

ORDINANCE NO. 1099 - 2017

AN ORDINANCE OF THE CITY OF MIAMI SPRINGS, FLORIDA, AMENDING SECTION 31-11, "PURCHASING, PROCUREMENT, AND SALE PROCEDURES" OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Miami Springs ("City") maintains purchasing, procurement, and sale procedures, which are codified in Section 31-11 (the "Purchasing Code") of the City's Code of Ordinances; and

WHEREAS, the City wishes to amend the Purchasing Code to provide for greater efficiencies in the City's operations; and

WHEREAS, the City Council hereby finds that the adoption of this Ordinance is in the best interest and welfare of the residents of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, THAT: ¹

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Amending Section 31-11 of the City Code. That the Code of Miami Springs, Florida is hereby amended by revising section 31-11 "Purchasing, procurement, and sale procedures," which section shall read as follows:

Sec. 31-11. - Purchasing, procurement, and sale procedures.

(A) The intent of this section is to provide for the fair and equitable treatment of all persons involved in purchases and sales by the City, to maximize the purchasing value of public funds, and to provide safeguards for maintaining a procurement and sale system of quality and integrity.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

¹ Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **yellow highlight**.

Addenda. Written or graphic instruments issued prior to the opening of bids which clarify, correct or change the bidding documents or the contract documents.

Brand name or equal specifications. A specification limited to one or more items by manufacturers' names or catalog numbers to describe the standard of quality, performance or other salient characteristics needed to meet the City's requirements and which provides for the submission of equivalent products.

Brand name specification. A specification limited to one or more items by manufacturers' names or catalogs.

Change order. Changes, due to unanticipated conditions or developments, made to an executory contract which do not substantially alter the character of the work contracted for, and which do not vary so substantially from the original specifications as to constitute a new undertaking.

Competitive bids or competitive proposals. The receipt of two or more bids or proposals submitted by responsive and qualified bidders or proposers.

Construction. The process of building, altering, repairing, improving or demolishing any public structure or building or other public improvements of any kind to any public real property. *Construction* does not include the routine operation, routine repair or routine maintenance of existing structures, buildings or real property.

Contract. All types of municipal agreements of the City regardless of what they may be called for the procurement of supplies and contractual services.

Contractor. Any person or business having a contract with the City.

Designee. A duly authorized representative of a person holding a superior position.

Emergency. A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action.

Franchise. A special right or privilege conferred by the City on an individual or a corporate to do that which does not belong to citizens generally by common right.

Invitation to bid. All documents, whether attached or incorporated by reference, for soliciting sealed competitive bids.

Notice of award. The written notice by the City to the apparent successful bidder or offeror, or stating that upon compliance by the apparent successful bidder or offeror with the conditions precedent to the contract, within the time specified, the City will sign and deliver the contract.

Obsolete property. Any personal property belonging to the City which the City Manager certifies can no longer be used for its intended purpose, has completed its useful life cycle, or which use has become economically impracticable.

Purchasing agent. The principal public purchasing official for the City who is responsible for the procurement of supplies and contractual services as well as the management and disposal of supplies.

Quotation. An informal notice by a vendor stating the terms and conditions under which he will furnish certain supplies or services.

Real property license. The written document evidencing the permission or authority to do a particular act or series of acts on the land of another without possessing any ownership interest therein.

Request for proposals. All documents, whether attached or incorporated by reference, for soliciting sealed proposals.

Responsible bidder or responsible proposer. The person who has the capability in all respects to perform fully the contract requirements and the tenacity, perseverance, integrity, experience, ability, reliability, capacity, facilities, equipment, financial resources and credit which will give a reasonable expectation of good faith performance, and a person who has submitted a bid or proposal which conforms in all material respects to the invitation to bid or request for proposals of the City.

Sole source. The only existing source of a needed item or service as determined by a reasonably thorough analysis of the marketplace.

Supplies. All personal property, including but not limited to, equipment, material, and other personal property items.

Surplus property. Any personal property belonging to the City which the City Manager certifies to be obsolete, unsalable, and in excess of the normal operating requirements of the City.

(C) *Delegation of purchasing authority.* The City Council of the City of Miami Springs reserves unto itself the right to award all contracts as a result of competitive sealed bids, requests for proposals, and requests for qualifications in which the amount of the award is in excess of \$25,000.00. The City Council may, however, delegate to the City Manager and City Purchasing Agent the authority to purchase supplies, materials and services, and to award contracts as they may deem in the public interest. In addition, it is the specific policy of the City Council that no contracts for supplies, materials, or services shall be artificially divided in order for any purchase or procurement to fall below a specifically delineated or delegated purchasing authority amount. The City Council hereby delegates its purchasing authority as follows:

(1) The City Manager shall have the authority to purchase supplies, materials and services, and to award contracts for purchases of supplies, materials and services when the good faith estimated total cost thereof does not exceed \$10,000.00 without the prior approval of the City Council in accordance with the following provisions:

(a) Purchases not exceeding ~~\$1,000.00~~ \$5,000.00 shall be permitted without securing any verbal or written price quotations.

(b) Purchases in excess of ~~\$1,000.00~~ \$5,000.01 which do not exceed ~~\$5,000.00~~ \$10,000.00 shall only be permitted upon the obtaining of three ~~verbal~~ written price quotations.

~~(c) Purchases in excess of \$5,000.00 which do not exceed \$10,000.00 shall only be permitted upon the obtaining of three written price quotations.~~

(2) The City Manager, subject to the approval of the City Council, shall have the authority to purchase supplies, materials, and services and to award contracts for purchase of supplies, materials and services when the good faith estimated total cost thereof exceeds ~~\$10,000.00~~

\$10,000.01 and is less than \$25,000.00 upon the obtaining of three written price quotations.

(D) *Authority of City Purchasing Agent.*

(1) The City Purchasing Agent shall have the following duties, responsibilities and authority:

(a) To procure and supervise the procurement of all supplies, materials and services needed by the City.

(b) To award contracts within the authority provided in this section.

(c) To sell, trade or otherwise dispose of surplus and obsolete property belonging to the City as provided in this section.

(d) To join with other governmental entities and private sector Cooperative Purchasing and Not-For-Profit Companies in cooperative purchasing plans when the best interests of the City would be served thereby.

(e) To establish and maintain programs for specification development, contract administration, and the inspection and acceptance of supplies, materials, and services in cooperation with other City departments.

(f) To provide operational policies and procedures relating to procurement and purchasing consistent with this section and policies and procedures relating to the execution of the duties of the purchasing agent. However, all policies and procedures proposed or promulgated pursuant to the authority delegated herein shall be subject to the approval of the City Manager.

(g) To seek to identify sources from which a designated brand name item or items can be obtained and to solicit competitive pricing of supplies, materials and services whenever practicable.

(h) To maintain a listing of suppliers which will be organized by trade or profession, and when goods or services are needed, to send invitations to bid or requests for proposals to those on the supplier's list who have made known to the City that they can provide the types of supplies or services required. Solicitation shall be made by sending the

listed suppliers a copy of the appropriate newspaper notice or other such notice as will acquaint them with the proposed purchase.

(i) To utilize brand name or equal specification purchasing when the conditions and criteria for such purchasing set forth in this section have been met.

(j) To exercise general supervision and control over all inventories of supplies owned by the City.

(2) The purchasing agent's utilization of brand name or equal specification purchasing must be in conformity with the following:

(a) Unless the purchasing agent determines that the essential characteristics of the brand name included in the specifications are commonly known in the industry or trade, any brand name or equal specification purchase shall include a description of the particular design, functional, or performance characteristics which are required.

(b) Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

(E) *Methods of competitive purchasing and procurement; exceptions.*

(1) All purchases and contracts for supplies, materials and contractual services when the good faith estimated total cost thereof shall exceed \$25,000.00, shall utilize, and be awarded pursuant to, the competitive sealed bidding process specified in this section.

(2) However, if the City Manager determines that the use of the competitive sealed bidding process is not practicable or not advantageous to the City for the subject purchase in excess of \$25,000.00, the City may utilize the request for proposals or the request for qualifications procedures set forth in this section.

(3) In addition to the foregoing, all contracts for the professional services specified in the Consultants Competitive Negotiations Act, F.S.A. § 287.055, shall be

awarded in accordance with the procedures set forth in that Act.

(4) In order to procure the following professional, expert, or other contractual services not specified in F.S.A. § 287.055, the City shall utilize either the request for proposals or request for qualifications procedures outlined herein, unless the City Manager determines, in writing, that the level of skill, expertise, training, qualifications and creativity required by the City for the particular program, function, services or activity mandates that the services be acquired as a sole source procurement:

(a) County, state or nationally recognized consultants for the establishment, development and maintenance of municipal services or programs.

(b) Accredited and recognized teachers, professors or educators who may provide research, advice, technical assistance, and training on governmental functions and programs.

(c) Any recognized artist or other qualified and recognized practitioner in the creative disciplines to provide aesthetic and design advisory or consulting services to the City.

(d) Any practitioner who, through education, special training or experience, is generally recognized or certified as an authority in his field, discipline or expertise, and who, as a result of such status and recognition, provides advisory programming and other special skills to corporate and governmental employees on a consultant or advisory basis.

(5) All purchases of supplies, materials, or contractual services under the provisions of state or local government, or private sector Cooperative Purchasing or Not-For-Profit Companies, bids or contracts shall be exempt from the competitive bid requirements otherwise applicable to such purchases, provided that:

(a) The terms and conditions of the original bid or contract by the state or local government are satisfactory to the City and that such terms and conditions are expressly extended to the City.

(b) The bid or contract by the state or local government is in force prior to the proposed purchase of supplies or services by the City.

(c) The purchasing agent has determined that purchasing materials, goods, supplies and contractual services under existing state or local government bids or contracts are in the best interests of the City.

(6) The following methods of purchasing shall constitute exceptions to the competitive procurement processes previously specified herein:

(a) *City Manager delegation.* The City Manager purchasing authority previously specified in subsections (C)(1) and (C)(2) of this section.

(b) *City Purchasing Agent delegations.* The City Purchasing Agent authority previously specified in subsections (D)(1) and (D)(2) of this section.

(c) *Sole source purchase.* A contract or purchase may be awarded without competition when the purchasing agent, in concurrence with the City Manager, makes a written determination that after conducting a good faith review of available sources, there is only one source for the required supplies, materials, or services. The City Purchasing Agent shall conduct all appropriate negotiations as to price, delivery and terms. A record of the sole source procurement shall be maintained as a public record and shall list each contractor's name, the amount and type of contract, a list of the item(s) or service(s) procured under each contract, and the identification number of each contract file.

(d) *Leasehold interests in real property.* Due to the unique nature of real property, contracts for acquisition by the City of leasehold interests in real property shall be considered as sole source procurements and will be awarded in accordance with the provisions governing such procurements.

(e) *Emergency procurements.* The City Manager may authorize the emergency procurement of supplies or contractual services when there exists a clear and present threat to the public health, safety or welfare, provided, however, that such emergency procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. As soon as practicable, a

record of the emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, a listing of the item or items procured under the contract, and the number of the purchase order, if any. All such emergency purchases must be presented to the City Council as soon thereafter as possible.

(f) *Disaster preparedness.* Contracts for the supply of foods, goods and services made in contemplation and preparation for the occurrence of a natural or man-made disaster or of civil unrest, where availability, rather than price, is the controlling factor, are exempt from this section.

(g) *Waiver of competitive procurement procedure.* The City Council may, by motion, waive the competitive procurement requirements of this section for good cause when it determines that such a waiver is in the best interests of the City. However, the motion to waive the competitive procurement requirements of this section must be passed by a four-fifths majority of the City Council.

(F) *Sealed bidding procedure.* All purchases and procurements by the City which require utilization of sealed bids shall be in accordance with the procedures set forth in this division.

(1) *Preparation of specifications.* The initial requirement of the sealed bid procedure is the preparation of appropriate bid specifications. All bid specifications shall be drafted so as to promote the overall economy for the purposes intended to encourage competition in satisfying the City's need but not to be unduly restrictive. Brand name or equal specifications may be used when required to meet the specific needs of the City. In determining the appropriate contents of the bid specifications, the purchasing agent may utilize brand name or equal specifications if it is determined that:

(a) No other design or performance specification or qualified products list is available, or

(b) Time does not permit the preparation of another form of purchase description, not including a brand name or equal specification, or

(c) The nature of the product or the nature of the City's requirements make use of a brand name or equal specification suitable for the procurement, or

(d) Use of a brand name or equal specification is in the City's best interests.

(2) *Invitation to bid.* An invitation to bid shall then be issued and shall include all specifications, contractual terms and conditions applicable to the procurement.

(3) *Public notice.* Public notice of the invitation to bid shall also be given not less than ten calendar days prior to the date set forth in the notice for the opening of bids. Such notice shall be given by publication in a newspaper of general circulation in the City. The notice shall state the place, date and time of the bid opening. In addition, the notice shall be posted in a conspicuous place in City Hall.

(4) *Addenda.* Any modifications to the invitation to bid, terms and conditions of bid, specifications and drawings made prior to the closing date identified in the invitation to bid, shall be by addenda. All addenda shall be in writing and provided to all firms listed on the original bid mailing list and all additional firms otherwise provided with the original bid documentation. Verification of receipt of addenda will be kept with the bid documents and become a permanent part of that file.

(5) *Bid procedure.*

(a) *Bid submission.* Bids shall be submitted in a sealed envelope which shall be clearly identified as a sealed bid on the exterior of the envelope and delivered to the office of the purchasing agent. All bids shall contain a noncollusive affidavit, sworn to and executed by the bidder and acknowledged before a notary public with the notary seal affixed on the document.

(b) *Bid security.* Bid security shall be required for all competitive bidding contracts. The City reserves the right to specify the amount of bid security on a bid-by-bid basis in the reasonable discretion of the City Purchasing Agent. In addition, the City Manager shall have the authority to waive or limit the bid security requirements contained herein upon such circumstances as are deemed to be in the best interests of the City. Bid security shall be by certified or cashier's check, cash, or by a bid bond made

payable to the City and provided by a surety company authorized to do business as a surety in the state. The bid security of unsuccessful bidders will be returned within a reasonable time after the bid opening. The bid security of the successful bidder will be retained until such bidder has executed a contract and furnished any payment and performance bonds, along with all insurance policies, licenses, or other documentation that may be required by the City. If the successful bidder fails to furnish the required payment and performance bonds, fails to execute and deliver the contract, or fails to deliver the required insurance policies, licenses, or other documentation to the office of the purchasing agent within the time specified in the instructions to bidders, the City may annul the notice of award and the entire sum of the bid security shall be forfeited to the City.

(c) *Bid opening.*

1. Bids shall be opened publicly by the purchasing agent, or his designee, and shall be witnessed by any person duly authorized by the City Manager at the time and place designated in the public notice of the invitation for bids.

2. Bids shall be read aloud and a tabulation of all bids received shall be made available for public inspection after the opening of the bid.

3. No late bids shall be accepted or opened if received after the date and time specified in the public bid notice. All late bids shall be returned unopened to bidder.

(d) *Modification and withdrawal of bids.*

Bids may be modified or withdrawn by an appropriate document duly executed and delivered to the office of the purchasing agent at any time prior to the deadline for submitting bids. A request for withdrawal or modification must be in writing and signed by a person duly authorized to do so, and in a case where signed by deputy or subordinate, the principal's proper written authority to such deputy or subordinate must accompany the request for withdrawal or modification. After expiration of the period for receipt of bids, no bid may be withdrawn or modified.

(e) *Bid documentation becomes the property of the City.* All bids received from bidders in response to the invitation to bid shall become the property of the City and will not be returned to the bidders. In the event of a contract award, all documentation produced as part of the contract shall become the exclusive property of the City.

(f) *Rejection of bids.* The City may reject any bid for any of the following reasons:

1. If the documentation submitted by the bidder, or the investigation of the bidder, prior to making a recommendation for award, fails to satisfy the City that the bidder is qualified to carry out the obligations and to complete the work contemplated therein.

2. If there is reason to believe that collusion exists amongst the bidders.

3. If the bid, in the City's sole discretion, is not responsive, properly delivered, not properly signed or is unsigned, shows serious omissions, alterations in form, additions not called for, conditions or unauthorized alterations, erasures, interlineations, or irregularities of any kind. The City, however, reserves the right to waive technical errors as may be deemed in the best interests of the City.

4. Notwithstanding anything to the contrary contained herein, the City further reserves the absolute right to reject all bids received when such action is deemed to be in the best interests of the City.

(6) *Award of contract.* All bid award contracts shall be awarded with reasonable promptness to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid, except as otherwise provided herein.

(a) *Award to other than low bidder.* When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the bid award will be prepared by the City's Purchasing Agent and filed with the other documents related to the transaction.

(b) *Tie bids.*

1. *Local bidders.* If all bids received are for the same total amount or unit price and offer equal quality or services, the contract will be awarded to a local bidder. If there is more than one local bidder, the City Council may award the bid in their sole discretion, allow the selection by random draw, or reject all bids.

2. *Nonlocal bidders.* In instances in which division (6)(b)1. above does not apply, the City Council may award the bid in their sole discretion, allow the selection by random draw, or reject all bids.

(7) *Payment and performance bonds.* All successful bidders awarded contracts pursuant to the provisions hereof shall be required to furnish the City with appropriate security in the form of performance bonds and payment bonds. The City, in its sole and exclusive discretion, may also require other bonds or security, in order to guaranty that the awarded contract with the City will be fully and appropriately performed and completed.

(a) *Performance bond.* A bond satisfactory to the City, executed by a corporate surety authorized to do business in the state as a surety, in an amount equal 100 percent of the price specified in the contract. The bond shall provide that the bonding company will complete the project if the contractor defaults on his contract with the City by failing to perform the contract in the time and manner provided in the subject contract.

(b) *Payment bond.* A bond satisfactory to the City, executed by a corporate surety authorized to do business in the state as a surety, in an amount equal to 100 percent of the price specified in the contract. The bond shall require the bonding company or surety to promptly pay all persons who supply labor, materials or supplies used directly or indirectly in the performance of the work provided for in the contract between the contractor and the City if the contractor fails to make any required payments promptly.

(c) Nothing in this section shall be construed to limit the authority of the City to require, in its sole and exclusive discretion, any additional

protections, bonds, or other security in addition to the bonds previously specified herein.

(d) In addition, the City Manager shall have the authority to waive or limit the requirements contained herein for payment or performance bonds upon such circumstances as are deemed to be in the best interests of the City.

(8) *Insurance.* The successful bidder shall be required to obtain, at its own expense, all insurance coverages required under the terms of the bid specifications and awarded contract and to submit copies of all insurance policies to the finance director of the City for approval. No work under the contract may be commenced until the required insurance has been obtained and approved by the City.

(9) *Licenses.* The successful bidder shall be required to be properly licensed to perform its contract with the City. No work under the contract may be commenced until the City has reviewed and approved the contractor's licenses.

(10) *Permits.* Unless specified to the contrary in the bid specifications, it shall be the responsibility of the successful bidder to secure all required permits prior to the commencement of any work under its contract with the City.

(11) *Change orders.* All changes to an executory contract made by a change order must reasonably and conscientiously be viewed as being in fulfillment of the original scope of the contract rather than a departure therefrom.

(a) The City Manager, or his designee, is hereby authorized to approve and initiate work on the following types of change orders, determined in his judgment to be in the public interest, provided, however, that the parties mutually agree to the changes both as to the scope of the work and cost of the work:

1. All change orders decreasing the cost of contracts to the City, provided, however, that such decreases do not materially alter the scope and character of the work contemplated by the contract.

2. A change order, consisting of one or more changes, where the net change, taking

into account both increases and decreases in cost, increases the cost of the contract to the City by an amount not in excess of \$2,500.00, provided, however, that such increases do not materially alter the scope and character of the work.

(b) All change orders authorized and approved by the City Manager, or his designee, pursuant to this section must be formally presented to the City Council as soon as is reasonably possible following the execution of the change order.

(c) All other change orders must be formally approved by the City Council before work may be authorized to begin or work may be deleted as required by the contract. No claim against the City for extra work in furtherance of any such change order shall be allowed, unless said prior approval has been obtained, notwithstanding any other provision or agreement, contractual or otherwise.

(d) Change orders shall not be artificially divided so as to bring the amount within the approval level of the City Manager, and any such proposed change order shall include all logically connected work required to be done at the time of the proposal.

(G) *Request for proposals procedure.*

(1) When the City Manager determines that the use of competitive sealed bidding is either not practical or not advantageous to the City, a contract may be secured by the use of the request for proposals procedure. Requests for proposals shall state the relative importance of price, if appropriate, and all other evaluation factors and criteria that will be used by the City to determine the most qualified proposal.

(2) If the request for proposals procedure is determined to be the most advantageous to the interests of the City, the procedures utilized to secure proposal responses shall be the same, or as nearly the same as possible and practical, as those employed in the procurement of sealed competitive bids provided in subsection (F) of this section.

(H) *Request for qualifications procedure.*

(1) When the City Manager determines that the use of competitive sealed bidding and request for proposal

procedures are not appropriate, practical, or advantageous to the City, a contract may be secured by the use of the request for qualifications procedure. Requests for qualifications shall only request responses regarding the abilities, experience and special expertise that a responder may possess with regard to the work, project or services that are required by the City.

(2) Responses shall not be required to include the projected fees, costs or expenses anticipated by the proposer for the services required by the City.

(3) If the request for qualifications procedure is determined to be the most appropriate, practical and advantageous to the City, the procedures utilized to secure proposal responses shall be the same, or as nearly the same as possible and practical, as those employed in the procurement of sealed competitive bids provided in subsection (F) of this section.

(4) Notwithstanding the foregoing, following the opening of all responses received, the City Manager, or his designee, shall review, evaluate, investigate and rank all responses. The City Manager, or his designee, shall then rank at least the three highest proposers.

(5) The City Manager, his designee, or the City Council shall then conduct interviews with at least the three highest ranked proposers. If the interviews are conducted by the City Manager, or his designee, a report shall be presented to the City Council recommending the awarding of the contract to one of the interviewed proposers.

(6) The City Council shall then authorize the City Manager, or his designee, to negotiate a contract with the recommended proposer. If the City Manager, or his designee, is unable to successfully negotiate a contract with the recommended proposer, City Council authorization shall be presumed, unless previously specified by the City Council to the contrary, to authorize the City Manager, or his designee, to then attempt to negotiate a contract with the next recommended proposer, and then the final recommended proposer, if necessary.

(7) If the City Manager, or his designee, is unable to successfully negotiate a contract with any of the three highest ranked proposers, the City Manager may, in his sole and exclusive discretion, proceed to negotiate with the next highest ranked proposers, or declare the request and selection process to be unsuccessfully concluded.

(8) All contracts negotiated by the City Manager, or his designee, with any qualified proposer shall be presented to and approved by the City Council prior to execution by the City.

(I) *Sale of surplus or obsolete City personal property.* Whenever the City shall seek to dispose of personal property which is surplus or obsolete to the needs of the City, the following procedures shall apply:

(1) Disposal of surplus or obsolete City personal property shall be either by sale, barter or exchange, sealed bid, public auction, cannibalization, trade-in or any other means of disposal as may be appropriate and in the best interests of the City.

(2) Following the disposal of any surplus or obsolete City personal property, the City Manager, or his designee, shall submit a written report to the City Council advising of the results of the disposal process utilized by the City.

(J) *Procedure for purchases and sales of real property by City.*

(1) All purchases of real property by the City shall be in accordance with the provisions of F.S.A. § 166.045.

(2) All sales of real property by the City shall also comply with the provisions of F.S.A. § 166.045, except that for the purposes of this section, all "purchase" references contained within the statute shall be understood to apply to "sales" of real property by the City.

Section 3. **Conflict.** That all Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. **Severability.** That 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 5. **Inclusion in Code.** That 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 City Code, 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.

Section 6. Implementation. That the City Manager is hereby directed to provide a report to the City Council within one year of the effective date of this Ordinance setting forth cost savings experienced by the City due to the provisions of this Ordinance.

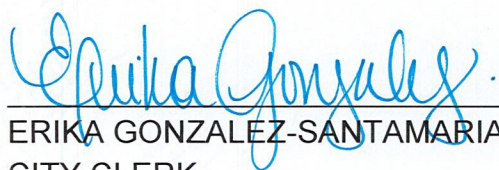
Section 7. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING this 23rd day of October, 2017, on a motion made by Councilman Best and seconded by Councilman Petralanda.

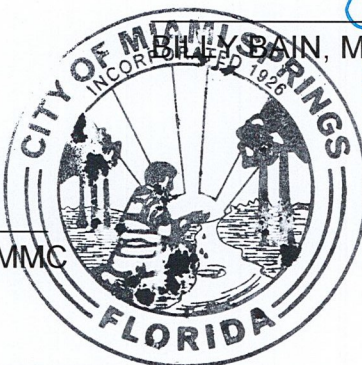
PASSED AND ADOPTED ON SECOND READING this 13th day of November, 2017, on a motion made by Councilman Best and seconded by Councilman Petralanda.

Vice Mayor Maria Puente Mitchell	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Mara Zapata	<u>YES</u>
Councilman Jaime Petralanda	<u>YES</u>
Mayor Billy Bain	<u>YES</u>

ATTEST:

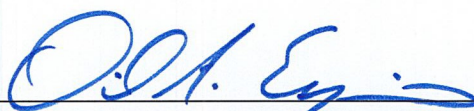


ERIKA GONZALEZ-SANTAMARIA, MMC
CITY CLERK




BILLY BAIN, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF MIAMI SPRINGS ONLY:


WEISS, SEROTA, HELFMAN, COLE & BIERMANN, P.L.
CITY ATTORNEY