

ORDINANCE 399 - 2007

AN ORDINANCE OF THE CITY OF KEY COLONY BEACH, FLORIDA; AMENDING CHAPTER TWO OF THE CODE OF ORDINANCES, ENTITLED ADMINISTRATION, ARTICLE VI. FINANCE, SECTION 2-75 PURCHASES OR CONTRACTS; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, said Ordinance provided in Section 2-75 for purchases made or contracts entered into by the city; and

WHEREAS, all items costing in excess of \$5,000 must to go out for bid and the \$5,000 limit has not been increased in many years; and

WHEREAS, the \$5,000 has proven to be a hindrance in efficiently completing small projects; and

WHEREAS, state statutes allow for exceptions to the bid rules in the case of sole source purchases or when the state has a negotiated purchasing contract for goods or services; and

WHEREAS, the city ordinance provides for one exception to the bid rules and that is in the case of emergencies; and

WHEREAS, the city commission desires to allow for these exceptions and to improve efficiency in completing small projects while maintaining appropriate controls and fiscal responsibility to the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, as follows: (Additions to the ordinance are underlined; deletions are ~~crossed out~~.)

CHAPTER 2. ADMINISTRATION

ARTICLE VI. FINANCE

Section 2-75. Purchases or contracts.

- (a) No purchase or contract for purchase of equipment, material, supplies or services, other than professional services exempt under Florida statutes, may be made by the city commission when the purchase price thereof is in excess of ~~five thousand dollars (\$5,000.00)~~ ten thousand dollars (\$10,000.00) unless made after open competitive bidding. The city commission shall have the right to accept or refuse any or all bids.

This requirement applies to a single and not a cumulative project. This requirement shall not apply to purchases of commodities and contractual services from purchasing agreements established by and maintained by the State of Florida. It further does not apply to purchases of commodities, equipment, or material exempted from bidding by Florida statutes where available only from a single source. This section shall not be construed to limit or prevent any exemptions from bidding requirements provided by Florida statutes.

- (b) The mayor or the city administrator shall be authorized to make purchases of equipment, material, supplies or services up to the value of one thousand dollars (\$1,000.00) without specific prior approval therefore by the city commission.
- (c) Should the city commission declare, by majority vote, an emergency by reason of major disaster, public health or public safety, then the requirement for competitive bidding may be waived with respect to goods or services necessary because of the emergency. This section shall not be construed to limit other emergency actions permitted under Florida statutes.

This Ordinance, upon final passage, shall be included in the Code of Ordinances for the City of Key Colony Beach, Florida, and numbered as set forth herein above.

All Ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of any such conflict.

If any singular provision of this ordinance is held to be unconstitutional, preempted by federal or state law, or otherwise held invalid by any court of competent jurisdiction, the remaining provisions of the Ordinance shall not be invalidated.

This Ordinance shall become effective immediately upon passage.

Clyde Burnett, Mayor

Attest: Vickie L. Bollinger, City Clerk

Approved as to form and legal sufficiency:

Thomas D. Wright, City Attorney

November 21, 2007 1st Reading
December 1, 2007 Date of Notice, Florida Keys Keynoter
December 13, 2007 2nd Reading