

ORDINANCE NO. 2004-03

AN ORDINANCE OF THE MAYOR AND COUNCIL OF CITY OF DORAL, FLORIDA, CREATING A "PURCHASING AND PROCUREMENT" ORDINANCE RELATING TO PURCHASING AND PROCUREMENT PROCEDURES, INCLUDING PURCHASING LIMITATIONS AND COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS FOR COMPETITIVE BIDDING; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, the City Council wishes to establish an Ordinance to provide for the fair and equitable treatment of all persons involved in purchasing by the City, to maximize the purchasing value of public funds procurement, and to provide safeguards for maintaining a procurement system of quality and integrity; and

WHEREAS, the City Council wishes to create Chapter 12 entitled "Purchasing and Procurement" and finds that the establishment of a comprehensive Ordinance governing the procurement of commodities and contractual services by the City will serve the best interests of the citizens and residents of the City of Doral and promote the health, safety and general welfare of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. That Chapter 12 of the City of Doral Code of Ordinances is hereby created to read as follows:

Chapter 12

PURCHASING AND PROCUREMENT

Sec. 12.1. Purpose.

The purpose of the purchasing procedures of the City of Doral (hereinafter "Chapter") is to provide for the fair and equitable treatment of all persons involved in purchasing by the City, to maximize the purchasing value of public funds in procurement, and to provide safeguards for maintaining a procurement system of quality and integrity.

Sec. 12-2. Applicability.

This Chapter applies to contracts for the procurement of supplies, services and construction entered into by the City after the effective date of this Chapter. It shall apply to every expenditure of public funds by the City for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or state assistance of contract funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulations or state law or regulations. Nothing in this Chapter shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

Sec. 12-3. Public access to procurement information.

Procurement information shall be in the public record to the extent provided in Chapter 119, Florida Statutes, and shall be available to the public as provided in such statute.

Sec. 12-4. Establishment of purchasing agent.

The City Manager or his/her designee shall be the chief purchasing agent of the City. Subject to the terms of this Chapter, the purchasing agent shall contract for, procure or so process the procurement, purchase, storage and distribution of all supplies, materials, equipment and certain contractual services required by any office, department or agency of the City. 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 purchased for or belonging to the City.

Sec. 12-5. Unauthorized purchases.

Except as herein provided in this Chapter, it shall be a violation of this Chapter for any City officer, employee, or other person to order the purchase of, or make any contract for, materials, supplies or services within the purview of this Chapter, in the name of or on behalf of the City other than through the purchasing agent or a designee of the purchasing agent, and the City shall not be bound by any purchase order or contract made contrary to the provisions herein.

Sec. 12-6. Purchasing limitations; competitive bidding.

- (a) *Purchases less than \$5,000.00.* 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 \$5,000.00, may be made or entered into by the City Manager without submittal to the City Council and without competitive bidding. Single purchases or contracts in excess of \$5,000.00 shall not be broken down to amounts less than \$5,000.00 to avoid the requirements of this subsection.
- (b) *Purchases more than \$5,000.00 but less than \$15,000.00.* 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 \$5,000.00 but which does not exceed \$15,000.00, may be made or entered into by the City Manager without submittal to the City Council and without competitive bidding, but shall require that the City Manager obtain quotes from at least three different vendors. Single purchases or contracts in excess of \$15,000.00 shall not be broken down to amounts less than \$15,000.00 to avoid the requirements of this subsection.
- (c) *Purchases in excess of \$15,000.00.* The City 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 \$15,000.00. Purchases in excess of \$15,000.00 shall be in compliance with the competitive bidding requirements set forth in section 12-7.
- (d) *Exceeding budget appropriation.* The City Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the City Council amends the budget to increase the appropriation to the applicable level.

Sec. 12-7. Competitive Bidding Procedure.

- (a) Whenever competitive bidding is required by this Ordinance, the City Manager shall direct that bid proposals which provide specifications for the purchase or contract be prepared.
- (b) The City 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.
- (c) The City Manager may publish a public invitation to bid.
- (d) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the City Council and/or the City Manager as the case may be, subject to the right of the City to reject any and all bids, to waive

any irregularity in the bids or bidding procedures and subject also to the right of the City to award bids and contracts to bidders other than the low bidder.

Sec. 12-8. Bid Opening Procedure; Awarding of Bids.

- (a) Sealed bids shall be opened by the City Manager or their appointed representative and recorded by the City Manager or their representative on the date and time specified in the bid proposal.
- (b) 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 City Manager. The City Manager shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.
- (c) Upon completion of the bid opening reading, all bids received will be deposited with the City Manager for tabulation and/or recommendation to the City Council.
- (d) Upon submission of the bid tabulation and recommendation to the City Manager or City Council, as the case may be, the City Manager or the City Council shall either accept, reject or refer for additional review the bid tabulation and recommendation.

Sec. 12-9. Waiver of Competitive Bidding Procedures.

The City Council may, by majority vote, waive the competitive bidding procedures outlined in this Ordinance upon the recommendation of the City Manager that it is in the best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors.

Sec. 12-10. Governmental Contracts.

The City Manager is hereby authorized to enter into bids or contracts entered into by other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this Chapter.

Sec. 12-11. Exemptions From Competitive Bidding.

The following shall be exempt from the competitive bidding procedures outlined in this Ordinance:

- (a) Transactions described in Section 12-9 of this Ordinance.
- (b) Contracts for professional services.
- (c) Other contracts as provided by state law.

Section 2. Repeal of Conflicting Provisions. To the extent any provisions of the Code, as made applicable to the City through Section 8.03 of the City Charter conflict with this Chapter, those provisions are repealed in its entirety.

Section 3. 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 4. Inclusion in the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Doral, Florida; 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.

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Section 5. Effective Date. This Ordinance shall be effective upon adoption on
second reading.

The foregoing Ordinance was offered by Councilman Van Name, who moved its
adoption. The motion was seconded by Vice Mayor Cabrera and upon being put to a
vote, the vote was as follows:

Mayor Juan Carlos Bermudez	yes
Vice Mayor Pedro Cabrera	yes
Councilman Michael DiPietro	yes
Councilwoman Sandra Ruiz	yes
Councilman Robert Van Name	yes

PASSED AND ADOPTED on First Reading this 14th day of April, 2004.

PASSED AND ADOPTED on Second Reading this 12th day of May, 2004.



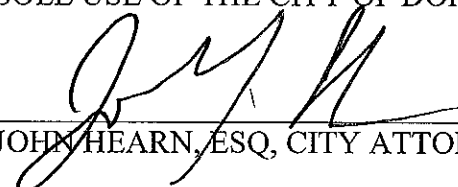
JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



SHEILA PAUL, CMC, CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE CITY OF DORAL:



JOHN HEARN, ESQ, CITY ATTORNEY