

## Sec. 2-303. - Authority of *purchasing* administrator.

The *purchasing* administrator shall have the authority to:

- (1) Draft and promulgate *purchasing* procedures subject to the prior approval of the city manager.
- (2) Solicit quotations, both verbal and written, and issue invitations to bid and requests for proposals after receipt of evidence of city commission general or specific appropriation of funds to make such expenditure.
- (3) Award contracts for the purchase of commodities and contractual services for purchases without prior approval of the city commission as provided below:
  - a. Any contract not exceeding forty thousand dollars (\$40,000.00) may be made in accordance with the small purchase procedures authorized in this section, provided, however, that contracts for construction of municipal public works shall be made in accordance with applicable state laws including Section 180.24, Florida Statutes (1993) as amended from time to time. Contracts shall not be artificially divided so as to constitute a purchase under this section.
    1. Purchases of commodities and contractual services when the estimated value is less than five thousand dollars (\$5,000.00) or less, may be made upon receipt of one (1) informal quote.
    2. In order to determine a fair and reasonable price, additional quotes may be solicited. The *purchasing* administrator shall adopt, implement and enforce operational procedures for making small purchases of five thousand dollars (\$5,000.00) or less. Such operational procedures shall provide for the goods, commodities, equipment, materials and services being purchased. Further, such operational procedures shall require the preparation and maintenance of written records adequate to document the competition obtained, properly accounted for the funds expended and facilitate an audit of the purchase made. Such records shall include the businesses' name, contact person, dates of inquiry, nature and description of service for what inquiry is being made and amounts quoted with exactly what will be provided for such amount.
    3. Purchases of commodities and contractual services when the estimated value is between five thousand one dollars (\$5,001.00) and twenty thousand dollars (\$20,000.00) may be made upon receipt of not less than three (3) informal quotes. In order to determine a fair and reasonable price, additional quotes may be solicited. The *purchasing* administrator shall adopt, implement and enforce operational procedures for making purchases of twenty thousand dollars (\$20,000.00) or less. Such operational procedures shall provide for the goods, commodities, equipment, materials and services being purchased. Further, such operational procedures shall require the preparation and maintenance of written records adequate to document the competition obtained, properly accounted for the funds expended and facilitate an audit of the small purchase made. Such records shall include the businesses' name, contact person, dates of inquiry, nature and description of service for what inquiry is being made and amounts quoted with exactly what will be provided for such amount.
    4. Purchases of commodities and contractual services when the estimated value is in excess of twenty thousand dollars (\$20,000.00) but not more than forty thousand dollars (\$40,000.00) may be made after a minimum of three (3) different sources of supply have been solicited to provide formal written quotations. Public notice posted on a bulletin board at City Hall will constitute advertisement for quotes. The names of the businesses submitting quotes and the date and amount of each quote shall be recorded and maintained as a public record. Formal quotes will be given a tracking number and date for opening.
    5. All purchases and award of contracts in excess of forty thousand dollars (\$40,000.00) annually must be approved by the city commission before the purchase is made by the *purchasing* administrator or his designee.
    6. On an annual basis, upon release of the December Report of the Consumer Price Index for All Urban Users, All Items for Miami-Ft. Lauderdale, a staff review of the cumulative effects of inflation on the level of authority delegated to the *purchasing* administrator will be performed. Using the December, 2012 report of this index as the base, inflationary effects which would cause delegated authority to erode by five thousand dollars (\$5,000.00) or greater would cause an automatic increase in five thousand dollar (\$5,000.00) increments to the delegated authority of the *purchasing* administrator, not to exceed the inflationary effects.
- (4) Award contracts for the purchase of commodities and contractual services which are exempt from the requirements of formal competitive procurement pursuant to section 2-305.1(2) herein, when the total

cost thereof does not exceed forty thousand dollars (\$40,000.00); provided, however, that the *purchasing* administrator shall have no authority to make emergency procurements above that amount.

- (5) Renew all contracts below forty thousand dollars (\$40,000.00) for commodities and contractual services provided that the following criteria are all satisfied.
  - a. The terms and conditions of the original contract expressly provide for the city's right to renew the contract at the same prices as originally awarded by the city commission or within price adjustment clause parameters as defined in the solicitation documents or agreement.
  - b. The *purchasing* administrator has performed a market survey and/or contract quality review to determine if renewal of the contract is in the best interest of the city. For commodities and contractual services originally procured through the request for proposals or letter of interest processes, a market survey shall be performed only if the *purchasing* administrator determines that, due to a significant change in the industry or profession providing the services, an evaluation of current market conditions would be effective.
  - c. The *purchasing* administrator, together with the using city department, if any, have evaluated the performance of the contractor under the preceding contract term and have determined, in writing, that such performance meets established criteria regarding service, responsiveness and quality levels.
- (6) Delegate *purchasing* authority to procure commodities and contractual services in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per purchase to city staff in accordance with established procurement card policies and procedures. Delegated *purchasing* authority may be authorized to individual employees by the *purchasing* administrator in an amount not to exceed five thousand dollars (\$5,000.00) upon written approval from the city manager. In the case of an emergency situation declared by either the federal government, state government or city commission, delegated *purchasing* authority may be increased to an amount not to exceed twenty thousand dollars (\$20,000.00).
- (7) Sell, trade or otherwise dispose of surplus and obsolete personal property belonging to the city either by sale, barter or exchange, by 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. Disposal of surplus or obsolete personal property in excess of forty thousand dollars (\$40,000.00) per item shall be made only after approval by the city commission.
- (8) The *purchasing* administrator shall have no authority to purchase, lease or sell real property without prior city commission authorization and approval as more specifically provided in section 2-311.2 herein.
- (9) Execute the following types of lease agreements for real property belonging to a public or private entity provided that the term of any such agreement does not exceed five (5) years and the total amount of rental payments due thereunder does not exceed forty thousand dollars (\$40,000.00):
  - a. Self-storage facility rental agreements;
  - b. Facility use and license agreements.

All other leases of real property must be authorized and approved by the city commission.

- (10) Notwithstanding any other provision of law, the *purchasing* administrator shall have the limited authority to execute any lease of private property or public property for any amount upon a written certification from the city manager stating the lease of the property is for officer safety and/or wellbeing or is in furtherance of an open and active investigation.

Any written certification shall only be valid if approved by the city attorney. Nothing herein shall prohibit the city manager from executing a lease of private or public property so long as the aforementioned written certification of the city manager with approval of the city attorney is filed with the city's original copy of the lease documents.

The city manager shall promptly notify the city commission orally or in writing if the yearly expenditure of rents for a lease exceeds forty thousand dollars (\$40,000.00). Any communication made shall not create a danger to the safety and/or wellbeing of police officers or jeopardize an open and active police investigation.

- (11) Notwithstanding any other provision of law, the *purchasing* administrator shall have the limited authority to execute any agreement for the procurement of goods and/or services for any amount upon a written certification from the city manager stating good and/or service is for officer safety and/or wellbeing or is in furtherance of an open and active investigation.

Any written certification shall only be valid if approved by the city attorney. Nothing herein shall prohibit the city manager from executing an agreement for the procurement of goods and/or services so long as the aforementioned written certification of the city manager with the approval of the city attorney is filed with the city's original copy of the agreement.

The city manager shall promptly notify the city commission orally or in writing if the total cost for the good and/or service exceeds forty thousand dollars (\$40,000.00). Any communication made shall not create a danger to the safety and/or wellbeing of police officers or jeopardize an open and active police investigation.

(Ord. No. 91-180, § 6, 1-21-92; Ord. No. 92-117, § 1, 3-17-92; Ord. No. 92-148, § 1, 11-3-92; Ord. No. 94-130, § 3, 6-7-94; Ord. No. 98-113, § 3, 11-17-98; Ord. No. 2013-102, § 2, 3-6-13; Ord. No. 2013-123, § 2, 11-20-13)

## Sec. 2-304. - Delegation of *purchasing* authority to award and execute contracts.

Purchasing authority to purchase commodities and contractual services and to award and execute contracts as is deemed to be in the public interest is hereby delegated as follows:

- (1) The city manager, in accordance with the guidelines provided by the *purchasing* administrator and governed by the requirements of this article, shall have the authority to purchase commodities and contractual services, to award contracts and to execute agreements for the purchases of commodities and contractual services when the estimated total cost thereof does not exceed forty thousand dollars (\$40,000.00) without prior approval of the city commission.
- (2) In addition to the prohibitions and additional requirements otherwise contained in the City's Code of Ethics, Chapter 2, Article II of the Code of Ordinances, no elected public official shall serve on an evaluation/negotiation committee for purposes of evaluating/negotiating any procurement of goods and services. Recommendations to the City Commission of the bidder/proposer and accompanying negotiated contract shall be within the sole purview of professional staff via the evaluation/negotiation committee.

Prior to voting on any procurement decision, members of the city commission shall disclose any ex parte communication with any lobbyist (as defined in section 2-331), vendor (as defined in the Broward County Code of Ethics), or representative of either.

(Ord. No. 91-180, § 7, 1-21-92; Ord. No. 94-130, § 4, 6-7-94; Ord. No. 98-113, § 4, 11-17-98; Ord. No. 2010-103, § 2, 3-23-10; Ord. No. 2012-103, § 2, 1-17-12; Ord. No. 2013-102, § 3, 3-6-13)

## Sec. 2-305. - Competitive procurement required.

All initial awards of contract for commodities and contractual services when the estimated total annual cost thereof shall exceed forty thousand dollars (\$40,000.00) shall be awarded by the city commission through the process of competitive, sealed bidding, competitive request for proposals or request for letters of interest except as otherwise provided herein.

(Ord. No. 91-180, § 8, 1-21-92; Ord. No. 94-130, § 5, 6-7-94; Ord. No. 98-113, § 5, 11-17-98; Ord. No. 2013-102, § 4, 3-6-13)

### Sec. 2-305.1. - Exceptions to competitive procurement requirement.

modified

The following are exempt from the requirements of formal competitive procurement:

- (1) *Sole source procurement.*
  - (a) All specifications shall be drafted so as to promote overall economy for the purposes intended, to encourage competition in satisfying the city's need and shall not be unduly restrictive. Brand name specifications are restrictive of competition and shall only be used as specifically provided in section 2-311.1 of this article.
  - (b) A contract may be awarded without competition when the *purchasing* administrator makes a written determination that after conducting a good faith review of available sources, there is only one (1) source for the required commodity or contractual service. The *purchasing* administrator shall conduct negotiations as appropriate as to price, delivery and terms. A record of sole source procurement shall be maintained as a public record and shall list each contractor's name, amount and type of each contract, a list of the commodity or contractual service procured under each contract, and the identification number of each contract file.
  - (c) All sole source procurements where the cost of the commodities or contractual services exceeds forty thousand dollars (\$40,000.00) shall be authorized by the city commission.
- (2) *Emergency procurements.* The city manager may make emergency procurements of commodities or contractual services where the cost exceeds forty thousand dollars (\$40,000.00) when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the city, provided, however, that such emergency procurements 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 commodity or contractual service procured under this contract, and the number of the purchase order, if any. The city commission must be notified, after the fact, of such procurements in excess of forty thousand dollars (\$40,000.00) at the next scheduled city commission meeting. In any event any increase over the original amount of an emergency procurement reported to the city commission exceeding ten (10) per cent must be reported to the city commission to be noted for the record.

- (3) *Purchases and acquisitions under contracts of the federal government, the State of Florida or its political subdivisions and other Government Agencies in the United States, or local, state or national co-operative purchasing groups.* All purchases of commodities or contractual services under the federal government, the State of Florida or its political subdivisions and other Government Agencies in the United States, or local, state or national co-operative *purchasing* groups shall be exempt from the competitive procurement requirements, provided that the following criteria are all satisfied:
  - (a) The terms and conditions of the original contract are satisfactory to the city and such terms and conditions are extended to the city by the awarding party.
  - (b) The original contract is current and in effect at the time of the proposed purchase of commodities or services by the city.
  - (c) The *purchasing* administrator has performed a market survey to determine if the prices of the original contract are fair and reasonable.
  - (d) The city commission authorizes such procurement when the cost of the commodities or contractual services exceeds forty thousand dollars (\$40,000.00).
- (4) *Exempt contractual services not subject to the competitive procurement requirement:*
  - a. Services involving special skill, ability, training or expertise which are in their nature, unique, original or creative.
  - b. Legal services including paralegals, expert witnesses, appraisal services, investigative services and court reporters.
  - c. Actuarial services.
  - d. Auditing services.
  - e. Academic program reviews or lectures or seminars by individuals.
  - f. Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration.
  - g. Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting and sculpture, photography, culinary arts, fashion design and the like, provided, however, that contract for artistic instructors, coaches, teachers, aides and assistants are deemed contractual services subject to the requirements of competitive procurement.
  - h. Performing artists and entertainers hired to provide entertainment for the benefit of the citizens of Coral Springs and the general public at any city facility.
  - i. Maintenance service of equipment. When considered to be in the best interest of the city and recommended by the using department and the services to be performed are by the equipment manufacturer, manufacturer's service representative, a distributor of the manufacturer's equipment or when at least three (3) responsible services have been evaluated the services may be procured without bid.
  - j. Advertising.
  - k. Utilities including but not limited to electric, water and telephone.
  - l. Goods and services provided by other governmental entities or not-for-profit organizations.
  - m. The foregoing enumeration of services deemed to be not exempt from the competitive procurement requirements is not intended to be an exhaustive or exclusive list. The city manager or his designee may determine if a contractual service must be procured through the competitive procurement process, if not expressly indicated above.
  - n. Copyrighted materials (books, videotapes, etc.) except computer software.
  - o. Food, clothing and other promotional items purchased for resale or distribution to the public.
- (5) *Critical officer safety operations.* The city manager, upon written request of the police chief and approval of the city attorney may make procurements of commodities or contractual services where the cost exceeds forty thousand dollars (\$40,000.00) in any the following circumstances:
  - (a)

Engaging in competitive solicitation would create a danger to the safety and/or wellbeing of police officers, or

(b) Engaging in competitive solicitation would jeopardize an open and active police investigation.

The city manager shall promptly notify the city commission orally or in writing that there was an expenditure of over forty thousand dollars (\$40,000.00) was made for a critical officer safety operation. Any communication made shall not create a danger to the safety and/or wellbeing of police officers or jeopardize an open and active police investigation.

(6) *Waiver by the city commission.* The city commission, by simple majority vote, may waive the competitive procurement process upon the written recommendation of the city manager that the process of competitive procurement is not in the best interest of the city. Any such contract where the competitive procurement process has been waived shall not appear on the consent agenda for approval.

(Ord. No. 91-180, § 9, 1-21-92; Ord. No. 92-148, § 2, 11-3-92; Ord. No. 94-130, § 6, 6-7-94; Ord. No. 98-113, § 6, 11-17-98; Ord. No. 2013-102, § 5, 3-6-13; Ord. No. 2013-123, § 3, 11-20-13; Ord. No. 2016-112, § 2, 8-3-16)