



Procurement Ordinance Amendment Presentation to City Council

September 25, 2023

Procurement Ordinance Update: Background



- ❑ Original Procurement Ordinance, Chapter 35 – Finance; Purchasing.
 - Adopted in 1980.
 - Only minor modifications since.

- ❑ Goal to modernize, clarify, and simplify the local laws governing procurement operations by the City.

Notable Changes



❑ **35.00 – Purpose. NEW**

- Prescribe the manner in which the City shall procure goods & services.
- Maintain a high ethical standard.
- Provide fair and equitable treatment.
- Maximize value of public funds.
- Provide safeguards to ensure quality & integrity.

❑ **35.01 – Delegated Purchasing agents**

- Clarify established authority the City Manager must delegate his/her purchasing authority to the appropriate agency personnel.
 - Ensures optimal city operations

Notable Changes

- ❑ **35.02 – Review of Contracts. NEW**
 - The City Attorney shall review and approve all contracts involving expenditures of more than \$25K.
- ❑ **35.03 – Officers not to approve own purchases.**
 - Clarified that no member of any department shall approve their own purchases.



Notable Changes



❑ **35.04 – Ethics in Procurement. NEW**

- Prohibits contracting activities:
 - In excess of purchasing authority.
 - When there is conflict of interest.
 - When there is improper or unlawful influence.

❑ **35.05 – Definitions. NEW**

- Added section to define key procurement terms used within the ordinance or commonly used in public procurement.

Notable Changes

- ❑ **35.06 – Procedure for Purchasing and**
- ❑ **35.07 – Formal Bidding Procedure.**
 - Updated to increase the formal procurement threshold from \$75k for non-construction related purchases to \$100k
 - improve efficiency,
 - address inflation, and
 - align the City's thresholds with similar sized cities.



Notable Changes

- ❑ **35.08 – Formal Bidding required for certain purchases; exceptions.**
 - Updated to increase the procurement approval threshold.
 - Created a more comprehensive list of widely accepted competitive bidding exceptions.
 - s. 287.057 Florida Statutes.
 - Cooperative & Piggyback purchasing.
 - Sole Source procurements.
 - Emergency procurements.



Notable Changes

- ❑ **35.09 – Extra services performed or deleted.**
 - Increased the threshold at which contract increases require Council approval.
 - Previously approved by Council (over \$100K)
 - Non-Construction Contract changes: up to 25% of the original contract price or \$99,999.99, whichever is less
 - Construction Contracts changes: up to 25% of the original contract price or \$199,999.99, whichever is less.
 - The aggregate total of any increases of a contract must stay within the thresholds of this subsection.



Notable Changes



- ❑ **35.11 – Acceptance of donations. NEW**
 - Existing ordinance silent on the acceptance of donations.
 - Added to establish thresholds and authority for City to accept donations.
 - Up to \$50k – City Manager approval
 - \$50k or more – City Council approval
- ❑ **35.12 – Best Value. NEW**
 - Enables the City to base selection on qualifications, project approach, price, and other important project specific criteria.
 - Well documented justification required.

Notable Changes



- ❑ **35.13 – Cone of silence.**
 - Updated to expand on and further define the cone of silence provisions, exceptions, and penalties.
 - Updated to include communications via social media as a prohibited form of communication during the cone of silence.
- ❑ **35.15 – Bid Protests.**
 - Updated to align with current procedures for awarding contracts.
 - Provides the detailed protest process
 - Establishes the timeline of events.
 - Provides the City the ability to deduct expenses from the protest bond to cover costs incurred by the City to process a denied bid protest.

Notable Changes



- ❑ **35.16 – Suspension and debarment.**
 - Provides a period for debarment to not exceed five (5) years.
 - Added additional causes for debarment for more comprehensive application.
 - Provides specific information on the debarment determination and appeal process.
- ❑ **35.17 – Federal Financial Assistance. NEW**
 - Provides guidance on procurement procedures for projects funded by federal or state funds.
 - Added the requirement for compliance when receiving federal disaster assistance.

Notable Changes



- ❑ **35.18 – Public-Private partnerships. NEW**
 - Adopts the F.S. § 255.065 prescriptive process when procuring public-private partnerships and the receipt of unsolicited proposals.
 - Allows the City to collect a fee to cover the costs associated with reviewing unsolicited proposals.
- ❑ **35.19 – Pilot Programs. NEW**
 - Outlines a process that allows the City to evaluate new or innovative products, technologies, or services without going through an initial formal selection process.
 - Does require a formal selection process afterwards.

Notable Changes

- ❑ **35.20 – Surplus Property, Real Property; Personal Property.**
 - Places the responsibility for relinquishing surplus assets in procurement.
 - Indicates that the surplus process shall be followed pursuant to City policies and procedures.



Questions & Discussion

