



Florida Department of Environmental Protection
State Revolving Fund (SRF) Program

PROJECT SPONSOR'S PROFESSIONAL SERVICES
PROCUREMENT CERTIFICATION

The purpose of this procurement certification form is to confirm that the professional services procured by the project sponsor comply with the Consultants' Competitive Negotiation Act (CCNA), Florida Statute 287.055. This form must be submitted prior to placement of the sponsor's project on SRF's Priority List for funding.

Project Sponsor's Name: \_\_\_\_\_

SRF Project Name: \_\_\_\_\_

SRF Project Number: \_\_\_\_\_

Type of Professional Services (select all that apply):

Table with 2 rows and 3 columns: Planning, Design, Services During Construction, Not Procured, Design-Build, Construction Manager at Risk. Each cell contains a checkbox.

Name of organization to deliver professional services, if procured.

Empty rectangular box for organization name.

Description of work to be performed.

Empty rectangular box for work description.

I certify that the professional services to be delivered and performed as described above has been procured or will be procured in compliance with CCNA requirements.

Table with 2 columns: Date Procurement Solicited, Date Service Contract Executed. Each cell contains a checkbox.

If applicable, I also certify that the professional services to be delivered and performed as described above under a 'continuing contract', comply with CCNA requirements. Attached is FDEP's memo dated 10/14/20 regarding the limitations of a 'continuing contract'. (Select the appropriate box below).

Table with 3 columns: FDEP Memo Read and Met, Explanation Attached if Memo not Met, Not Applicable. Each cell contains a checkbox.

I certify that documentation of the procurement for the above described professional services is readily available or will be readily available upon request.

I understand that falsifying or intentionally omitting any information on this certification form may be grounds for revoking the use of SRF funds for the above-mentioned professional services.

Signature of Sponsor's Legal Counsel

Typed Name and Title of Sponsor's Legal Counsel

Date of Signature

Check box if additional information is attached.



# FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

Tallahassee, FL 32399

October 14, 2020

## MEMORANDUM

**SUBJECT:** Continuing Contract as defined in the Consultants' Competitive Negotiation Act (CCNA), Section 287.055, Florida Statutes

**FROM:** Trina Vielhauer, Director Trina Vielhauer Digitally signed by Trina Vielhauer  
Date: 2020.10.14 09:29:37 -04'00'  
Division of Water Restoration Assistance

Betsy Hewitt, Assistant General Counsel Betsy Hewitt Digitally signed by Betsy Hewitt  
Date: 2020.10.19 08:07:50 -04'00'  
Office of General Counsel

**TO:** State Revolving Fund Loan Recipients

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It has come to FDEP's attention that there may be a misinterpretation of the requirements of the "Consultants' Competitive Negotiation Act" (CCNA), codified as Section 287.055, Florida Statutes, regarding the use of a "continuing contract", as that term is defined in Section 287.055(2)(g), F.S.

The solicitation requirements of the CCNA apply to all "agencies." Agency is defined as the state, a state agency, a municipality, a political subdivision, a school district, or a school board (§287.055(2)(b), F.S.). A "continuing contract" is an exception to the solicitation requirements of the CCNA. This exception is defined as "a contract for professional services entered into in accordance with all the procedures of [the CCNA] between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million, for study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause."

Agencies cannot use a continuing contract to circumvent the competitive procurement requirements of the CCNA if (1) the estimated construction cost of any individual project exceeds \$4 million, or (2) the estimated study activity fee for professional services exceeds \$500,000. Contracts that exceed those monetary thresholds are outside the definition of "continuing contract," and therefore are subject to the competitive procurement requirements of the CCNA. (*Id.*; see also Florida Attorney General Opinion 2013-28).

As a recipient of a State Revolving Fund loan, please remember that, under section 287.055, Florida Statutes, state agencies, municipalities, and political subdivisions must comply with the public announcement and qualification procedures of the CCNA.<sup>1</sup> Further, the SRF loan agreement requires compliance with applicable State and Federal laws, which include the CCNA. You should consult your legal counsel for clarification of your requirements under the CCNA and the terms of your loan.

<sup>1</sup>Valid public emergencies are excepted (s. 287.055(3)(a), F.S.), as are design-build contracts (s. 287.055(9), F.S.)