

Ordinance 67-23

Procurement Ordinance Revisions

Introduction 10/4/23 / Final 10/18/23

Additions, updates and Housekeeping changes throughout the Procurement Ordinance in the following areas:

- I. Section 2-144 – Procurement Procedures
- II. Section 2-151 – Standards of conduct for city officials and employees
- III. Section 2-154 Sale of Surplus tangible personal property
- IV. Section 2-155 Sale of Surplus Real Property

Section / Sub-section	Current	Proposed
Section 2-144 Procurement Procedures (a) Competitive sealed bidding (1) Applicability	Applicability. Except as otherwise authorized herein, all contracts for the purchase of goods or contractual services in excess of \$100,000 shall be awarded by competitive sealed bidding.	Applicability. Except as otherwise authorized herein, all contracts for the purchase of goods or contractual services in excess of \$400,000 \$250,000 shall be awarded by competitive sealed bidding.
Section 2-144 Procurement Procedures (a) Competitive sealed bidding (5) Bid security	Bid security. The Invitation for Bids may specify that some form of bid security is required. Bid bonds may be required, in the discretion of the Procurement Manager, on all bid solicitations where the estimated cost is in excess of \$100,000 . The bid bond shall provide that if the bid is:	Bid security. The Invitation for Bids may specify that some form of bid security is required. Bid bonds may be required, in the discretion of the Procurement Manager, on all bid solicitations where the estimated cost is in excess of \$400,000 \$250,000 . The bid bond shall provide that if the bid is:
Section 2-144 Procurement Procedures (b) Small purchases (1) Applicability	Applicability. Any purchase that is \$100,000 or less may be made in accordance with the small purchase procedures authorized in this section. Purchases shall not be artificially divided so as to constitute a small purchase under this section.	Applicability. Any purchase that is \$400,000 \$250,000 or less may be made in accordance with the small purchase procedures authorized in this section. Purchases shall not be artificially divided so as to constitute a small purchase under this section.
Section 2-144 Procurement Procedures (b) Small purchases (2)	<i>sub-section (2) Small purchases from \$10,000 up through and including \$100,000.</i> For small purchases from \$10,000 up through and including \$100,000 , no less than three written quotations shall be obtained. The award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, the scope submitted or discussed with the business, and the items, quantities, specifications, and the total amounts and the dates of the quotations, shall be recorded and maintained in the city's records. For items purchased on an ongoing basis, contracts shall not be automatically renewed without the Procurement Manager first deciding whether new quotations should be obtained to determine if the price is still the lowest. The Procurement Manager may authorize the end user Department to obtain said quotes.	<i>Small purchases from \$10,000 up through and including \$400,000 \$250,000.</i> For small purchases from \$10,000 up through and including \$400,000 \$250,000 , no less than three written quotations shall be obtained. The award shall be made to the business offering the lowest acceptable quotation. The names of the businesses submitting quotations, the scope submitted or discussed with the business, and the items, quantities, specifications, and the total amounts and the dates of the quotations, shall be recorded and maintained in the city's records. For items purchased on an ongoing basis, contracts shall not be automatically renewed without the Procurement Manager first deciding whether new quotations should be obtained to determine if the price is still the lowest. The Procurement Manager may authorize the end user Department to obtain said quotes.
Section 2-144 Procurement Procedures (b) Small purchases (4) Electronic quote requests	Electronic quote requests. The city may utilize electronic quote requests, otherwise known as reverse auctions, either standard or real time, for purchases up to and including \$100,000 . An electronic signature will be accepted	Electronic quote requests. The city may utilize electronic quote requests, otherwise known as reverse auctions, either standard or real time, for purchases up to and including \$400,000 \$250,000 . An electronic signature will be accepted
Section 2-144 Procurement Procedures (i) Consultant's Competitive Negotiation Act (F.S. 287.055) (5)	sub-section (5) Council approval. The City Manager shall submit the negotiated contract to the City Attorney for review and shall then submit the contract to City Council for consideration. No contract will take effect unless approved by City Council	sub-section (5) Council Contract approval. The City Manager shall submit the negotiated contract to the City Attorney for review and shall then submit the contract and a copy of all the proposals received in response to the solicitation to City Council for consideration. No contract will take effect unless approved by City Council
Section 2-144 Procurement Procedures (i) Consultant's Competitive Negotiation Act (F.S. 287.055) (8) Continuing contracts (d) Staffing cost proposals	Staffing and cost proposals (SCP) may be executed administratively through the use of a purchase order referencing the original continuing contract, provided that the amount of the proposal is \$100,000 or less.	Staffing and cost proposals (SCP) may be executed administratively through the use of a purchase order referencing the original continuing contract, provided that the amount of the proposal is \$400,000 \$250,000 or less.

Section / Sub-section	Current	Proposed
Section 2-144 Procurement Procedures Contracting for goods and/or services through a request for proposals (RFP) Section (j) Sub Section (1) Applicability	Contracts for goods and services which are not subject to the Consultant's Competitive Negotiation Act and for which the commodity, group of commodities, or contractual service being sought can be reasonably defined and the city can identify necessary deliverables. Various combinations or versions of commodities or contractual services may be proposed by a responsive vendor to meet the specifications of the solicitation document. At the option of the City Manager or designee, the proposals may be ranked by the City Manager or designee, or by utilizing either the SAC as specified in subsections (i)(3) and (4) above or by convening a special ad hoc Evaluation and Negotiation Committee of city staff appointed by the City Manager to consider a complex procurement that requires a special or quick consideration.	Contracts for goods and services which are not subject to the Consultant's Competitive Negotiation Act and for which the commodity, group of commodities, or contractual service being sought can be reasonably defined and the city can identify necessary deliverables. Various combinations or versions of commodities or contractual services may be proposed by a responsive vendor to meet the specifications of the solicitation document. At the option of the City Manager or designee, the proposals may be ranked by the City Manager or designee, or by utilizing either the SAC as specified in subsections (i)(3) and (4) above or by convening a special ad hoc Evaluation and Negotiation Committee of city staff appointed by the City Manager to consider a complex procurement that requires a special or quick consideration.
Section 2-144 Procurement Procedures Contracting for goods and/or services through a request for proposals (RFP) Section (j) Sub Section (2)	As an alternative to the SAC procedure described in Section (i)(4) above, the City Council may elect to waive some or all of the provisions of this Code and serve as the direct procurement authority for the procurement of goods and services. In the role of direct procurement authority, the City Council performs the role that would otherwise be performed by the Selection Advisory Committee. The determination by City Council to serve as the direct procurement authority will be based upon one of the following findings: a. The choice of goods or services to be procured: 1. Is anticipated to have substantial citywide impact, including, but not limited to, on the City's economy, jobs, branding and marketability, infrastructure, or environment, or the quality of life of City residents, visitors, or employees; or 2. Involves unusually high levels of investment of public funding or other resources; b. The goods or services to be procured are susceptible to delivery by materially different options, and the choice among those options requires the exercise of substantial discretion that may affect citywide policy; and c. The procurement will likely require policy choices for which the procedures of this Code are unsuitable.	DELETE SUB SECTION (2) As an alternative to the SAC procedure described in Section (i)(4) above, the City Council may elect to waive some or all of the provisions of this Code and serve as the direct procurement authority for the procurement of goods and services. In the role of direct procurement authority, the City Council performs the role that would otherwise be performed by the Selection Advisory Committee. The determination by City Council to serve as the direct procurement authority will be based upon one of the following findings: a. The choice of goods or services to be procured: 1. Is anticipated to have substantial citywide impact, including, but not limited to, on the City's economy, jobs, branding and marketability, infrastructure, or environment, or the quality of life of City residents, visitors, or employees; or 2. Involves unusually high levels of investment of public funding or other resources; b. The goods or services to be procured are susceptible to delivery by materially different options, and the choice among those options requires the exercise of substantial discretion that may affect citywide policy; and c. The procurement will likely require policy choices for which the procedures of this Code are unsuitable.
Section 2-144 Procurement Procedures Contracting for goods and/or services through a request for proposals (RFP) Section (j) Sub Section (3)	Sub section (3) In keeping with the anti-lobbying provisions in Section (i)(2)e and Section 2-151(k) of this Code, when the City Council serves as the direct procurement authority, no City Councilmember and no staff or office personnel of any City Councilmember may initiate contact with a vendor or a vendor's representative during the solicitation process until the agreement resulting from the solicitation is awarded or the City Council takes other action that ends the solicitation	DELETE SUB SECTION (3) Sub section (3) In keeping with the anti-lobbying provisions in Section (i)(2)e and Section 2-151(k) of this Code, when the City Council serves as the direct procurement authority, no City Councilmember and no staff or office personnel of any City Councilmember may initiate contact with a vendor or a vendor's representative during the solicitation process until the agreement resulting from the solicitation is awarded or the City Council takes other action that ends the solicitation

Section / Sub-section	Current	Proposed
Section 2-144 Procurement Procedures Contracting for goods and/or services through a request for proposals (RFP) Section (j) Sub Section (7) changed to (5)	Sub section (7) Ranking. The proposals may be ranked by the City Manager, City Manager's designee, including any special ad hoc Evaluation and Negotiation Committee designated by the City Manager for that purpose, or the SAC, and a notice of the rankings shall be sent to all offerors by United States mail and shall also be posted in the area of City Hall designated for public notices. The city may also use electronic notification when an electronic bidding software is utilized.	Sub section (7) (5) Ranking. The proposals may be ranked by the City Manager, City Manager's designee, including any special ad hoc Evaluation and Negotiation Committee designated by the City Manager for that purpose, or the SAC, as provided in subsection (i)(3) and (4) above. and a notice Notice of the ranking and a copy of the proposals will be provided to City Council Members. Notice of the rankings shall be sent to all offerors by United States mail and shall also be posted in the area of City Hall designated for public notices. The city may also use electronic notification when an electronic bidding software is utilized.
Section 2-144 Procurement Procedures (l) Solicitation authorized.	Solicitation authorized. Invitations to Negotiate, Requests for Qualifications, Requests for Information, Call for Offers, Public Private Partnerships or other solicitations as identified within the Competitive Solicitation are authorized when in the best interests of the City.	Solicitation authorized. Invitations to Negotiate, Requests for Qualifications, Requests for Information, Call for Offers, Public Private Partnerships or other solicitations as identified within the Competitive Solicitation are authorized when in the best interests of the City. Notice of all impending or ongoing competitive solicitations will be provided to the City Council Monthly.
Section 2-151 Standards of Conduct for city officials and employees. Section K - Cone of Silence Sub Section (2) effective dates	(2) Effective dates. A cone of silence shall begin and shall end for Competitive Solicitations as follows: a. A cone of silence shall be in effect during a competitive solicitation process beginning upon the advertisement for the Competitive Solicitation or during such other procurement activities as declared by the City Council. b. The cone of silence shall terminate at the time the city takes final action or gives final approval of a contract , rejects all bids or responses to the Competitive Solicitation, or takes other action which ends the Competitive Solicitation process.	(2) Effective dates. A cone of silence shall begin and shall end for Competitive Solicitations as follows: a. A cone of silence shall be in effect during a competitive solicitation process beginning upon the advertisement for the Competitive Solicitation, upon the receipt of an unsolicited proposal , or during such other procurement activities as declared by the City Council. b. The cone of silence shall terminate at the time the city takes final action or gives final approval of a contract , when either a contract is finally approved, a protest is filed pursuant to section 2-150 or the city rejects all bids or responses to the Competitive Solicitation, or takes other action which ends the Competitive Solicitation process.
Section 2-151 Standards of Conduct for city officials and employees. Section K - Cone of Silence Sub Section (4) Permitted communication	(4) Permitted communication a. The cone of silence shall not apply to written or oral communications with legal counsel for the city or the purchasing staff for the city.	(4) Permitted communication a. The cone of silence shall not apply to written or oral communications to the Procurement Manager, Procurement Manager's designee or to the City Attorney's Office. with legal counsel- for the city or the purchasing staff for the city.
Section 2-151 Standards of Conduct for city officials and employees. Section K - Cone of Silence Sub Section (4) Permitted communication	(4) Permitted communication c. The purchasing staff and the city attorney shall accept written communications from persons or entities subject to this section during the time a cone of silence is applicable to a competitive solicitation	(4) Permitted communication DELETE: c. The purchasing staff and the city attorney shall accept written communications from persons or entities subject to this section during the time a cone of silence is applicable to a competitive solicitation.

Section / Sub-section	Current	Proposed
Section 2-154 Sale of surplus tangible personal property (c) Disposal methods	(2) Donations. Property which has been declared surplus may be donated to an outside agency upon approval by the City Council.	(2) Donations. Property which has been declared surplus may be donated to an outside agency upon approval by the City Council for surplus items over a \$5,000 threshold. The City Manager or designee may approve the donation of surplus property to an outside agency of those items which are \$5,000 or less. No Department shall be authorized to facilitate any donations to avoid the threshold as set forth herein.
Section 2-154 Sale of surplus tangible personal property (c) Disposal methods	Addition	(7) Scrap. Property which is in a wrecked, inoperative or partially dismantled condition, or which has deteriorated, may be sold as appropriate service for scrap, if applicable.
Section 2-155 Sale of Surplus Real Property	Addition	(g) All offers delivered to the City to purchase real property whether the property is declared surplus or not will be communicated by the City Manager or designee to the City Council either in writing within 10 days of receipt of the offer, at the next regularly scheduled City Council meeting or as soon as practicable thereafter, unless the buyer has requested confidentiality pursuant to state public record laws (288.075 9 (2) - (6)) as amended or some other law. In te event a buyer request confidentiality the offer will be communicated to the councilmembers individually.