

ORDINANCE 2013-1307

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA; AMENDING SECTION 2-132(b) OF THE CODE OF ORDINANCES OF THE CITY OF POLK CITY (THE "CODE"); INCREASING SPENDING LIMITS FOR City MANAGER APPROVED PURCHASES AND CONTRACTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council finds it appropriate and prudent to review budgetary procedures from time to time, and

WHEREAS, the City Council previously adopted Ordinance 2001-03 revising policies and procedures in budgetary actions, and

WHEREAS, the City Manager shall approve purchases and let contracts necessary for operation or maintenance of City services for amounts to be set by council, and receive sealed bids for purchases or contract in excess of those amounts set by council, and

WHEREAS, to increase the amount that the City Manager may authorize, it is appropriate to amend the ordinance.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POLK CITY, FLORIDA:

SECTION 1. AMENDMENT TO SECTION 2-132(B), CODE OF ORDINANCES. Section 2-132(b), Code of Ordinances of the City of Polk City, Florida, is hereby amended to read as follows:

(b) The ~~town~~ city manager shall approve purchases and let contracts necessary for operation or maintenance of town services for amounts to be set by the ~~town~~ city council; receive sealed bids for purchases or contracts in excess of the amounts set by the council; and present such sealed bids to the ~~town~~ city council with a recommendation. ~~Such amounts shall be reviewed on an annual basis and adopted by resolution of the council.~~ The City Manager is hereby authorized to expend funds and let contracts necessary for the operation or maintenance of City services for amounts not to exceed ten thousand dollars (\$10,000.00). In recognition that the sealed bid process is cumbersome, lengthy and expensive to carry out, the City Manager is hereby authorized to receive a minimum of

three written quotes gathered by advertisement, telephone or facsimile contact for amounts exceeding ten thousand dollars (\$10,000.00) but not to exceed twenty five thousand dollars (\$25,000.00) and present the same to the City Council with a recommendation. If the ~~town~~ city manager recommends the acceptance of a bid other than the bid with the lowest total price, the reason for the recommendation shall be given. Except as set forth hereinbelow, the City Manager shall advertise for and receive sealed bids for purchases or contracts in excess of twenty five thousand dollars (\$25,000.00) and present the same to the City Council with a recommendation.

(1) Purchases and/or contracts which, by their nature, are impractical to award by competitive bid shall be exempt from the bidding requirement. Examples of such types of purchases and/or contracts shall include, but are not limited to:

- a. Salaries and wages.
- b. Professional services, including, but not limited to, medical services, accounting services, consultants and insurance policies. (This provision is subject to F.S. ch. 287 and any other applicable law.)
- c. Any item or service which is available from only one source.
- d. Purchases of supplies, such as gasoline and vehicle repair parts, which are purchased as needed.
- e. Emergency purchases or contracts, the delay of which would delay the delivery of town services, stop work or threaten life or property. The town manager shall notify the town council of such purchases or contracts at its next meeting.
- f. Purchases made through the utilization of state contracts or contracts negotiated by other governmental entities.

(2) When the town council determines that it is in the best interest of the town, it may authorize the town manager to purchase insurance by negotiation, but this shall be done only under conditions most favorable to the public interest, and upon a showing that such purchase shall result in the lowest ultimate cost of the coverage obtained.

(3) Individual items costing less than the amount set by the town council will not be subject to the bid limit, even if several items purchased together total more than the amount set by the council.

SECTION 2. SEVERABILITY. Should any section or provision of this Ordinance or any portion thereof, the deletion of which would not adversely affect (in the general sense) the receipt of any material benefits or, substantially increase the burden of any party hereunder, be declared by a judicial or administrative tribunal of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared to be invalid

SECTION 3. CONFLICTS. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect as provided by general law; provided, however, that the moratorium declared hereunder shall begin October 1, 2012.

PASSED ON FIRST READING this _____ day of _____, 2013.

PASSED ON SECOND READING this _____ day of _____, 2013.

CITY OF POLK CITY

Joe LaCascia, Mayor

ATTEST:

Sheandolen Dunn, Assistant to the City Clerk

Form and content approved by City Attorney:

Thomas A. Cloud, Esquire