

SANIBEL FIRE & RESCUE DISTRICT

Resolution No. 24-002

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE SANIBEL FIRE & RESCUE DISTRICT ADOPTING AN AMENDMENT TO THE DISTRICT'S PROCUREMENT POLICY TO ADD A NEW SECTION 1300.13 ENTITLED OWNER-DIRECT PURCHASING; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Sanibel Fire & Rescue District (hereinafter referred to as the "Board") was created and exists under Chapters 189 and 191 Florida Statutes to provide emergency fire and rescue services within its service area as described in Chapter 200-398, Laws of Florida; and

WHEREAS, the Board is authorized to exercise the powers enumerated in section 191.06, Florida Statutes; and

WHEREAS, the Board wishes to amend its existing procurement policy to add a new section 1300.13 entitled Owner-Direct Purchasing.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE SANIBEL FIRE & RESCUE DISTRICT THAT:

The following provisions are added to the District's existing Procurement Policy and are hereby adopted.

1300.13 Owner-Direct Purchasing

Florida law allows government entities to make certain tax-free purchases for public works projects under Rule 12A-1.094, Florida Administrative Code (F.A.C.). Purchasing commodities directly enables the District to save the cost of sales tax on certain tangible personal property needed for projects. Owner-Direct Purchases will be governed by the following:

(a) **Requirements of Florida law.** All requirements of Rule 12A-1.094, F.A.C. and section 212.08(6), Florida Statutes must be met.

(b) **Direct Purchase Order.** The District will issue its purchase order directly to the vendor supplying the materials or tangible personal property the Contractor will use and will provide the vendor with a copy of the District's Florida Consumer's Certification of Exemption. The District will issue to the vendor and to the Contractor a Certificate of Entitlement as provided in Rule 12A-1.094 (4)(c)4, F.A.C.

(c) **Inspection by Contractor and Direct Invoice to District.** Upon delivery, the contractor shall inspect the materials or tangible personal property, and if it approves them,

Contractor shall provide a written statement from the Contractor's Project Manager to the District's Project Manager certifying that Contractor approves the materials or tangible personal property. The District will attach this certification to the invoice and the District will pay the invoiced amount directly to the vendor.

(d) **Title.** The District will take title to the materials or tangible personal property at the time of purchase or delivery by the vendor and will retain title to all materials or tangible personal property it purchases. The District may require Contractor to obtain and manage warranties on the materials or tangible personal property in its contract with Contractor.

(e) **Risk of Loss.** The District will assume the risk of loss for the direct purchase materials or tangible personal property upon delivery. The District may do this by being named as an additional insured on the Contractors Builder's Risk insurance policy, which shall continue to cover the direct purchase materials. Alternatively, the District may purchase and maintain other insurance sufficient to protect against any loss of, or damage to owner-purchased materials. Responsibilities for care and safeguarding of the materials or tangible personal property and property insurance will be set forth in the contract with the Contractor.

This resolution shall become effective immediately upon adoption.

MOTION: Commissioner McCurry who, so moved for its adoption, offered the foregoing resolution. The motion was seconded by Commissioner Carrano, and upon being put to a vote the vote was as follows:

VOTE:

- Commissioner Jerrold Muench: Y ✓ N ___
- Commissioner Bruce Cochrane: Y ✓ N ___
- Commissioner Richard McCurry: Y ✓ N ___

PASSED AND DULY ADOPTED by the Board of Commissioners of the SANIBEL FIRE & RESCUE DISTRICT, this 10th day of January, 2024.

BOARD OF COMMISSIONERS
SANIBEL FIRE & RESCUE DISTRICT

By:


Jerry Muench
Jerry Muench, Chairman
Muench J 2024

Attest:

Kevin Barbot
Kevin Barbot
Fire Chief
Print name and title



Bruce Cochrane, Vice Chair



Richard McCurry, Secretary