

ORDINANCE 2020-05

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, AMENDING RULES AND PROCEDURES FOR THE PROCUREMENT OF COMMODITIES OR CONTRACTUAL SERVICES UTILIZING COOPERATIVE PURCHASING CONTRACTS; ESTABLISHING AN INCREASED SIMPLE ACQUISITION THRESHOLD FOR PURCHASES NOT EXCEEDING THE THRESHOLD AMOUNT FOR CATEGORY TWO; REVISING THE LANGUAGE REGARDING THE PROCUREMENT OF PROFESSIONAL SERVICES TO COMPLY WITH THE APPLICABLE PROVISIONS OF FLORIDA STATUTES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales, Polk County, Florida,

SECTION 1. Chapter 2, Article IV, Division 2, Sections 2-403, 2-404 and 2-417, Lake Wales Code of Ordinances, is hereby amended to read as follows:

§ 2-403. Procurement under the provisions of the state, and U.S. General Services Administration (GSA) and competitively bid cooperative purchasing contracts.

(a) Pursuant to F.S. ch. 287, the state division of purchasing of the department of management services plans and coordinates purchases in volume and negotiates and executes purchasing agreements and contracts for commodities and contractual services under which municipalities may make purchases.

(b) The U.S. General Services Administration plans and coordinates purchases in volume, and, negotiates and executes purchasing agreements and contracts for commodities and contractual services under which municipalities may make purchases.

(c) Cooperative purchasing programs plan and coordinate purchasing in volume, negotiate and enter into competitively bid purchasing agreements and contracts for commodities and contractual services under which municipalities may make purchases.

(d) Purchases by city agencies under the provisions of the state, of GSA or competitively bid cooperative purchasing contracts are exempt from the competitive sealed bid requirements otherwise applying to purchases.

§ 2-404. Procurement under contracts bid by other agencies.

(a) In order to procure commodities and contractual services at the most economically advantageous cost to the public, it is sometimes desirable to "piggy back" or consolidate the purchasing power of the city with that of other agencies ~~in the state~~.

(b) Purchases by city agencies under contracts competitively bid by any county, municipality, school board, school district or other agency or entity constituted for governmental purposes ~~in the state~~ are exempt from the competitive sealed bid requirements otherwise applying to purchases. Documentation of such competitive bidding by other agencies or entities shall be included in the official records of the city.

§ 2-417. Commodities or contractual services not exceeding the threshold amount for Category Two (thirty five thousand dollars (\$35,000.00)).

(a) *Informal bidding.* Informal competitive bidding will be required for the purchase of commodities and contractual services when the cost exceeds ~~one thousand five hundred~~ dollars ~~(\$1,000.00) (\$500.00)~~. A minimum of three (3) bids will be required as follows:

(1) Verbal bids may be accepted for commodities or services which do not exceed two thousand five hundred dollars (\$2,500.00).

(2) Written bids will be required for purchases in excess of two thousand five hundred dollars (\$2,500.00).

(b) *Award of bid.* Awards shall be made to the qualified bidder with the lowest responsive bid. Preference shall be given to a local vendor when the bid is not more than five (5) percent higher than the low bid.

(c) *Documentation.* All purchases will be documented and authorized on standard forms or vouchers provided by the finance department. The issuance of a purchase order will be required prior to the purchase of commodities when cost exceeds ~~one thousand five hundred~~ dollars ~~(\$1,000.00) (\$500.00)~~.

(d) *Authorization.* Authorization for a purchase will be obtained prior to making the purchase as follows:

(1) Department heads or their designees may authorize purchases which do not exceed ~~one thousand five hundred~~ dollars ~~(\$1,000.00) (\$500.00)~~.

(2) The city manager or their designee must authorize all purchases which exceed ~~one thousand five hundred~~ dollars ~~(\$1,000.00) (\$500.00)~~ before the purchase is made.

(3) The city commission must authorize all purchases which exceed the threshold amount in Category One (twenty thousand dollars (\$20,000.00)) and all purchases made from unbudgeted fund balances.

(e) *Procurement card purchases.* The city shall only be financially responsible for procurement card transactions for which the city commission has approved the procurement card vendor to provide such services for the city.

(1) The city manager and/or finance director shall be the authorized agent(s) for obtaining procurement cards from a city commission approved procurement card contract vendor.

(2) All procurement card purchases must follow the rules and procedures defined in the city commission approved purchasing card policy manual.

(3) The city may use procurement cards for the purchase of commodities or contractual services under the following conditions:

a. When the cost of commodities or contractual services does not exceed ~~one thousand five hundred~~ dollars ~~(\$1,000.00)~~ ~~(\$500.00)~~.

b. When the cost of travel expenses does not exceed one thousand five hundred dollars (\$1,500.00).

c. When the cost of commodities or contractual service exceeds ~~one thousand five hundred~~ dollars ~~(\$1,000)~~ ~~(\$500.00)~~ or when the cost of travel expenses exceed one thousand five hundred dollars (\$1,500.00), with prior written authorization of the city manager.

(f) *Exceptional purchases.* When the purchase price of commodities or contractual services does not exceed the threshold amount for Category Two (thirty five thousand dollars (\$35,000.00)), purchases may be excepted from the requirement of informal competitive bidding if the following conditions exist:

(1) *Emergency conditions.* Purchases may be excepted from informal competitive bidding if the city manager determines that an immediate danger to the public health, safety or welfare or other substantial loss to the public requires emergency action.

a. Emergency procurement shall be made with such competition as is practicable under the circumstances.

b. A statement explaining the need for emergency procurement shall be furnished to the finance director with the voucher authorizing payment.

(2) *Single source.* Commodities or contractual services available only from a single source may be excepted from the bid requirements if it is determined that such commodities and services are available only from a single source and such determination is documented in writing.

a. No sole source purchase shall be made without the prior authorization of the city manager.

b. A copy of the written determination of single source availability shall be furnished to the finance director with the voucher authorizing payment.

(3) *Consolidated purchasing.* In accordance with section 2-403 or section 2-404, procurement of commodities and contractual services may be excepted from the informal competitive bid requirements of this section if the city is "piggy-backing" or consolidating its procurement with that of another agency or entity constituted for governmental purposes; provided that the commodities or contractual services to be procured have been subjected to competitive bidding by said other agency or entity and documentation of such competitive bidding is included in the official records of the city.

(g) *Encumbrance.* No purchase shall be made until sufficient funds are encumbered by the finance department. The finance department shall not process an encumbrance when the remaining balance of budgeted funds in the applicable expenditure account is insufficient to make the purchase.

(h) *Administrative procedures.* All agencies making purchases will comply with administrative procedures developed by the finance department.

SECTION 2. Chapter 2, Article IV, Division 3, Sections 2-423 and 2-424, Lake Wales Code of Ordinances, is hereby amended to read as follows:

§ 2-423. Applicability.

In accordance with the requirements of the "Consultants' Competitive Negotiation Act," F.S. § 287.055, all procurement of professional services as defined in section 2-424, will comply with the provisions of this division when professional services are required for a project and the basic construction cost is estimated to exceed the threshold amount provided in F.S. § 287.055 (3)(a)1. for Category Five (three hundred twenty-five thousand dollars (\$325,000.00)) or for a planning or study activity and the fee for professional services is estimated to exceed the threshold amount provided in F.S. § 287.055 (3)(a)1. for Category Two (thirty-five thousand dollars (\$35,000.00)), except in cases of valid public emergencies so certified by the city manager.

§ 2-424. Definitions.

The following words, terms and phrases, when used in this division, shall have the meaning ascribed to them in this section:

Compensation. The total amount paid for professional services.

Continuing contract. A contract for professional services entered into in accordance with all the provisions of this division between the city and a firm whereby the firm provides professional services to the city for projects in which construction costs do not exceed **the amount provided in F.S. § 287.055 (2)(g) one million dollars (\$1,000,000.00)** for study activity when the fee for such service does not exceed **the amount provided in F.S. § 287.055 (2)(g) sixty-five thousand dollars (\$65,000.00)** or for work of a specified nature as outlined in the contract required by the city, with no time limitation except that the contract shall provide a termination clause.

Firm. Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the state.

Professional services. Those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the laws of the state or those performed by any architect, professional engineer, landscape architect, or registered land surveyor in connection with his professional employment or practice.

Project. That fixed capital outlay study or planning activity described in the public notice pursuant to section 2-425. A project may include a grouping of minor construction, rehabilitation or renovation activities or a grouping of substantially similar construction, rehabilitation or renovation activities.

CERTIFIED AS TO ADOPTION this _____ day of _____, 2020.

Mayor/Commissioner

ATTEST

City Clerk