits provided in a City contract.
- 6) Refusal to enter into a contract with the City by failing to provide bonds, insurance or other required certificates within the time periods as specified in the bid.
- 7) Refusal to accept a purchase order, agreement, or contract or to perform thereon, provided such order was issued timely and in conformance with the offer received.
- 8) Presence of principals or corporate officers in the business or concern who were principals within another business at the time when the other business was suspended or debarred within the preceding 3 years.
- 9) Violation of the ethical standards set forth in State law.
- 10) Providing anything of value including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service to any City employee to influence the award of contract or purchase of goods or services from the City.
- 11) Any other cause the City determines to be serious and compelling as to affect the credibility as a City vendor including, but not limited to, suspension or debarment by another government entity for any cause set forth in this Manual.

Non-permanent debarment allows a vendor to be reinstated as an allowable City vendor after no more than 3 years.

The Finance Director shall issue a notice letter that advises a vendor that is has been debarred. The notice shall state the reasons for the action taken and inform the vendor of its rights to an appeal to the City.

Any vendor dissatisfied or aggrieved with the notification of the Finance Director's determination regarding debarment must, within 10 calendar days of such notification, appeal the determination in writing to the City Manager.

Upon receipt of the request for hearing, the City Manager, or designee, shall give all parties prior notice of a hearing date and time at least 5 calendar days before the hearing date. The vendor shall be given the opportunity at such hearing before the City Manager, or designee, to demonstrate decision of the Finance Director should be reversed. The designee of the City Manager may be a hearing officer appointed by the City Manager.

Any vendor dissatisfied or aggrieved with the City Manager's determination regarding debarment must, within 10 calendar days of such notification, appeal the determination in writing to the City Commission which shall hear the matter as soon as practicable. The decision of the City Commission shall be final City action.

Any appeal filed by a vendor in an untimely manner shall be summarily denied.

The written appeal by a vendor shall state all reasons to support the appeal and provide all evidence that is intended to support the appeal and the vendor shall not provide any additional argument or evidence in any judicial proceeding and shall be bound by the argument and evidence submitted to the City.

Reinstatement Process

A vendor who has been permanently debarred may not be reinstated and it may not be a subcontractor to another firm having a contract with the City. If a principal or officer of the debarred or suspended vendor becomes a principal or officer of another vendor, that vendor firm shall also be debarred or suspended. If a principal, officer or employee of the debarred or suspended vendor become an employee of another firm, the City may require that employee have no part in any work for the City.

A vendor who has been temporarily barred or suspended from doing business with the City must appeal to the Finance Director, to be reinstated. Any vendor dissatisfied or aggrieved with the notification of the Finance Director's determination regarding debarment must, within 10 calendar days of such notification, appeal the determination in writing to the City Manager whose decision shall be final City action.

A vendor may be reinstated to do business with the City under the following conditions:

- 1) Discovery of new and material evidence not previously available.
- 2) Dismissal of indictment or reversal of conviction.
- 3) Bona fide change in ownership or management sufficient to justify a finding of present responsibility.
- 4) The expiration of the debarment period.

Protest of Award

The City is committed to a prompt and fair handling of all complaints and disputes with the business community. All notices of intended decisions with respect to contract awards or other actions shall set forth the following statement:

“FAILURE TO FOLLOW PURCHASING PROTEST PROCEDURE REQUIREMENTS WITHIN THE TIME FRAMES ESTABLISHED BY THE CITY SHALL CONSTITUTE A WAIVER OF PROTEST AND ALL CLAIMS.”

Any vendor adversely affected by an intended decision or action with respect to the award of any bid shall have the right to file an award protest. Failure to file a protest is a waiver of all objections to the award. No protest may be filed or heard after the contract award has been approved or the contract has been executed by the City Manager or City Commission.

Any award recommendation may be challenged in strict compliance with the provisions of this Manual. Any vendor, who is not the intended awardee and who claims to be the rightful awardee, may file a Notice of Award Protest (“Award Protest”). An Award Protest is not valid if filed by a vendor who cannot show they would be awarded the contract if their protest is upheld. Failure to follow the Award Protest procedures within the time frames prescribed herein shall constitute a waiver of such protest and any resulting claims.

Any person who wishes to file an Award Protest hereunder must file a Notice of Intent to File a Protest (“Notice”), in writing, with the City’s Finance Director within 72 hours of posting an Intended Decision to Award (“Intended Decision”) by the City. Such Notice is considered filed when it is received by the Finance Director. The Notice shall include the name and address of the protesting vendor, the City solicitation number and title, specific grounds upon which the protest is based, and must clearly indicate it is a Notice of Intent to File a Protest. The vendor shall be liable for all of its own costs and expenses incurred related to a protest including, but not limited to, all appeals

Within 5 calendar days after the filing of the Notice, a formal protest must be filed with the City’s Finance Director for review by the City Manager or his designee. The formal protest is considered filed when it is received by the Finance Director. The formal protest shall include the following: City solicitation number and title, name and address of the protester, full statement of the facts alleged and of the rules, regulations, ordinances, statutory or constitutional provision or other legal authorities entitling the protester to the relief requested, specific relief to which the protester deems themselves entitled, and any other relevant information that the protester deems to be material to the protest. The Formal Protest shall be accompanied by an Appeal Bond in the form of a certified check, cashier’s check, attorney’s trust account check or money order made payable to the City in the amount of 5% of the bid amount that has been determined to be the lowest bid amount from a responsive and responsible bidder or the amount of \$25,000, whichever is greater.

The Finance Director will determine if the Notice of Intent to File a Protest or the Formal Protest was filed in a timely manner and if the protest meets the required criteria. The aggrieved vendor will be notified in writing whether or not Notice of Intent to File a Protest or Formal Protest meets all requirements.

Once a formal protest is timely filed, the City shall stay the award of the contract unless the City Commission sets forth in writing particular facts and circumstances which require the continuance of the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety and welfare or damage to public property.

Within 10 calendar days of the filing of the Formal Protest, the City Manager or his designee shall issue a written determination, including the rationale for reaching such a determination. The written determination shall also inform the protester of their right to appeal the City Manager's decision to the City Commission.

The protester may appeal the City Manager's determination, in writing, to the City Commission no later than 5 calendar days after receipt of the City Manager's determination. The City Commission, upon consulting with the City Attorney, shall issue a final determination at the next available, regularly scheduled, City Commission meeting. The decision of the City Commission will be final.

If the protest is approved, the appeal bond will be returned without deduction. If the protest is denied, the Appeal Bond becomes non-refundable and the City shall retain the Appeal Bond as payment for a portion of the City's cost and expenses including, but not limited to, time spent by City staff in responding to the protest and in conducting the evaluation of the protest which shall include the legal costs of the City.

Any protest filed by a vendor in an untimely manner shall be summarily denied.

The written protest by a vendor shall state all reasons to support the protest and provide all evidence that is intended to support the protest and the vendor shall not provide any additional argument or evidence in any judicial proceeding and shall be bound by the argument and evidence submitted to the City.

PURCHASING CARD PROGRAM

The Purchasing Card Program allows City employees to charge goods or materials in an amount which does not require the issuance of a purchase order. Every employee issued a VISA card received a copy of the Purchasing Card Policy Manual which details the guidelines of the program which are consistent with this Manual.

Department directors determine which department employees receive a VISA card and define individual spending limits. Department directors complete a Cardholder Set-Up Form for submittal to the VISA Program Administrator (Purchasing Coordinator) in the Finance Department. After review of this request, the Program Administrator will request a VISA card be issued to the employee. The employee will be required to pick up the assigned VISA card from the Program Administrator at which time they will sign for receipt of their card and receive their copy of the Purchasing Card Policy Manual.

An employee must receive an invoice/receipt for the items purchased with a VISA card. This invoice/receipt must be given to the department clerk responsible for processing invoices. An invoice must be completed for the VISA card purchase just as for any other purchases. Processing invoices allows the expenditure to be recorded and creates the record which will eventually be used to calculate payment to VISA (Bank of America).

The Purchasing Card Policy Manual should be reviewed for further instructions regarding the usage of the VISA Purchasing Card.

PURCHASING PROCESSES AND PROCEDURES – ADMINISTRATIVE MATTERS

Purchase Requisition

Purpose

The purchase requisition serves to inform the Finance Department of a desired purchase or required service in preparation for the issuance of a purchase order. The purchase requisition is not an order, merely the request to procure the item(s) or service(s) in accordance with established City purchasing policies and procedures. The purchase requisition also certifies authority to charge a specific General Ledger account number and verifies there are sufficient funds available in the account.

When to Prepare

A purchase requisition must be submitted by a department director for materials or goods or a service in the amount of \$5,000 or more. If the cost of materials or services exceeds \$50,000, competitive bidding is required.

The provisions prohibiting the subdivision, splitting or aggregation of purchases apply.

Departments must anticipate needs and requirements and submit purchase requisitions allowing ample time for completion of the approval process to secure the goods or services needed at the time required.

Who Prepares

Purchase requisitions shall originate from the department requiring the purchase of the goods or services and shall be signed by that department director or designee.

How to prepare

An electronically generated purchase requisition must be submitted through the BS&A Purchase Order Module.

The following fields must be entered on requisition:

- 1) Vendor Name and Number
- 2) PO Type (Regular, Blanket or Emergency)
- 3) Ship to Location
- 4) Invoicing Location
- 5) A description of the goods or services to be purchased
- 6) Approval Department
- 7) Post Date
- 8) Price Source (under \$50,000, \$50,000 and over, sole source, emergency, contract or piggyback)

9) Line item details, including:

- a) Quantity
- b) Units
- c) Item Description
- d) Unit Price
- e) Total Amount
- f) GL Number
- g) Account Description

10) Any information pertaining to discounts for early payment, specific payment requirements, etc.

11) Written quotes (bids)

The appropriation General Ledger (GL) Number consists of (a) fund identifier (b) department identifier, (c) division identifier, (d) object code and (e) sub-object code. For example:

001-0103-552-100

(a) (b)(c) (d) (e)

- a) General Fund
- b) General Government
- c) Finance
- d) Operating Supplies
- e) Basic Account

The Finance Department will assist in assigning the correct numbers

The following documents, if applicable, must be attached to the purchase requisition:

- 1) Quotations
- 2) RCA
- 3) Budget Memo for any GL Accounts over budget explaining where additional funds are coming from
- 4) Additional Approvals (discussed below)

Approvals

After completion of data entry and submission, the BS&A software will forward the requisition for review and approval by the designated approver(s) for that department. Following departmental approvals, the requisition will forward to the Budget Manager for sufficiency of funds and account number review and approval. Following the Budget Manager's approval, the requisition will forward to the Purchasing Coordinator for purchasing policy compliance review and approval. For requisitions \$10,000 or more, following the Purchasing Coordinator's approval, the requisition will forward to the Finance Director for review and approval. For requisitions \$35,000 or more, following the Finance Director's approval, the requisition will forward to the City Manager for review and approval.

Once the final approval is received, the Purchasing Coordinator creates the purchase order and distributes to the appropriate users

The following requests for purchases of goods or services require additional approvals to be attached with supporting documents prior to a requisition being approved:

- 1) Vehicles and related equipment requisitions require the approval of the Fleet Maintenance Superintendent.
- 2) Building related requisitions require the approval of the Facilities Maintenance Superintendent.
- 3) Computer hardware, software and related equipment requisitions require the approval of the Information Technology Director.
- 4) Temporary hiring of employees, contract employees or interns, require the approval of the Human Resources Director.

Purchase Orders (PO)

Purpose

A purchase order provides authorization for delivery of specified materials or rendering of certain services at an established cost. The purchase order initiates the record of financial activity for the particular acquisition.

Who Issues

Only the Finance Department shall issue purchase orders, blanket purchase orders and change orders as outlined in this Manual. Pre-numbered and computer-generated purchase order shall be issued upon receipt of properly authorized purchase requisitions after prior receipt of all /any required competitive quotations, bids or proposals, determination of funding availability and City Commission approval when required. An electronic copy of the purchase order is emailed to the requesting department once created.

Reject Vendor Acknowledgement Forms

Some vendors send a form acknowledging receipt of a purchase order. A copy of the form should be kept as a public record with the original form being returned to the vendor without a signature or acknowledgement. Signing or acknowledgement of the form may be interpreted as accepting terms and conditions different from those established by the existing contract, the purchase order or this Manual. Contact the Purchasing Coordinator if the vendor objects to this action by the City or refuses to deliver the goods or services without a signed acknowledgement form.

Receipt of Goods and Materials

The department receiving the goods and materials is responsible for inspecting and accepting or rejecting all goods at the time of delivery. Services are to be evaluated as performed and any concern or dissatisfaction brought to the attention of the Finance Department. Dissatisfaction with any purchase, failure of any part, piece of equipment or material to perform in the manner in which purchased must follow the same process. The Finance Department and Risk Management Department must be notified of a potential claim against a vendor for warranty, suitability for intended use, injury to an employee or third party or any other perceived basis for a claim.

The department receiving the goods and materials is also responsible for inspecting incoming shipments for conformance with the purchase order/contract. Incoming shipments of goods and materials must be immediately checked for damages, shortages, overages and unauthorized substitutions.

All deliveries must be FOB destination, freight prepaid. Freight Collect deliveries are not authorized. Contact the Purchasing Coordinator immediately if a carrier has a collect delivery.

Blanket Purchase Order (BPOs)

A Blanket Purchase Order (BPO) is a purchase order issued for the purchase of indeterminable miscellaneous goods or services over a certain period of time (not to exceed one fiscal year).and are used for the following:

- 1) The purchase of indeterminable miscellaneous items, materials, supplies, parts, etc., over a specific time (usually one fiscal year) on a demand basis. Line item pricing and quantities are not included.
- 2) Encumbrance and payment purposes for a contract or contract for services that requires monthly or multiple payments.
- 3) Encumbrance and payment purposes regarding a solicitation that has been awarded, which require monthly or multiple payments.

BPOs may be used to eliminate many small repetitive orders. They may also be issued for on-going, non-professional services contracts, such as repairs. Items may be purchased as needed by the City department against the BPO for the term of the BPO, or until the dollar amount is reached.

A BPO must be issued at the beginning of the service period or fiscal year for the entire amount that is expected to be spent through the current fiscal year, ending September 30th. BPOs will not be issued for a time period extending beyond the fiscal year, with the exception of expending grant funds. If additional funds be necessary, a change order request for additional funds must be submitted to the Finance Department.

A BPO is initiated by submitting a purchase requisition the same way as for a regular purchase order. BPOs are subject to the same review and approval process outlined for all other purchase orders.

Change Orders (CO)

A change order provides a mechanism to amend a purchase order. A change order is usually issued to revise the quantity, model number, delivery terms, prices, etc.

A change order is improper and must not be processed if any of the following conditions apply:

- 1) Authorized signature is invalid or missing.
- 2) The change order does not specify items to be changed.
- 3) Purchase order has been invoiced and check has been issued in payment (P.O. "closed").

- 4) The change requested is contrary to terms of original quotation or bid.
- 5) The change order requests a decrease in cost of an item. If the cost of a specific item is less than the cost on the purchase order, the City will pay the lesser cost.
- 6) The change order results in a material change from the original purchase order. For example, it is inappropriate to bid a carpet flooring material, award that bid and then request a change order that would supply wood floors instead of carpeting.

Change order requests must be approved in the same order and manner as the corresponding (original) purchase order, and must be accompanied by a change order request form provided by the Purchasing Coordinator.

PAYING FOR GOODS AND SERVICES

Sales Tax Exemption

The City of DeLand is exempt from paying Florida State Sales Tax. All employees who purchase goods or services on behalf of the City shall supply each vendor with a copy of the City's tax exemption certificate or number to avoid being assessed state sales taxes. Employees should make every effort to ensure that sales taxes are not charged by the vendor.

Prompt Payment Act

Part VII, Chapter 218, *Florida Statutes* (the *Local Government Prompt Payment Act*) requires, among other things, that all invoices are due within 45 days of receipt and that invoices not paid by the due date will accrue interest from 30 days after the due date at a rate of one percent per month, except payment of construction services where payment is due within 20 business days. Improper invoices or invoices without all the information the City requires must be returned to the vendor for corrections. The payment period starts only when the City receives a proper invoice that includes all required information.

Paper Invoices –

All departments shall be required to maintain a stamp for the purpose of stamping all paper invoices received. This stamp will at a minimum state "RECEIVED", have an adjustable date, and list the department that received the invoice.

It is crucial that each department:

- 1) Stamp all paper invoices when received
- 2) Ensure all paper invoices are submitted by employees to a designated person within the department immediately and without delay, in order that invoices can be stamped "RECEIVED"

- 3) Ensure that all paper invoices are electronically submitted to Accounts Payable immediately after being stamped "RECEIVED" by the department, to permit payment within the required time frame.

If a particular invoice should come to the attention of a department as being either close enough to its due date to warrant special attention or past its due date already, then the department shall alert Finance immediately so that measures can be taken to limit the effects of that particular invoice.

Electronic Invoices –

In an effort to reduce paper and postage, electronic invoices can be received via email. Invoices received electronically through email are not required to be stamped as the date of the email will serve as the date of receipt for the invoice. Invoices received during regular business hours of 8am – 5pm will be considered received on that date. Invoices received after 5pm or on Saturdays or Sundays will be considered received on the next regular business day. Email records must be maintained by the City so that the date of receipt can be obtained if requested. All electronic invoices must be submitted in the same timely fashion as paper invoices. Invoices that are downloaded from vendor websites that do not have an electronic date of transmittal are required to be stamped in the same manner as paper invoices above.

Invoices

Definition

An invoice is a statement from a vendor of its goods or services rendered for a specified charge to the City and is the means by which the vendor informs the County of its obligations. The invoice should contain the same basic information as a purchase order, if applicable.

Contents of an Invoice

An invoice should contain:

- 1) Vendor's name and address
- 2) Invoice number
- 3) Date of order (if possible)
- 4) Purchase order number (if applicable)
- 5) Date of delivery
- 6) Destination of delivery
- 7) Itemized list of materials or services rendered, including quantities, prices (both unit and total), terms and any other charges contained in the purchase order.
- 8) Delivery charges should be listed separately from the materials and supplies if they are not included in the unit price.

Invoices should be submitted to the ordering department/division as delineated on the purchase order. Statements or delivery tickets cannot be substituted for invoices.

Processing an Invoice for Payment

Upon completion of delivery, acceptance of material or service and receipt of invoice, the ordering department/division shall immediately enter the invoice into the BS&A Accounts Payable module with an attachment of all applicable documents to the invoice entry as supporting backup. Please refer to Invoice Entry and Approval document for detailed instructions.

An invoice may be charged to several appropriation numbers when such charge is appropriate. Be certain the total amount charged to the various appropriation numbers agrees with the invoiced amounts.

Credits from vendors are processed the same as invoices and should reference the invoice that originated the charge the credit is reversing.

Questions about invoices and data entry should be directed to the Accounts Payable Administrator, at 626-7080.

CITY ASSET MANAGEMENT POLICIES

Capital Outlay Item Defined

Capital asset control entails tracking, compiling and maintaining an inventory of capital assets to control losses due to negligence or theft, to provide a basis for insurance claims and identify surpluses. Capital asset records are set up to comply with Chapter 274, *Florida Statutes*.

Capital assets are tangible items (e.g. land, buildings, building improvements, vehicles, machinery, equipment and infrastructure) or intangible items (e.g. easements, water rights) with original cost or value of \$5,000 or more, with an estimated useful life of at least a year following the date of acquisition. Assets should be capitalized if individual acquisition costs are less than the threshold for an individual asset if those assets in the aggregate are significant. Office furniture is an example of an asset type that may not meet the \$5,000 threshold on an individual basis, yet could be significant collectively. For example, \$150,000 aggregate amount (100 desks costing \$1,500 each) is significant and should be capitalized.

The Finance Department will coordinate the maintenance of the City's Capital Assets Database. The Purchasing Coordinator will review purchase requisitions to ensure proper general ledger account coding is used for all capital purchases. The ordering (receiving) department must notify the Finance Department when an item is received so proper identification may be affixed and records can be updated. The asset I.D. tag will be forwarded to the department and must be placed on the equipment in an easily accessible area. Periodically, the City Clerk/Auditor will physically verify the City's assets.

On occasion, a construction project is awarded that involves individual equipment that can be tagged. In these cases, a record needs to be made of the name of the equipment, serial number, location, life and value. This information must be forwarded to the Finance Department with a request for asset I.D. tags. An example is a water and sewer project which will contain the installation of pumps, motors, chlorinators, etc. These pieces of equipment must be listed by name of equipment, serial number, location, and value.

Records are entered and maintained for each item in the City's Capital Assets Database, including the following:

- 1) Capital Asset Number
- 2) Item Description
- 3) Serial Number
- 4) Make and Model
- 5) Account Number
- 6) Location and Custodian
- 7) Payment Information (Vendor Name, PO Number and Date of Purchase)
- 8) Purchase Price

Below is a listing of generally accepted life expectancies of common capital assets:

Type	Months	Years
Buildings	480	40
Building Improvements	480-900	40-75
Infrastructure	480-900	40-75
Air/Heat Unit	120	10
Aerator	180	15
Bulldozer	180	15
Copy Machine	60	5
Effluent Pump	240	20
Grader	180	15
Motorcycle	60	5
Playground Equipment	180	15
Vehicles	60	5

The Finance Department is responsible for taking inventory of property in City custody. Finance will distribute an inventory list to each department biennially. This biennial inventory will validate all items and any item unaccounted for will require a Missing, Lost or Stolen Form to remove the item from inventory. The biennial inventory shall be compared with the property records, and all discrepancies shall be traced and reconciled. The results of the biennial inventory will be provided to the Finance Director in an executive summary format.

Disposing of Surplus Assets of Personal Property

Department directors shall periodically review their property inventory and determine whether there are assets of personal property that must be disposed of as surplus. Surplus property is that which is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function to the City. Any personal property on the asset inventory to be disposed of as surplus must be declared surplus by the City Commission. A memo must be directed to the City Manager, and copied to the Finance Department, requesting the asset be declared surplus. The City identification number, description of the asset and serial number must be provided. The City Manager may present a resolution declaring the equipment surplus for City Commission consideration. Once the property/equipment has been declared surplus, in accordance with the provisions of Section 274.06, *Florida Statutes*, qualifying property/equipment may be disposed of for value without bids to any governmental unit or, if the property/equipment is without commercial value, it may be donated, destroyed or abandoned. Property valued to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the City. Any sale of property, the value of which is estimated to be \$5,000 or more, shall be sold only to the highest responsible vendor or by public auction. The City Manager is vested with maximum discretion and authority to consider creative means and methods to attain present day value of surplus City property for the benefit of the City and to retain only such assets as may be of utility to the City in the future. With regard to personal property, such property may be disposed of by auction, bid, notice in a newspaper of sales at listed prices (as determined by a review of prevailing market factor), publication in a trade publication, or any other lawful method, as determined collaboratively by the City Manager and City Attorney, or any combination of the above.

City vehicles to be sold must have all identifying markings removed and City license tags deposited with the City Clerk before title is released to a new owner.

Disposing of Surplus Real Property

Whenever the City desires to sell any real property, the City Manager, in conjunction with the City Attorney, will be responsible for coordinating all activities related to such activities in accordance with requirements of controlling law. The provisions herein do not relate to real estate transactions when the City is procuring real property for particular purposes or projects and is exchanging real property owned by the City for real property needed for a project.

When the City sells real property, it may engage in competitive bidding when a notice or notices are published on the City's website and posted at City Hall for a reasonable period calling for bids on the property; by private sale which, when the value of the property exceeds \$50,000 will involve the engagement of real property appraisal services; by property exchange when the City and another property owner exchange parcels of comparable values which will also involve the engagement of real property appraisal services when the value of the property exceeds \$50,000; and the sale to a government or non-profit entity when the City Commission determines that the City-owned real property is required for use by another governmental entity or non-profit entity for a public purpose in which case the City may convey real property to that entity for such price, whether nominal or otherwise as the City Commission may determine.

To address the goals of affordable housing, the City may convey surplus real property to another governmental entity, a non-profit entity, or a private entity or person to carry out the goals of the City relating to affordable housing or economic development. The City may adopt requirements for such conveyances on a case-by-case basis and may include deed restrictions, percentage of affordable units for low-income, moderate-income, and very low-income, and such other restrictions to ensure that said property will be permanently preserved as affordable housing; as well as conditions relative accomplishing economic development within the City. In terms of economic development, the City in an effort to effectively revitalize, foster and retain new job growth potential and recognizing the importance of new and expanding development may donate real property for economic development purposes. In such cases, the City Manager shall provide the City Commission with an agenda item which shall include in the background the details describing all the parameters of benefit for the economic development purposes such as, new full-time employment expansion or tax benefits increasing the City's job market growth or other pertinent beneficial matters.

Also, a parcel of City-owned real property may also be declared surplus and donated for a viable public purpose in the best interest of the public to a not for profit corporation, right-of-way, park or other public purpose.

With regard to the engagement of real property appraisal services, as to parcels that are valued at less than \$50,000, the appraised value of real property may be determined by procurement of an independent appraisal report or by using the value of the property as determined by the Sumter County Property Appraiser and adding 15% of that amount to that amount. For parcels that appear to be valued at an amount in excess of \$50,000, but not in excess of \$250,000, an appraisal from a qualified Florida appraiser shall be procured. For parcels that appear to be valued at an amount in excess of \$250,000, appraisals from 2 qualified Florida appraisers shall be procured.

Without City Commission authority, the City Manager may grant easements, licenses and rights of entry to other governmental entities upon request by such entities said grants being in a form approved by the City Attorney. The City Manager may bring any such action before the City Commission for approval as he or she deems appropriate. A license is a grant of permission authorizing the licensee to do a particular act on a parcel of City-owned real property. As distinguished from a lease, a license merely grants permission to use such real property and does not convey any property. Licenses cannot be assigned by the licensee and is revocable by the City at will.

Closing of real property contracts shall be performed by the City Attorney in a manner approved by the City Attorney.

All transactions involving the conveyance of City-owned real property shall be confirmed by a resolution of the City Commission or proclamation by the City Manager, with regard to transactions within the authority level of the City Manager, which will include a release any reservation of mineral, metal and petroleum rights and right of entry under the provisions of Section 270.11, *Florida Statutes*, and all such transactions shall be deemed to have included a petition for such release.

CITY OF DELAND
Request for Commission Action
December 5, 2022

SUBJECT: Consideration re Change of Meeting Date, Dr. Martin Luther King, Jr. Holiday.

DEPARTMENT: City Clerk

PREPARED BY: Julie Hennessy, City Clerk

ATTACHMENTS:

APPROVED BY: Michael Pleus, City Manager, November 28, 2022

SUMMARY/HIGHLIGHT:

The second regular City Commission meeting in January is scheduled for Monday, January 16, 2023, which is the Dr. Martin Luther King, Jr. holiday. Section 2-3 of the Code of Ordinances grants the City Commission the authority to reschedule regular meetings which fall on a legal holiday, or fall within one (1) week of a legal holiday.

STRATEGIC PLAN FOCUS AREA/ACTION STEP:

N/A

SUSTAINABILITY:

N/A

FISCAL IMPACT:

None

RECOMMENDATION:

It is recommended that the City Commission reschedule the January 16, 2023 regular City Commission meeting for Tuesday, January 17, 2023.

BACKGROUND/DISCUSSION:

N/A