

ORDINANCE NO. 824

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BROOKSVILLE, FLORIDA, CHAPTER 2 ADMINISTRATION, AMENDING ARTICLE VI FINANCE, SECTION 2-303 "EMERGENCY PURCHASES AND DECLARATION PROCEDURE" AND SECTION 2-304 "COMPETITIVE BIDDING"; PROVIDING FOR EXPENDITURE AUTHORITY AND LIMITATIONS; PROVIDING FOR CODIFICATION, CONFLICTS, REPEALING, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City of Brooksville, Florida is vested with home rule authority pursuant to Article VII, Section 2, of the Constitution of the State of Florida and Chapter 166, Florida Statutes, to enact ordinances; and,

WHEREAS, pursuant to Sec. 5.04 of the Charter of the City of Brooksville, the City Council, may, by ordinance, decrease the amount of expenditure for which the city may obligate itself without competitive bids, bond, or approval of council; and

WHEREAS, the City Council has previously adopted Ordinance No. 536(b) relating to competitive bidding; and,

WHEREAS, the City Council of the City of Brooksville, Florida desires to amend its Code of Ordinances, relating to competitive bidding and emergency purchasing.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL MEMBERS OF THE CITY OF BROOKSVILLE, AS FOLLOWS:

SECTION 1. AMENDMENT TO CHAPTER 2 ADMINISTRATION, ARTICLE VI FINANCE. The Code of Ordinances of the City of Brooksville, Florida, Chapter 2, Administration, Article VI, Finance, Section 2-303 "Emergency Purchase; Declaration; Procedure" and Section 2-304 "Competitive Bidding" are hereby amended and restated in its entirety to read as follows:

Sec. 2-303. Competitive Bidding

- (a) Unless otherwise provided in this Section, competitive bidding shall be required for the procurement of personal property and contractual services if the expenditure for the procurement is \$20,000 or more.
- (b) *Piggyback Purchases.* Personal property and contractual services may be procured without competitive bid; provided that the city manager recommends that a specific purchase be made by "piggy-backing" on an award by another governmental entity's competitive bidding process in accordance with the following criteria:

1. The other governmental entity's competitive bidding process provides procedural guarantees of fairness and competitiveness substantially equivalent to those of the city;
 2. The other governmental entity and the vendor authorize the use of piggybacking; and,
 3. For purposes of piggy-backing, a governmental entity is defined as the state and its departments, agencies, bureaus and divisions; the government of the United States and its departments, agencies, bureaus and divisions; counties; water management districts; public educational institutions; municipalities; a special, benefit or taxing district created pursuant to state statutes; or any other entity created pursuant to the Constitution of the State, state statute, the Constitution of the United States or the laws of the United States which is vested with incidents appertaining to government and acting for public purposes.
- (c) *Sole Source.* Personal property and contractual services may be procured without competitive bid if the personal property and contractual services are available only from a single source. Prior to procurement under this sole source provision, a description of the personal property or contractual services sought and a notice of the City's intent to proceed with a sole-source purchase shall be electronically posted for a period of at least seven (7) business days. Upon conclusion of the notice period, the City may proceed with procurement from a sole source if no protests have been received indicating that there is an alternative source from which the property or contractual services may be procured.
- (d) *Joint Procurement.* If the City enters into a joint procurement arrangement with another government entity, the competitive bidding limit shall be waived and the statutory categories and limits established pursuant to Florida Statutes, Chapter 287, and as authorized in the City Charter shall apply.

Sec. 2-304 Expenditure Authority and Limitations.

- (a) Unless otherwise provided for in this section, City Council approval is required for purchases and expenditures of City funds.
- (b) The City Manager is authorized to approve purchases and expenditures in an amount set by resolution of the City Council; provided that the purchase or expenditure is in accordance with the provisions of Section 2-303.
- (c) The City Manager is authorized to approve purchases and expenditures in excess of the amount established pursuant to subsection (b) of this section, if the expenditure is for vehicles and equipment that have been specifically identified and approved for purchase by the City Council in the budget, and the City's purchase of said vehicles or equipment is completed through piggybacking from another government entity's competitive bid process.

- (d) The City Manager is authorized to approve cost and time change orders to construction contracts; provided that the approved contract price is not exceeded or the original project schedule is not extended for more than ninety (90) calendar days.

Sec. 2-305. Emergency Purchase; Declaration; Procedure.

- (a) The bid requirements set forth herein shall not affect provisions contained in City Charter Part I, Article V, Section 5.04, regarding competitive bidding except those provisions essential to the declaration of an emergency to protect the public health and safety.
- (b) The declaration of an emergency shall be by the Mayor or Vice-Mayor, where upon the City Manager or, in such absence of the City Manager, the acting City Manager designee, may issue orders for emergency purchases or procurement of hardware, machinery, facilities or services because of an act of God, strike, storm, fire, explosion, failure, riot, public enemy or catastrophe of any kind that seriously impairs or renders impossible the continued operation of public facilities or services as are required for public health or safety.
- (c) Any emergency declared under subsection (b) of this section shall be limited to an expenditure approval not to exceed \$50,000. Purchases for a declared emergency that must exceed \$50,000 for those purchases, as defined and enumerated in subsection (b) of Sec. 2-305, will require a special meeting of the City Council and a roll call majority vote of the duly elected members of the City Council.

SECTION 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

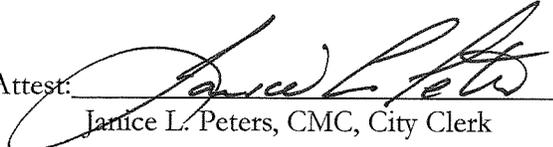
SECTION 3. CONFLICTS AND REPEALER. This Ordinance shall be cumulative of all provisions of the ordinances of the City of Brooksville, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such other ordinances, in which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

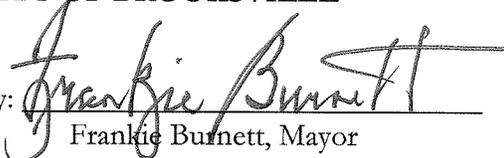
SECTION 4. AMENDMENT TO CODE. This Ordinance shall be and become a part of the Code of the City of Brooksville, Florida, to amend and supplement Chapter 2 "Administration" as directed herein.

SECTION 5. CODIFICATION. It is the intention of the City Council of the City of Brooksville that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the City of Brooksville, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention; provided, however, that Sections 2, 3, 4, 5 and 6 shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption by the Brooksville City Council.

CITY OF BROOKSVILLE

Attest: 
Janice L. Peters, CMC, City Clerk

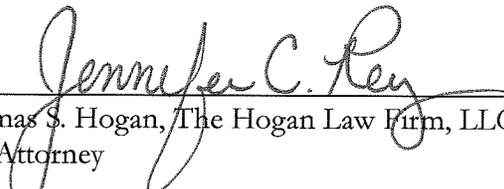
By: 
Frankie Burnett, Mayor

PASSED on First Reading August 15, 2011
NOTICE Published on September 9, 2011
PASSED on Second & Final Reading September 19, 2011

APPROVED AS TO FORM FOR THE RELIANCE
OF THE CITY OF BROOKSVILLE ONLY:

VOTE OF COUNCIL:

Bernardini	<u>Absent</u>
Bradburn	<u>AYE</u>
Burnett	<u>AYE</u>
Hohn	<u>AYE</u>
Johnston	<u>AYE</u>


Thomas S. Hogan, The Hogan Law Firm, LLC
City Attorney