

**ORDINANCE NO. 26-350**

**AN ORDINANCE OF THE TOWN OF MIAMI LAKES FLORIDA, AMENDING AND RESTATING ORDINANCE NO. 17-203 PERTAINING TO PURCHASING PROCEDURES; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY ACTIONS TO IMPLEMENT THE REVISED RULES AND REGULATIONS; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the "Town") procurement procedures (the "Procurement Procedures") are currently provided in Ordinance No. 17-203; and

**WHEREAS**, the Town Council has determined it is in the best interest to revise the procurement code, as provided herein.

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

**Section 1. Recitals.** Each of the above stated recitals is true and correct and are incorporated herein by this reference.

**Section 2. Amendments to Code.** Ordinance No. 17-203 as amended from time to time is hereby deleted in its entirety and replaced.

**Chapter e.**

**Procurement Procedures**

**Section 1. Definitions.** For the purposes of this Ordinance, the following words and phrases shall be defined as follows:

- a. **Invitation to Bid (ITB)** means an advertised competitive solicitation which includes minimum qualifications and a definitive scope of work or precise specifications, where award(s) is made to the lowest responsive and responsible bidder.
- b. **Bidder or Proposer** means an individual or business that submits a bid or proposal in response to a solicitation issued by the Town.
- c. **Competitive Negotiations** means a one or two-step solicitation issued under the Competitive Sealed Procurement process where proposals are sought, and the Town enters into competitive negotiations to determine the proposal that IS most advantageous to the Town.

- d. **Challenge-Based Procurement (CBP)** is a procurement method that allows the Town to seek innovative solutions to a challenge or problem and invites proposals from vendors for an innovative product, approach or technology to respond to, resolve or otherwise meet that challenge.
- e. **Change Order or Modification** is a unilateral or bilateral written order amending a Contract.
- f. **Contract** means all types of binding agreements, including purchase orders, executed by the Town Manager or their designee.
- g. **Contractor or Vendor** means any individual or business having a contract with the Town.
- h. **Cooperative Procurement** means procurement conducted by or on behalf of more than one public procurement entity.
- i. **Invitation to negotiate (ITN)** is a solicitation used by an agency which is intended to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the agency may negotiate in order to receive the best value.
- j. **Local Business** means a Bidder/Proposer having a business located within the boundaries of the Town from which the goods or services will be furnished.
- k. **Professional Services** means any service where the Town is obtaining advice, instruction or specialized work from an individual or business specifically qualified in a particular area where the main thrust is in intellectual ability, and whose profession is regulated by the State of Florida. Such services do not lend themselves solely to price competition but to qualifications and price.
- l. **Public Entity** means any agency of the federal, state, any local government, or any non-profit organization.
- m. **Request for letters of interest (RFLI)** means a solicitation of responses from interested and prospective proposers to submit a summary of their qualifications and/or capabilities and state their interest in performing a specific job or service. Proposers may be given latitude in offering a service that may fulfill the town's needs.
- n. **Request for Qualifications (RFQ)** means a formal solicitation typically used for Professional Services where the initial ranking and selection is based on businesses' qualifications without price being used as a factor.
- o. **Request for Price Quote (RPQ)** means an informal solicitation where written responses are obtained from businesses, without formal advertising or receipt of sealed bids.
- p. **Request for Proposals (RFP)** means a formal solicitation where the ranking and selection

is based on a combination of business qualifications and price.

- q. **Responsible Bidder or Proposer** means any person, firm or corporation who has the capability in all respects to fully perform the contract requirements.
- r. **Responsive Bidder** means any individual or business who has submitted a response which conforms in all material respects to the solicitation.
- s. **Single Source Procurement** means the purchase of a good or services in which two or more vendors can supply the commodity, technology and/or perform the services required by an agency, but the Town selects one vendor over the others for reasons such as expertise or previous experience with similar contracts.
- t. **Sole Source Procurement** means the award for supplies or services to the only known capable supplier, occasioned by the unique nature of the supplies or services, the Town's particular requirement, the supplier's capability or market conditions.
- u. **Standing** means a Bidder or Proposer who believes it has been injured by the Town's action and should it prevail in its Protest would be considered the lowest responsive and responsible Bidder or most qualified Proposer and would be eligible for the award of a Contract, if the Town were to award a Contract as result of a solicitation.
- v. **Submittal** means the document(s) submitted by a Bidder or Proposer in response to a solicitation.

**Section 2. Exemptions.** The following types of payments and purchases shall be exempt from the competitive procurement procedures outlined in this ordinance but must be approved in accordance with the authorized award thresholds as established in the ordinance:

- a. Federal or State of Florida funded procurements/contracts where their rules and regulations supersede this Ordinance.
- b. Contracts for those Professional Services specified in Article III of the Town Charter, as well as hiring of independent contractors under Article III of the Charter.
- c. Utilities, including but not limited to, electric, water, natural gas (excluding fuel/diesel purchases), sewage and solid waste collection, and telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards"). Also, it includes alarm monitoring, installation, and maintenance services.
- d. Real property (land or buildings) purchase, lease or rental.
- e. Persons retained as expert consultants.

- f. Town-sponsored events at venues not owned by the Town, inclusive of rental of the facility, and all other associated goods and services.
- g. Entertainment services for Town-sponsored events.
- h. Purchase of groceries.
- i. Donation of goods and services from 501 (C)(3) not-for-profit organizations
- j. Service on any of the Town Committees.
- k. Artistic Services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting, sculpture and the like.
- l. Training, academic programs, lectures, educational services, or seminars, specialized services and recreational instructors.
- m. Performing artists and entertainers as approved by the Town Manager/Procurement Manager when deemed in the Town's best interests, for the benefit of the citizens of the Town, and the general public at any Town function.
- n. Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services, except as otherwise provided by the Town charter.
- o. Health and medical services, including drug testing, wellness activities and pharmacy services.
- p. Insurance. Purchases of insurance through the Town's agent of record are exempt from the competitive bid and competitive proposal requirements.
- q. Memberships, any copyrighted or patented materials, books, publications, subscriptions and associated fees.
- r. Travel (hotel, registration, transportation).
- s. Regulatory or government licenses and permits.
- t. Notary services.
- u. Recording fees.
- v. Title insurance, and title searches.
- w. Court reporting services.
- x. Software modification services by the copyright holder, maintenance agreements, and related software enhancements to install software purchased through competitive means.
- y. Shipping services, including postage, overnight delivery, courier services and mailing costs.
- z. Service and warranty. Servicing or warranty work of equipment by the authorized dealer or manufacturer's representative, when required to maintain a warranty in full force and effect, or when considered to be in the best interest of the town and recommended by the

using department, and the services to be performed are by the equipment manufacturer, manufacturer's service representative, or a distributor of the manufacturer's equipment.

- aa. Purchase of construction materials included in the scope of a construction contract to realize the tax savings, in accordance with F.S. § 212.08(6).
- bb. Advertisements, radio, newspapers, magazines, professional organizations, trade shows, television, and any other related media.
- cc. Products purchased from the blind, and other severely impaired persons (RESPECT) in accordance with F.S. §§ 413.032, 413.033 and 413.036.
- dd. Transactions described in Sections 5 (e), 6, and 7, 8, 11, and 12.

**Section 3. Authority and Duties of the Procurement Manager.** The Town Manager shall have the authority to appoint a chief procurement officer who shall have authority for the implementation of procurement policies, procedures and the day-to-day management of procurement activities in accordance with the provisions of Federal and Florida Statutes applicable to local government entities, including but not limited to Florida Statutes §255, §287, and 2 CFR Part 200 for contracts involving federal funds as may be amended from time to time and as further stated in this Ordinance, which shall include:

- a. Procure or supervise the procurement of all goods and services.
  - (1) Determine the best procurement methodology.
  - (2) Issue solicitations.
  - (3) Determine if solicitation responses are responsive and assist in the determination of responsibility.
  - (4) Manage the evaluation, selection and award process.
  - (5) Recommend the award of solicitations, except for solicitation where proposals are reviewed by an Evaluation Committee and the recommendation of award is provided by the Evaluation Committee.
  - (6) Recommend the renewal of contracts by the Town Manager.
  - (7) Assist in the development of specifications/Scope of Work and ensure, to the extent practical, that they are competitive.
- b. Development/implementation/administration of procurement policies and procedures, and operations manuals.
- c. Determine the methods of selection and appropriate contractual terms and conditions for each type of procurement.
- d. Sell, trade, exchange, or otherwise dispose of Town owned surplus or obsolete personal or

capital property.

- e. Manage contract compliance including but not limited to contract performance, payment of subcontractors, and resolution of disputes, claims, and protests.
- f. Manage the evaluation vendor/contractor performance process in accordance with Section 15 of this Ordinance.
- g. Perform other duties as may be assigned or directed by the Town Manager or designee.

The Town Manager and Mayor retain sole authority to execute contracts, agreements, purchase orders, and change orders. Except as herein provided in this article, it shall be a violation of this article for any Town officer, employee, or other person to order the purchase of, or make any contract for, materials, supplies or services within the purview of this article, in the name of or on behalf of the Town other than through the Procurement Manager or their designee as approved by the Town Manager, and the Town shall not be bound by any purchase order or contract made contrary to the provisions herein.

**Section 4. Authority to Award.** Approval authority for the Town Manager and Town Council is based on the value of the award and requirements for goods or services shall not be broken down into lesser amounts to avoid approval authority. The Town Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the Town Council amends the budget to increase the appropriation to the applicable level.

(1) Town Manager shall be authorized to award the following without submittal to the Town Council:

- (1) Contracts for goods and services, including professional services, up to \$50,000 procured in accordance with the small purchase provisions of the Ordinance.
- (2) Change Orders where the Town Council has authorized the Town Manager to expend additional budgeted funds, for the goods or services, at the time of the initial award; where it does not exceed the Town Manager's approval authority; and the total sum of change orders does not exceed either ten (10%) percent of the contract cost or \$50,000.00, whichever is less. No increase in contract price shall be approved unless there are sufficient funds available for such purpose.
- (3) Emergency procurements procured in accordance with the provisions of this Ordinance. All such purchases exceeding \$50,000 shall be reported via electronic mail to the Town Council within ten (10) business days of such action.
- (4) Purchases made with the use of grant funds up to \$50,000.
- (5) Exercise contract options to extend where such authority has been delegated at the time of initial award approval by the Town Council, if required.

(6) Reject any solicitation or all Submittals, in whole or in part, when it is determined to be in the best interest of the Town or waive any minor irregularities contained in the Submittals or in the solicitation process. Reasons for rejection may include, but are not limited to, insufficient competition, inadequate funding, changes in requirements, or discovery of errors in the solicitation of responses.

(7) Major and Minor Irregularities.

A. *Minor Irregularities.* In evaluation of sealed bids and other responses, the Procurement Manager may waive minor irregularities. Minor irregularities shall include, but are not limited to:

1. Addendum not acknowledged when price is not affected;
2. Correct number of copies not submitted;
3. Delivery/payment terms not specified (unless specifically required in bid/proposal);
4. References not provided at time of bid/proposal;
5. Unit prices not extended;
6. Submission of cashier's check instead of another bid security; and
7. Failure to submit written evidence that an agent signing for an owner had authority to bind the bidder/proposer.

B. *Major Irregularities.* Irregularities considered to be major and not waivable; examples shall include, but are not limited to:

1. Bidder's or proposer's or respondent's Certification not submitted or submitted but not signed;
2. Bid Security not submitted when required or not valid;
3. Addendum not acknowledged when it affects price;
4. Bid or response not submitted on time; and
5. Bid pricing pages not submitted or submitted in blank.

(2) Town Council shall be authorized to award and enact the following:

- (1) All contracts exceeding the Town Manager's authority.
- (2) Change Orders in excess of the Town Manager's authority.
- (3) The Town Council may reject the Town Manager's recommendation of award and reject all Bids or Proposals.

**Section 5. Procurement Methodology.**

- a. Small Purchases
  - (1) Purchases not exceeding \$10,000 shall require, at a minimum, obtaining one (1) written quotation.
  - (2) Purchases between \$10,000.01 and \$50,000 shall require issuing an RPQ to a minimum of three (3) Contractors or Vendors. Award will be made to the lowest responsive and responsible Bidder.
  - (3) Purchases of professional services equal to or less than \$50,000 shall require, at a minimum, obtaining one (1) written quotation, unless otherwise stipulated by Federal Regulations or Florida Statute.
- b. Competitively Sealed Procurements. Procurements in excess of \$50,000 shall require the use of competitive sealed bidding and Town Council approval, except as otherwise provided in this Ordinance.
  - (1) The solicitation documents will be made available on the Town's website. A newspaper advertisement or by any other method provided by Florida Law, as may be amended from time to time, may also be issued for the solicitation. Solicitations shall allow adequate time for response, generally no less than 21 days from the posting date, unless a shorter timeframe is justified.
  - (2) ITBs shall be awarded to the lowest responsive and responsible Bidder as determined by the Town Manager.
  - (3) ITNs and CBPs utilizing competitive negotiations will be awarded to the Proposer providing the most advantageous Proposal to the Town, as determined by the Town Manager.
  - (4) RFLIs, RFPs, and RFQs shall be awarded to the highest ranked firm(s), as determined by the Town Manager, except where the Town Manager determines that such award is not in the best interest of the Town or where the Town and the highest ranked proposer are not able to reach a mutual contractual agreement. In the event only one proposal is received, the evaluation committee may proceed with the evaluation, or request that the Town Manager reject all proposals, whichever is in the best interests of the Town.
  - (5) Submittals will be received by the Town Clerk or designee. The Town Clerk or designee will open the Submittals at the stated time in the presence of the Procurement Manager or designee. The name of the Bidder or Proposer shall be read aloud and recorded in writing.

- c. The solicitation of competitive bids or proposals for professional services covered by the Consultants Competitive Negotiation Act (CCNA) shall be accomplished in accordance with the provisions of Section 287.055, Florida Statutes, as may be amended from time to time.
- d. The solicitation of competitive bids or proposals for any Town construction project that is projected to cost more than the established threshold provided for in Florida Statutes shall be accomplished in accordance with the provisions of Section 255.0525, Florida Statutes, as may be amended from time to time.
- e. The Town Manager may request authorization from the Town Council to waive the requirements of this Section where the Town Manager has made a written recommendation where, based on specific circumstances, it is not practical to comply with the requirements of this Section for a specific solicitation(s).
- f. Federal and State Funded Procurements. For federal and state funded procurements, the Town shall follow all procurement procedures, rules and regulations established by the federal and/or state funding agency and those procedures, rules, and regulations shall supersede this ordinance. This includes, but is not limited to, following state and federal purchasing thresholds as applicable, and any other applicable federal or state purchasing procedures and/or requirements, as amended from time to time. Procurements using only local funds should follow procurement procedures established in this ordinance. If using a combination of federal, state, and local funds, the more stringent of the purchasing thresholds and procedures should be followed.
- g. Five-Year Limitation. Unless otherwise provided by law or excepted herein, a contract shall not exceed five (5) years in duration, inclusive of any renewals or extensions provided for in the contract, without the express approval of the Town Council.
- h. Renewal Increase. When the cost of renewing any expiring contract exceeds its previous contracted amount by more than 3.01%, the Town Manager shall seek a new contract in accordance with this ordinance.

**Section 6. Emergency Procurements.**

- a. The Town Manager may suspend all normal procurement procedures and requirements and authorize the emergency procurement of goods or services, using the most efficient and effective procurement methods, when there exists a clear and present danger to public health, safety, welfare, or other substantial loss to the Town. The Town Council shall be

notified, after the fact, of such procurement in excess of \$50,000. Such notifications shall include the basis for the emergency, the contractor's name, the amount and type of contract, and the number of the purchase order or contract, if any.

b. Declared State of Emergency Procurements.

- (1) In the event of or in anticipation of a natural disaster or catastrophic event, the Town Manager is authorized to declare a state of emergency for purchasing purposes and suspend all normal procurement procedures and requirements and authorize the emergency procurement of goods or services, using the most efficient and effective procurement methods.
- (2) The Town Manager, or their designee, may request another municipality to purchase for the Town any needed emergency supplies, materials or equipment or the Town may purchase from another municipality any needed emergency supplies materials or equipment such municipality has available.
- (3) Purchases made during an emergency exceeding \$50,000 shall be reported by the Town Manager at the next regularly scheduled Town Council meeting with a full written report of the circumstances of the emergency.
- (4) Purchases made during an emergency, other than a declared federal emergency in excess \$50,000 shall be reported to the Town Council at the next regularly scheduled Town Council meeting together with a written report on the circumstances relating to the emergency. Purchases made during a declared federal emergency shall be consistent with 44 CFR 13.36.

**Section 7. Contracts with other Public/Non-Profit Entities.** The Town Manager may authorize the purchases of goods and services from current contracts of other public, governmental, state/federal funded or non-profit entities, where the contracts have resulted from a formal competitive procurement process. The Procurement Manager shall conduct a market analysis to determine that the pricing under the contract is the most advantageous procurement method available to the Town. Procurements in excess of \$50,000 shall require the approval of the Town Council.

**Section 8. Single and Sole Source Procurements.** For single source procurement, the purchase of goods or services may occur without competition when the Town Manager makes a written determination with an explanation of (i) the circumstances leading to the selection of the vendor, including the alternatives considered; (ii) its rationale for selecting the specific vendor; and (iii) the basis upon which it determined the cost was reasonable, and how that conclusion was reached.

For sole source procurement, the purchase of goods or services may occur without competition

when the Town Manager makes a written determination with an explanation of: (i) the unique nature of the requirement; (ii) the basis upon which it was determined that there is only one known vendor able to meet the need, i.e., the steps taken to identify potential competitors; and (iii) the basis upon which the Town determined the cost to be reasonable, i.e., a "fair market price" that could be anticipated had normal competitive conditions existed, and how that conclusion was reached. .

The Town Manager or Procurement Manager shall conduct negotiations, as appropriate, as to price, delivery, and terms for both single and sole source procurements.

**Section 9. Cooperative Procurement.** The Procurement Manager may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods and services with one or more public entities. Cooperative procurement may include, but is not limited to, joint or multiparty contracts between public entities.

**Section 10. On-Line Procurement.** At the sole discretion of the Town, through the Procurement Manager, the Town may engage in electronic online bidding to obtain competitive bids from Bidders for the purchase of goods or services.

**Section 11. Donations/In-Kind Services.** The Town Manager is authorized to accept donations and in-kind services up to an estimated value of \$50,000 on behalf of the Town. Donations/in-kind services in excess of \$50,000 shall require Town Council approval. The Town Manager shall be authorized to accept donations and in-kind services of any value from 501(c)(3)(s) and shall report such donations in excess of \$50,000 to the Town Council within thirty (30) business days of receipt.

**Section 12. Sale or Disposal of Surplus/Obsolete Property.** Any property owned by the Town which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, or which is no longer needed for public purposes, may be disposed of in accordance with the following procedures: The disposal of goods procured with grant, bond or loan proceeds shall be exempt from these procedures, where disposals of the goods from such proceeds must comply with the requirements of the funding source.

- a. The Town Manager may donate, sell or trade such property to non-profit organizations, or governmental/public entities without issuing a competitive solicitation where the value of such property does not exceed \$10,000. Donation of such property to non-profit organizations, or governmental/public entities without issuing a competitive solicitation where the value of such property exceeds \$10,000 shall require the prior written approval of the Town Council.
- b. For property that is available for sale to a for-profit business or individual(s), or between

the values of \$1,000.01 and \$50,000, the Town Manager shall utilize the Small Purchase procedures, and the award shall not be subject to Town Council approval.

- c. The sale of such property, valued in excess of \$50,000, may be disposed through a sealed competitive solicitation, auction, or on-line auction. Such sale shall be subject to the prior approval of the Town Council.

**Section 13. Local Preference.** Local business, as defined in the Section 1 of the Ordinance, may be entitled to a preference, for competitive solicitations in excess of \$10,000, based on the following:

- a. Qualifications. A Bidder/Proposer having a business located within the boundaries of the Town from which goods or services will be furnished may be entitled to preference where it meets the following requirements:
  - (1) Bidder/Proposer shall possess a current business tax receipt and certificate of use issued at least six (6) months prior to the issuance of the solicitation.
  - (2) At least ten percent (10%) of the Bidder's/Proposer's workforce must reside in the Town prior to the issuance of the solicitation.
  - (3) Where the Bidder/Proposer has multiple places of business, the goods or services shall be provided solely from the place of business located in the Town of Miami Lakes.
  - (4) Bidder/Proposer seeking Local Preference shall have the burden of proof to demonstrate that it qualifies for the preference. Bidder/Proposer must submit with its Bid/Proposal the Town's Local Preference Form ("Form"). Failure to provide the Form or a complete Form at the time of submission or provide additional information requested by the Town deemed necessary to determine eligibility shall result in rejection of the request for Local Preference.
- b. Exemptions to Local Preference
  - (1) Upon written justification of the Town Manager and approved by the Town Council for solicitations which are subject to award by the Town Council.
  - (2) Procurement of goods/services which include funding from other entities that preclude the application of the Town's Local Preference.
  - (3) Single Source, Emergency, Cooperative and On-Line Procurements as defined by this Ordinance.
  - (4) Procurements exempt from the Procurement Code.
- c. Preferences.
  - (1) Awards Based Solely on Price. The lowest Bidder, who is entitled to preference

under the Local Preference provisions of this Ordinance, who is within five percent (5%) of the lowest responsive and responsible Bidder ("Lowest Bidder"), who is not entitled to preference, and is determined to be responsive and responsible, shall be provided the opportunity to offer a price that must be at least five percent (5%) less than the Lowest Bidder. Such Bidder, upon providing written confirmation providing a price meeting this requirement shall be considered the lowest responsive and responsible Bidder.

- (2) Awards Based Solely on Qualifications. A Proposer entitled to preference under the Local Preference provision of this Ordinance shall have an additional five (5) points or five percent (5%) of the total points, whichever is less, added to its total point score received during the evaluation process.
- (3) Awards Based on Qualifications and Price. In addition to the preference the Proposer may be entitled to under (2) above, the Proposer shall be entitled to an additional five (5) points or five percent (5%) of the total points allocated for the price components, whichever is less, added to its total point score received during the evaluation process.

**Section 14. Tie Bids and Proposals.** The Town Manager is authorized to determine the lowest responsive and responsible Bidder/Proposer where there is a tie in the Bid Price or the ranking of Proposers based on the following order of precedence:

- a. Drug Free Policy that complies with the requirements of Florida Statute 287.087.
- b. Local business with the greatest percentage of employees residing within the Town boundaries
- c. Prior work performance with the Town and other business factors, such as financial stability, record of performance with other public entities

**Section 15. Contract Administration.**

- a. Day to Day Management. Town Departments shall be responsible for the day-to-day management of all contracts and the initial resolutions of performance-related issues. All issues related to contract interpretation shall be handled by the Procurement Manager. Where the vendor's performance potentially places it in default of its contract, the Department shall work with the Procurement Manager and the Procurement Manager shall notify the vendor in writing that its performance has placed it in potential default, and the Procurement Manager shall assist the Department Director in the resolution of the performance issues.

- b. Disputes. The Town Manager shall establish a procedure for the resolution of contract disputes, including applicable timelines, which provides provisions for the vendor to initially request a review and decision by the Procurement Manager, and then allow for an appeal of the Procurement Manager's decision to the Town Manager. The procedures shall mandate that this process must be followed prior to the vendor seeking relief through judicial means.
- c. Evaluations. The Town Manager shall establish a vendor performance evaluation program that will then be used in considering contract terminations, contract renewals, and future procurement awards.

**Section 16. Protests.** The Procurement Manager shall establish written policies and procedures for protests of solicitations of \$25,000 or less. Protest and resolutions of a solicitation shall follow the following procedures for solicitations in excess of \$25,000:

a. Filing of Protest

- (1) The written protest must be filed with the Procurement Manager, with a copy to the Town Clerk, based on the following timeframes.
  - i. A prospective Bidder/Proposer who perceives that it is precluded from submitting a response to a solicitation due to the requirements of the solicitation, including the terms and conditions, specifications or drawings, may file a protest with the Procurement Manger. The protest shall be submitted to the Procurement Manager, with a copy to the Town Clerk, within four (4) business days after the solicitation is either posted on the Town's website or an announcement is placed in a newspaper, whichever is earlier.
  - ii. A prospective Bidder/Proposer who has Standing under the solicitation may protest the recommended award to the Procurement Manager. The protest shall be submitted to the Procurement Manager, with a copy to the Town Clerk, within four (4) business days after notice has been sent to the Bidder/Proposer of the Town Manager's or Procurement Manager's, as applicable, written recommendation of award. A time stamped copy of a facsimile transmission, delivery receipt by e-mail, proof of mailing by the postal service, or private delivery service shall constitute proof of notification.

A written protest received by the Procurement Manager after the stipulated

timeframe shall not be considered.

- (2) The written protest cannot challenge the minimum qualifications, evaluation criteria or relative weight of assigned points, or the scoring of Submittals during the evaluation process based on the evaluation criteria.
  - (3) The written protest shall state with specificity the facts and law upon which the protest is based and shall include all pertinent documents and evidence and shall be accompanied by the required filing fee(s) as provided below. This shall form the basis for review of the written protest and no facts, grounds, documentation or evidence not contained in the protester's submission to the Procurement Manager at the time of filing the protest shall be permitted in the consideration of the written protest or any appeal thereof.
- b. *Authority to resolve protests.* The Procurement Manager shall have the authority to settle and resolve timely protests. During the evaluation of the protest the Procurement Manager shall have the authority to obtain written clarification of the supporting documentation and evidence from the party submitting the protest, hereinafter referred to as a "Protestor". The Procurement Manager shall have fifteen (15) business days to issue a written decision on the protest. A copy of the decision will be forwarded to the Protestor and filed with the Town Clerk.
  - c. *Appeal of Procurement Manager's written decision.* The Protestor may appeal against the Procurement Manager's written decision by filing a written request of appeal to the Town Manager, with a copy to the Town Clerk, within three (3) business days of notification of the Procurement Manager's written decision. Such notification shall comply with the timeline and proof of delivery as stipulated in a.(1)(ii) above. The Town Manager shall have fifteen (15) business days to issue a written decision on the protest, which shall be based on the pertinent documents and evidence submitted with the initial filing of the protest together with any clarifications obtained by the Procurement Manager. A copy of the decision will be forwarded to the Protestor and filed with the Town Clerk.
  - d. *Appeal of Town Manager's written decision.* The Protestor may appeal the Town Manager's written decision to the Town Council by filing a written request for an appeal hearing to the Town Clerk, with a copy to the Town Manager, within three (3) business days of notification of the Town Manager's written decision. Such notification shall comply with the timeline and proof of delivery as stipulated in a.(1)(ii) above. The following procedures shall apply for an appeal hearing to the Town Council:

- (1) The appellant shall submit a written request that an appeal hearing be scheduled before the Town Council. The request must state the basis for the request and demonstrate that the appellant has standing to bring the appeal. The basis for demonstrating standing in order to obtain an appeal hearing before the Town Council shall be limited to:
    - i. The decision does not follow established law or legal precedent.
    - ii. The decision was not based on the requirements of the solicitation.
    - iii. The decision was biased, arbitrary and/or capricious.
  - (2) The Town Clerk will place the request for an appeal hearing on the next available Town Council Agenda. Prior to the Town Council meeting the Town Manager shall provide the Town Council with a written overview of the facts of the solicitation together with the decision rendered by the Town Manager. The Town Council's decision at this meeting will be to determine if the appellant has Standing and there is sufficient merit for the Town Council to schedule an appeal hearing on the Town Council Agenda.
  - (3) Where the Town Council determines that there is standing and sufficient merit; to hear the appeal, the Town Clerk shall schedule the appeal on the next available Town Council Agenda.
  - (4) The Town Manager will provide the Town Council with a detailed report of the solicitation, the specifics of the appellant's protest, and the details of the findings and determinations of the Procurement Manager and the Town Manager including any clarification material obtained in response to a request by the Town, prior to the appeal hearing by the Town Council. The appellant shall be provided with the opportunity to make a presentation to the Town Council, which shall be limited solely to the facts and details included in the initial protest submittal and including any clarification material obtained in response to a request by the Town. The appellant shall be precluded from introducing any details, documents or information not included in the initial protest submittal except for any clarification material obtained in response to a request by the Town. The Town Council shall base its decision on the existing record and facts as set for hearing.
- e. *Compliance with Protest Procedures.* Failure to comply with the stipulated timeframes for submission of the Notice of Intent to file a protest or the written protest, together with the required documentation and evidence, and the filing fee(s) stipulated below shall

constitute the forfeiture of the Protestor's right to protest. The Protestor shall not be entitled to seek judicial relief without first having followed and fully complied with the procedures and requirements set forth in this Section.

f. *Costs and Filing Fees.*

- (1) Written Protest. The written protest must be accompanied by a filing fee in the form of a money order or cashier's check, payable to the Town, in the amount of \$500.00, where the value of award is estimated to be, or is less than \$25,000. For protests where the value of award is estimated to be or is \$25,000 or greater the money order or cashier's check in amount equal to \$1,000.00 or 2% of the value of the Bid/Proposal, whichever is greater up to a maximum of \$10,000.
- (2) Appeal to the Town Manager. The written appeal to the Town Manager must be accompanied by a filing fee in the form of a money order or cashier's check, payable to the Town in the amount \$500.00, where the value of award is estimated to be or is less than \$25,000. For appeals where the value of award is estimated to be, or is \$25,000 or greater, the money order or cashier's check in amount equal to \$1,000.00 or 2% of the value of the bid/proposal, whichever is greater, up to a maximum of \$10,000.
- (3) Appeal to the Town Council. The written request for an appeal to the Town Council must be accompanied by a filing fee in the form of a money order or cashier's check, payable to the Town, in the amount \$1,000.00, or 2% of the value of the bid/proposal, whichever is greater, up to a maximum of \$10,000.
- (4) Refund of Filing Fees. All costs resulting from a protest shall be borne by the Protestor. If a protest is upheld by either the Procurement Manager or Town Manager, as applicable, the filing fee shall be refunded to the Protestor less costs incurred by the Town. If the protest is denied or the request for an appeal hearing before the Town Council is denied, the filing fee shall be forfeited to the Town in lieu of payment of costs incurred by the Town.
- (5) Changes to the Filing Fees. The Town may amend the filing fees from time to time upon approval of the Town Council through the budget process or by resolution.

- g. Stay of Procurement. Upon the receipt of a written protest, the Town shall not proceed further with the solicitation pending resolution of the protest, unless the Town Manager issues a written determination that the solicitation process must continue to protect public safety, health, welfare, or the loss of funding.

**Section 17. Suspension and Debarment.** The Town Manager shall, after written notice to a business or individual having a contract with or seeking to do business with the Town, have the authority to suspend or debar such Vendor, Contractor, individual, or company from receiving award of contracts from the Town. All contracts for goods and services, sales, and leases by the Town shall contain a certification that neither the contractual party nor any of its principal owners or personnel have been convicted of any of the violations set forth below or debarred or suspended as set forth in this section.

a. Suspension.

(1) The Town Manager may, after consultation with the Procurement Manager and Town Attorney, suspend a Bidder/Proposer from receiving award of contracts where the Town Manager believes there is probable cause for debarment. Such suspension shall remain in effect pending a determination on debarment. The maximum period for a suspension shall not exceed six (6) months.

(2) The Town Manager may, after consultation with the Procurement Manager and Town Attorney, suspend a Bidder/Proposer from receiving award of contracts where the Town Manager deems that the basis for the action warrants a period not to exceed one year.

b. Debarment. The Town Manager may, after consultation with the Procurement Manager and Town Attorney, debar a business or individual from receiving award of contracts for a period of not more than five (5) years. The basis for debarment includes, but is not limited to:

(1) Conviction for obtaining or attempting to obtain a public or private contract through fraudulent means.

(2) Conviction of financial crimes or other offenses indicating a lack of business integrity.

(3) Default on a Town or other public entity contract.

(4) Repeated failure to perform in accordance with the requirements of Town contract(s), where the failure to perform diminished the quality of the goods or services received by the Town and the Town's documentation clearly reflects the vendor has been notified of their failure(s) to perform, the Vendor has been provided the opportunity(ies) to correct its performance, and has failed to do so.

(5) Collusion in obtaining or attempting to obtain a Town contract.

(6) Refusal to perform under a Town Contract.

(7) Repeated failure to provide insurance or bonds to the Town where required for the award of a contract or required to be maintained by a Town contract.

- (8) Businesses that are owned by or employ an individual that has been debarred by the Town.
  - (9) Businesses and individuals debarred by other public or governmental entities.
  - (10) Any other reason deemed serious enough by the Town Manager to justify debarment.
- c. Documentation of Debarment or Suspension. The Town Manager shall provide a written document stating the basis for the debarment or suspension which shall be forwarded to the business or individual who has been debarred or suspended, with a copy provided to the Town Clerk. Proof of delivery shall be as stated in Section 16(a)(1)(ii). The letter shall also state that the action taken can be appealed to the Town Manager for reconsideration.
- d. Appeal. The business or individual who has been debarred or suspended may submit an appeal once during the term of the debarment or suspension. The appeal must include all documentation to demonstrate that the Town Manager's decision was incorrect, there were mitigating circumstances, or that the business or individual has taken corrective action of a nature that the Town Manager should re-consider the debarment or suspension. Based on the appeal, the Town Manager shall issue a written decision to the appellant, with a copy to the Town Clerk, either denying the appeal, modifying, or terminating the term of the debarment or suspension. Proof of delivery shall be as stated in Section 16 (a)(1)(ii). A business or individual shall only be entitled to one appeal during the term of the debarment of suspension. Any business or individual debarred or suspended may not seek judicial relief without first seeking appeal from the Town Manager.

**Section 18. Procedure to provide preference to veterans and designated Florida Unique Abilities Partner Program agencies in contracts for goods and contractual services.**

- (1) **Definitions.** For purposes of this section only, the following definitions shall apply:
- (a) **Certified service-disabled veteran business enterprise** means an independently owned and operated business, domiciled in Florida, and as further defined under Section 295.187(3)(c) of the Florida Veteran Business Enterprise Opportunity Act, as same may be amended from time to time, that has been certified by the State of Florida Department of Management Services to be a service-disabled veteran business enterprise;
  - (b) **Florida Unique Abilities Partner** means an independently owned and operated business, domiciled in Florida, and as further defined under Florida Statutes Section 413.801, as

same may be amended from time to time, that has been designated by the State of Florida to be a Florida Unique Abilities Partner;

- (c) **Solicitation** shall mean a competitive procedure established by the Town through the issuance of an invitation to bid (ITB), request for proposals (RFP), request for qualifications (RFQ), request for letters of interest (RFLI), invitations to negotiate (ITN), or the solicitation of purchase orders based on oral or written quotations.
  - (d) **Service-disabled veteran** means a veteran who is a permanent Florida resident with a service-connected disability, as determined by the United States Department of Veterans Affairs, or who has been terminated from military service by reason of disability by the United States Department of Defense.
  - (e) **Service-disabled business enterprise** means an independently owned and operated business, domiciled in Florida, and as further defined in Section 295.187(3)(c) of the Florida Veteran Business Enterprise Opportunity Act, as same may be amended from time to time.
  - (f) **Small business concerns owned and controlled by veterans** means those independently owned and operated small businesses, as defined in Section 502 of the Veterans Benefits, Health Care, and Information Technology Act of 2006, as same may be amended from time to time, which are also domiciled in Florida, and listed in the federal database of veteran-owned businesses.
  - (g) **Veteran** means a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions. For purposes of this section, the definition of "veteran" shall adopt the same definition as provided therefore in section 1.01(14), Florida Statutes, as same may be amended from time to time.
- (2) Preference in purchase of goods or contractual services.
- (a) ITBs and requests for oral or written qualifications. The Town, when considering two or more bids submitted pursuant to an ITB or an oral or written request for quotations for the purchase of goods or contractual services shall give a preference to a responsive and responsible bidder that provides valid documentation supporting that they are a certified veteran business enterprise, certified service-disabled veteran business enterprise, or Florida Unique Abilities Partner and which is within five (5) percent of the lowest and best bid, by providing such bidder an opportunity of providing another bid for said goods or contractual services that is at least five percent (5%) lower than the lowest responsive bid

amount. However, if the lowest responsive and responsible bidder is a local business, the award will be to that bidder, and no other bidders will be given an opportunity to bid as described herein unless that bidder is both a local business and business under this section that is within five (5) percent of the lowest bidder.

If there are local businesses and businesses under this section participating in the same bid solicitation and all businesses qualify to submit a second bid, the local vendor will be given the first option, the certified service-disabled veteran enterprise the second option, certified veteran business enterprise the third option, and the Florida Unique Abilities Partner the fourth option. If neither provide a bid amount lower than five (5) percent of the lowest and best bid, the award shall be made to the lowest bidder.

If multiple businesses under this section submit bids that are within five (5) percent of the lowest bidder and there are no local businesses, then businesses will be asked to submit a Best and Final Offer (BAFO). The award will be given to the business submitting the lowest BAFO providing that that BAFO is at least 5% lower than the lowest bid/quote received in the original solicitation. If no business can beat the lowest bid/quote by at least 5%, then the award will be made to the lowest responsive bidder.

- (b) Request for proposals, request for qualifications, and request for letters of interest, and invitations to negotiate. The Town Manager, depending on the circumstances, in considering, determining, and/or approving the evaluation methodology, selection criteria, and/or other factors determined by the Town to be applicable in the recommendation and selection of proposers submitting responses pursuant to solicitation, as appropriate, shall include (as part of such evaluation methodology, selection criteria, and/or other applicable factors to be set forth and included within the solicitation document) and give an additional five (5) points (where the evaluation methodology is based on points system from 0—100 points), or an additional five (5) percent (where the evaluation methodology is based on a percentage system 0—100 percent), to proposers which provide valid documentation supporting that they are a certified veteran business enterprise, certified service-disabled veteran business enterprise, or a Florida Unique Abilities Partner. If the business is both a local business and a business under this section, a total of eight (8) points, or an additional eight (8) percent, is to be awarded. The additional points shall be applied by the Town's Procurement Manager to vendors following the completion of the allocation of points by the evaluation committee.

- (c) Comparison of qualifications. The preferences established herein in no way prohibit the right of the Town Manager, as applicable, to compare quality of goods and/or contractual services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the Town Manager, as applicable, from giving any other preference permitted by law in addition to the preferences granted herein.
- (d) Exemptions.
  - (1) Upon written justification of the Town Manager and approved by the Town Council for solicitations which are subject to award by the Town Council.
  - (2) Procurement of goods/services which include funding from other entities that preclude the application of the preference.
  - (3) Sole, Single Source, Emergency, Cooperative and On-Line Procurements as defined by this Ordinance.
  - (4) Procurements exempt from the Procurement Code.

**Section 19. Competitive Procurement Methods.** Procurements with an estimated cost at or above \$50,000 shall be procured competitively through one of the following methods:

- (a) Invitation to Bid (ITB).
  - (1) The Invitation to Bid is used when the Town can establish precise Specifications or defining, with specificity, a scope of Services for the Commodities or Services sought. Through this process, Vendors can compete on a cost basis for like Commodities or Services.
  - (2) Invitations to Bid shall include Specifications, required qualifications, and all principal terms and conditions applicable to the Procurement.
  - (3) The Award will be made to the Responsible Vendor with the lowest Responsive Bid.
  - (4) In an Invitation to Bid process, the Town may consider the following factors in addition to price when determining whether a Vendor is Responsible and a Bid is Responsive:
    - i. Ability, capacity and skill of the Vendor to perform the Contract.
    - ii. Whether the Vendor can perform the Contract within the time specified, without delay, interference, or conflict with current workload.
    - iii. Character, integrity, reputation, judgment, experience and efficiency of the Vendor.
    - iv. Quality of performance of previous engagements.

- v. Previous and existing compliance by the Vendor with laws and regulations relating to the Contract.
  - vi. Sufficiency of the financial resources and ability of the Vendor to perform the Contract or provide the Commodity or Service. If a bond is required, provide “proof of bonding capability” which is typically a surety bondability letter or statement from their bonding provider, showing that they have the capacity to be bonded for the project’s required amount.
  - vii. Quality, availability and adaptability of the Commodities or Services to the particular use required.
  - viii. Ability of the Vendor to provide further maintenance and Service for the use of the subject of the Contract.
  - ix. Number and scope of conditions attached to the Bid.
  - x. Qualifications of Vendor, licensing and corporate qualifications.
  - xi. Evidence of negative litigation history.
  - xii. Use of one or more subcontractors with a record of poor performance.
- (5) For the purposes of this Section, the Town may consider evidence from the ten (10) year period preceding the subject Invitation to Bid.
- (6) In the event the lowest, Responsive Bid submitted by a Responsible Vendor exceeds the architectural or engineering cost estimates, the Town Manager or Designee is authorized, when time or economic considerations preclude re-bidding of work of a reduced scope, to negotiate an adjustment of the scope of work with the Responsible Vendor with the lowest, Responsive, Bid, in order to bring the Bid within the amount of available funds.
- (b) Request for Proposal (RFP).
- (1) The Request for Proposal method of Procurement is used when it is not practicable for the Town to specifically define the scope of work for which the Commodities or Services are needed. Instead, the Town can describe what it wants to accomplish but the methods or means to accomplish the desired outcome cannot be easily defined. There may be several methods available to accomplish a task and the Town is considering all the available options.
- (2) Requests for Proposal shall include a description of desired outcome to be accomplished through the Procurement, evaluation criteria for the specific Procurement which set forth the relative importance of price and the other evaluation criteria, and all principal terms and conditions applicable to the Procurement
- (3) All Responses to a Request for Proposal that are deemed to meet the basic requirements of

the Competitive Procurement and have not been rejected shall be distributed to a selection committee for review in accordance with the established time frames outlined in the Competitive Procurement. Proposers shall be ranked by an evaluation committee designated by the Town Manager based upon the evaluation criteria included within the Request for Proposal. Presentations/Interviews may be held by the evaluation committee for consideration.

(4) The selection will be awarded to the highest-ranked Proposer or as outlined in the Solicitation documents.

(c) Invitation to Negotiate (ITN).

(1) The Invitation to Negotiate is used when the scope of the project is not clearly defined and the Town has determined that negotiations may be necessary to receive the best value. The Invitation shall invite Vendor input on the scope, schedule, and process for initiating the project. This method of Procurement may be used in areas of Procurement experiencing constant change in the marketplace, when the Town wants the opportunity to obtain current up-to-date Commodities or Services at the time of Contracting, and/or if the Town wishes to identify one or more Responsible Vendors with whom to negotiate.

(2) Invitations to Negotiate shall include a description of the questions or issues being explored, the facts being sought, and the specific goals or problems that are the subject of the Procurement, along with evaluation criteria, and all principal terms and conditions applicable to the Procurement.

(3) All Responses to an Invitation to Negotiate that are deemed to meet the basic requirements of the Competitive Procurement and have not been rejected shall be distributed to a selection committee for review in accordance with the established time frames outlined in the Competitive Procurement. Proposers shall be ranked by the evaluation committee designated by the Town Manager based upon the evaluation criteria included within the Invitation to Negotiate. Presentations may be made to the evaluation committee for consideration. The selection will be awarded to the highest-ranked Proposer or as outlined in the Invitation to Negotiate.

(4) Procurement Methods. Other procurement methods may be used as deemed necessary and appropriate by the Town Manager or Designee.

**Section 20. Demonstration Projects for Innovative Products, Approaches, or Technologies.**

- (a) Challenge-Based Procurement (CBP). The Town Manager may issue a solicitation for a demonstration project that defines a challenge or problem and invites proposals for an innovative product, approach or technology to respond to, resolve or otherwise meet that challenge.
- (b) Policy and Purpose of Demonstration Projects. It is in the Town's best interest to consider proposals for demonstration projects. A demonstration project is a short-term, carefully planned, pilot exercise designed to test and evaluate the feasibility and application of an innovative product, approach or technology not currently used by the Town. Demonstration projects may be proposed for goods, services or construction. They allow the Town to observe and analyze effectiveness and efficiency without a large commitment of resources. Demonstration projects may be initiated by an unsolicited proposal, or by the Town on its own initiative. The Town may opt to initiate a demonstration project to invite proposals for innovative approaches to the provision of existing or new services.
- (c) Preliminary Discussions. The Town may engage in preliminary discussions with a vendor to explore the feasibility of a proposed demonstration project. Discussions are not negotiations for the award of a contract. A summary of these discussions shall be disclosed in the final determination.
- (d) Determination. Prior to entering into negotiations for the award of a contract for a demonstration project, the Town Manager shall make a written determination stating that: (1) testing or experimentation is advisable to evaluate the service or reliability of the product, approach, or technology; (2) the product, approach, or technology cannot be reasonably acquired for evaluation through a competitive solicitation or there are other potential advantages to the Town for using this method of source selection; (3) the product, approach, or technology is not currently in use in Town government; (4) the results of the demonstration project shall be documented and made publicly available upon its conclusion; (5) there is an intent to competitively acquire the product, approach, or technology if, after testing and evaluation, a decision is reached to continue its use within the Town; and (6) any outside funding relied upon to justify the award of the contract pursuant to this section has been documented.
- (e) Contract Term. The initial term of a contract for a demonstration project should be for a term that is reasonable both to conduct the demonstration and to determine its effectiveness and shall not exceed three years. The Town shall decide with specificity how the proposed term of the contract was determined. In making such determination, the Town may consider whether it would be in the Town's best interest to ensure that no break in the provision of services occurs at the end of the demonstration project, if successful. If the Town makes such a determination, the Town should

establish an initial term that, although no longer than three years, is long enough to allow for the subsequent solicitation of those services at the conclusion of the project's evaluation using one of the methods of source selection authorized by this ordinance. In the event that a longer period is needed to allow for continuity of services and/or to evaluate the demonstration, the agency may extend the contract for an additional period of up to two years with Town Manager approval, provided such extension is only so long as necessary to allow for continuity of services or to evaluate the demonstration.

- (f) Notice. Prior to entering into negotiations for the award of a contract for a demonstration project exceeding the small purchase limits, the Town shall give public written notice of that determination and shall be posted on the Town's website in a location that is accessible by the public simultaneously with its publication at least ten (10) calendar days before entering into vendor negotiations. Such notice shall include: title and/or brief description of the goods, services, or construction to be procured; estimated quantity, if any; name of the proposed vendor, if the Town has identified a vendor; summary of the determination; how vendors may express their interest in providing such good, services or construction; and due date.
- (g) Evaluation. Upon the evaluation of expressions of interest received, if any, the Town Manager shall decide how to proceed, which includes the basis for such determination. Where it appears that the product, approach, or technology is already competitively available in the marketplace, the Town Manager may determine that a competitive solicitation may be issued; or, if it appears that the product, approach, or technology can be reasonably evaluated using short-term contracts with more than one vendor, the Town Manager may determine that negotiations to establish such demonstration projects may be conducted with more than one vendor, or negotiations may proceed with the single vendor originally identified. Whether or not an initial vendor has been identified, the Town Manager may utilize the demonstration project method to solicit proposals for innovative approaches to the provision of existing or new services, in which case the Town Manager may determine that negotiations to establish such demonstration projects may be conducted with more than one vendor, or negotiations may proceed with the single vendor originally identified, if any. The Town Manager shall have final authority with respect to evaluation, acceptance, and rejection of all demonstration projects.
- (h) Negotiations. After completing negotiations, the Town Manager shall recommend awarding the contract or contracts to the Town Council for approval if it is determined that the award or awards will be in the Town's best interest and that the price is fair and reasonable.
- (i) Conclusion of Demonstration Project. At the conclusion of the contract term, based upon the documented results of the project, the Town Manager shall decide, including the reasons therefore,

whether to competitively acquire the product, approach, or technology using one of the methods of source selection authorized by this ordinance or to discontinue the use of the product, approach, or technology.

**Section 21. Ethics in Public Contracting.** All Town officials, employees, and vendors involved in the procurement process shall adhere to the highest ethical standards, avoiding conflict of interest gratuities, kickbacks, and any activity that could compromise the integrity of the procurement process. Specific standards of conduct, conflict of interest rules, and gift policies shall follow all federal, state, and local laws, rules and policies as amended from time to time and as applicable to the Town. Violations may result in disciplinary action, contract termination, or debarment.

END

**Section 3. Authorization of Town Manager.** The Town Manager is hereby authorized to take all necessary actions to implement the Town of Miami Lakes Procurement Ordinance.

**Section 4. Repeal of Conflicting Provisions.** All provisions of the Code of the term Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

**Section 5. 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 6. Inclusion in the Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made part of the Code of Miami Lakes, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions and that the word "ordinance" may be changed to "article", or other appropriate word

**Section 7. Effective Date.** This Ordinance shall be effective immediately upon its adoption on second reading.

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**FIRST READING**

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

Passed on first reading this 17<sup>th</sup> day of February 2026

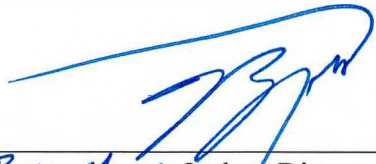
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**SECOND READING**

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

Mayor Joshua Dieguez	Absent
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes


Passed and adopted on second Reading this 17th day of March 2026

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~~Bryan Morera~~ ~~Joshua Dieguez~~  
Vice Mayor ~~MAYOR~~


Attest:

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Gina Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:

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Lorenzo Cobiella  
Gastesi, Lopez and Mestre, PLLC  
DEPUTY TOWN ATTORNEY