

ORDINANCE NO. 1126 – 2022

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 TO UPDATE THE CITY’S PROCUREMENT PROVISIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Miami Springs (the “City”) finds it periodically necessary to amend its Code of Ordinances (the “City Code”) in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities with the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance thereof; and

WHEREAS, the City Council desires to update the City’s procurement provisions to allow the City to improve efficiencies; and

WHEREAS, the City Council finds that this Ordinance is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA, AS FOLLOWS:¹

Section 1. Recitals. That the above recitals are confirmed, adopted, and incorporated herein and made a part hereof by reference.

Section 2. Amending Code. That Section 31-11, “Purchasing, procurement, and sale procedures” of the Code of Ordinances of Miami Springs, Florida, is hereby amended to read as follows:

Chapter 31 – GENERAL CITY POLICIES

ARTICLE I. – GENERAL PROVISIONS

* * *

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

* * *

(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 ~~double-strikethrough~~ and double underline.

* * *

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

* * *

(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~~ \$100,000.00. 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~~ \$20,000.00 without the prior approval of the City Council in accordance with the following provisions:
 - (a) Purchases not exceeding \$5,000.00, shall be permitted without securing any verbal or written price quotations.
 - (b) Purchases in excess of \$5,000.01 which do not exceed ~~\$10,000.00~~ \$20,000.00 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 ~~\$10,000.01~~ \$20,000.01 and is less than ~~\$25,000.00~~ \$100,000.00 upon the obtaining of three written price quotations.

* * *

(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~~ \$100,000.00, 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~~ \$100,000.00, the City may utilize the request for proposals or the request for qualifications procedures set forth in this section.

* * *

(H) *Request for qualifications procedure.*

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- (5) The City Manager, his designee, or the City Council ~~shall~~ may 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.

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Section 3. Conflicts. 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. Codification. 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. Effective Date. That this Ordinance shall become effective immediately upon adoption on second reading.

PASSED ON FIRST READING on the 12th day of September, 2022, on a motion made by Councilwoman Bravo and seconded by Councilman Best.

PASSED AND ADOPTED ON SECOND READING this 26th day of September, 2022, on a motion made by Councilwoman Bravo and seconded by Councilman Best.
Upon being put to a roll call vote, the vote was as follows:

Vice Mayor Dr. Walter Fajet	<u>YES</u>
Councilman Bob Best	<u>YES</u>
Councilwoman Jacky Bravo	<u>YES</u>
Councilman Dr. Victor Vazquez	<u>YES</u>
Mayor Maria Puente Mitchell	<u>YES</u>



MARIA PUENTE MITCHELL
MAYOR

ATTEST:



ERIKA GONZALEZ, MMC
CITY CLERK



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



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