

ORDINANCE NO. 01-03

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING PURCHASING PROCEDURES; DESIGNATING A PURCHASING AGENT; PROVIDING FOR LIMITATIONS ON PURCHASES; PROVIDING FOR COMPETITIVE BIDDING; ESTABLISHING COMPETITIVE BIDDING AND BID OPENING PROCEDURES; PROVIDING FOR AWARDING OF BIDS; PROVIDING FOR WAIVER OF COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS FROM COMPETITIVE BIDDING; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE.

WHEREAS, the Town Council has determined that purchasing guidelines and procedures are essential elements in the administration of the Town's day-to-day activities; and

WHEREAS, contracts for public improvements and purchases of supplies, materials, or services above threshold amounts shall be awarded or made on the basis of specifications and competitive bids, except in cases where the Town Council specifically determines that it is impractical to do so; and

WHEREAS, the Town Council hereby determines that it is impractical to purchase, through competitive bidding, materials, supplies, equipment, improvements or services for which funds are provided in the budget and for which the total amount to be expended is \$1,000 or less.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA AS FOLLOWS:

Section 1. **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

Section 2. **Title.** This ordinance shall be known as the “Purchasing Procedures Ordinance”.

A. Purchasing Agent. The Town Manager or his/her designee shall be the chief purchasing agent of the Town. The purchasing agent shall contract for all purchases, and shall store and distribute all supplies, materials and equipment required by any office, department or agency of the Town. The purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchases for the Town.

B. Purchasing Limitations.

(1) Purchases up to \$1,000. Purchases of, or contracts for, materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of \$1,000 may be made or entered into by the Town Manager without submittal to the Town Council and without competitive bidding. Single purchases or contracts in excess of \$1,000 shall not be broken down to amounts of less than \$1,000 to avoid the requirements of this subsection.

- (2) Purchases of more than \$1,000 but up to \$5,000. Purchases of or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of \$1,000, but which do not exceed \$5,000, may be made or entered into by the Town Manager without submittal to the Town Council, but shall require compliance with the competitive bidding requirements set forth in Section C of this Ordinance. Single purchases of contracts in excess of \$5,000 shall not be broken down to amounts of less than \$5,000 to avoid the requirements of this subsection.
- (3) Purchases in excess of \$5,000. The Town Council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than \$5,000.
- (4) The Town Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such time as the Town Council amends the budget to increase the appropriation to the applicable level.

C. Competitive Bidding Procedure.

- (1) Whenever competitive bidding is required by this Ordinance, the Town Manager shall direct that bid proposals which provide specifications for the purchase or contract be prepared.

- (2) The Town Manager shall solicit sealed bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.
- (3) The Town Manager may publish a public invitation to bid.
- (4) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the Town Council and/or the Town Manager as the case may be, subject to the right of the Town Council to reject any and all bids, and to waive any irregularity in the bids or bidding procedures.
- (5) All invitations to bid shall include a reservation by the town of the right to reject any and all bids.

D. Bid Opening Procedure; Awarding Of Bids.

- (1) Sealed bids shall be opened by the Town Manager or his/her appointed representative in the presence of two witnesses. The opening of the sealed bids shall be recorded by the Town Manager or his/her representative at the date and time specified in the bid proposal. The names of the witnesses and of the Town Manager or his/her representative together with a copy of the bid proposal and the date and time of the opening of the bids shall be filed with the Town Clerk.
- (2) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by the Town Manager. The Town Manager

shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.

- (3) Upon completion of the bid opening and reading, all bids received will be deposited with the Town Manager or his/her designee for tabulation and/or recommendation to the Town Council.
- (4) Upon submission of the bid tabulation and recommendation to the Town Manager or Town Council, as the case may be, the Town Manager or the Town Council shall either accept, reject or refer for additional review the bid tabulation and recommendation.

E. Waiver of Competitive Bidding Procedures.

- (1) The Town Council may, by majority vote, waive the competitive bidding procedures outlined in this ordinance if the Town Council determines that it is impractical to do so.
- (2) The Town Manager is authorized to enter into contracts for materials, supplies, equipment, public improvements or services without competitive bidding by utilizing existing contract terms and prices entered into by other local, state or federal governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the contract in question which is substantially similar to the competitive bidding procedure outlined in this Ordinance.
- (3) The Town Council and/or Town Manager, as the case may be, may waive competitive bidding in the event that the services are available from a sole

source. When this situation exists, "Sole Source" is to be indicated on the purchase order at the time the purchase order is submitted.

F. Exemptions From Competitive Bidding. The following shall be exempt from the competitive bidding procedures outlined this Ordinance or shall follow applicable procedures required by state or federal law:

- (1) Transactions described in Section B(1) of this Ordinance.
- (2) Contracts for professional services.
- (3) Contracts for materials, supplies, equipment or public improvements or services where procurement of such services is specified by state or federal law.

G. Annual Review.

The provisions of this Ordinance shall be reviewed by the Town Council at the first regular Town Council meeting to be held in May of 2002 and reviewed annually each year thereafter.

Section 3. Repeal Of Conflicting Provisions. All provisions of the Code of Miami-Dade County as made applicable to the Town by Article VIII, Section 8.3 of the Town Charter which are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion In The Code. It is the intention of the Town Council that the provisions of this Ordinance shall become and made a part of the Town of Miami Lakes Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective upon adoption on second reading.

The foregoing Ordinance was offered by Councilmember Thomson, who moved its adoption on first reading. The motion was seconded by Collins and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on first reading this **8th** day of **May, 2001**.

The foregoing Ordinance was offered by Councilmember Simon, who moved its adoption on second reading as amended. The motion was seconded by Councilmember Collins, and upon being put to a vote, the vote was as follows:

Councilmember Mary Collins	Yes
Councilmember Robert Meador, II	Yes
Councilmember Michael Pizzi	Yes
Councilmember Nancy Simon	Yes
Councilmember Peter Thomson	Yes
Vice Mayor Roberto Alonso	Yes
Mayor Wayne Slaton	Yes

PASSED AND ADOPTED on second reading this **22nd** day of **May, 2001**.



WAYNE SLATON
Mayor

ATTEST:



ACTING TOWN CLERK

APPROVED AS TO FORM:

/s/ Richard Jay Weiss
ACTING TOWN ATTORNEY

*Double underlined indicates amendment on 2nd reading.