

ORDINANCE 2020-10

AN ORDINANCE OF THE CITY COMMISSION OF POLK CITY, FLORIDA; AMENDING SECTION 2-132 AS 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 Commission finds it appropriate and prudent to review budgetary procedures from time to time, and

WHEREAS, the City Commission previously adopted Ordinance 2013-1307 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 the Commission, and receive sealed bids for purchases or contract in excess of those amounts set by the Commission, 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 COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. AMENDMENT TO SECTION 2-132, CODE OF ORDINANCES.

Section 2-132, Code of Ordinances of the Polk City, Florida, is hereby amended to read as follows:

(a) The city manager shall be the purchasing and contracting officer for the city, and shall supervise the purchase of all materials, goods, supplies, services and equipment for which funds are appropriated in the budget.

(b) The city manager shall approve purchases and let contracts necessary for operation or maintenance of town services for amounts to be set by the city ~~council~~ commission; receive sealed bids for purchases or contracts in excess of the amounts set by the ~~council-commission~~; and present such sealed bids to the city council commission with a recommendation. 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~~ twenty-five thousand dollars (~~\$10,000.00~~) (\$25,000). 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~~ twenty-five thousand dollars (\$10,000.00) (\$25,000), but not to exceed ~~twenty-five~~ fifty thousand dollars (\$25,000.00) (\$50,000) and present the same to the city ~~council~~ commission with a recommendation. If the 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~~ fifty thousand dollars (\$25,000.00) (\$50,000), and present the same to the city ~~council~~ commission 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 city services, stop work or threaten life or property. The city manager shall notify the city ~~council~~ commission 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 city ~~council~~ commission determines that it is in the best interest of the city, it may authorize the ~~town~~ city 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 city ~~council~~ commission will not be subject to the bid limit, even if several items purchased together total more than the amount set by the ~~council~~ commission.

(c) In case of an accident, disaster or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose

of meeting such emergency, but he or she shall promptly file with the city ~~council~~ commission a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

(d) Upon request of the city manager, the city ~~council~~ commission may, by majority vote, waive the bid requirements of this section and authorize the city manager to purchase items or services by negotiation rather than bidding.

(e) Purchases shall not be made, contract let, or obligation or liability incurred for any item or service which exceeds the current budget appropriation.

(f) The city manager may issue such rules governing purchasing procedures within the administrative organization which are not inconsistent with the Charter and ordinances.

(g) It is the intent that bidding procedures set forth in subsection (b) of this section not be circumvented by issuing several purchase orders or checks to cover the purchase of a single item or service.

(h) The city-~~council~~ commission recognizes that the city does not have central purchasing and warehousing facilities. It is the intent, however, that bulk purchases be made, whenever feasible.

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.

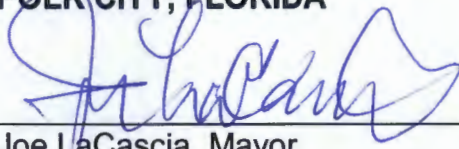
SECTION 4. INCLUSION INTO CITY CODE. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect as provided by general law.

PASSED ON FIRST READING this 24th day of September, 2020.

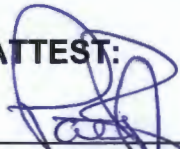
PASSED ON SECOND READING this _____ day of _____, 2020.

POLK CITY, FLORIDA



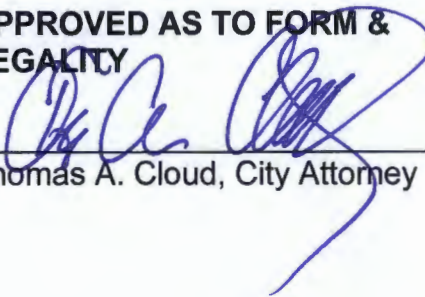
Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Clerk

**APPROVED AS TO FORM &
LEGALITY**



Thomas A. Cloud, City Attorney