

ORDINANCE NO: 170-02-111

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS OF GOVERNMENT, DIVISION 8, DIVISION OF PURCHASING; AMENDING SECTION 2-141, EXCEPTION TO BID REQUIREMENTS, TO ADD VARIOUS PROVISIONS CONSISTENT WITH FLORIDA STATUTE, SECTION 287.057; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY CITY MANAGER, CHARLES FARANDA)

SECTION 1. That the City of Lauderhill Code of Ordinances Chapter 2, Administration, Article III, Departments of Government, Division 8, Division of Purchasing, Section 2-141, Exception to bid requirements, is hereby amended to read as follows:

Sec. 2-141. - Exception to bid requirements.

Only the following situations are exempted from the competitive bid requirements of this article:

(a) *Emergency purchases.*

- (1) "Emergency" as used in this section shall refer to circumstances which may require immediate action for the protection of the safety, health and welfare of the community or any segment thereof. This includes, but is not limited to emergencies caused by acts of God, water and waste water system breakdowns, and police and fire equipment breakdowns and acts of insurrection.
- (2) The city manager is authorized to determine if an emergency exists. If the city manager determines that an emergency does exist, he/she shall authorize emergency expenditures for the procurement or leasing of supplies, equipment and services necessary to meet the city's needs as a result of the emergency. The city manager at his or her discretion shall endeavor to secure proposals for these supplies, equipment or services from at least two (2) separate sources.
- (3) The city manager shall make a report to the commission (in writing or at a commission meeting) after his/her determination that the emergency situation has been stabilized and that no further emergency expenditures are required. At the next regular meeting

of the commission, the city manager shall make a full disclosure of all emergency expenditures made pursuant to this Code section.

- (b) *Professional services.* Solicitations for contractual services of professionals, including but not limited to, architects, engineers, auditors, insurance companies, surveyors and attorneys, may be entered into without competitive bidding regardless of the amount to be expended. However, all applicable state laws, such as the Consultant's Competitive Negotiation Act, shall be followed. Such contracts shall be approved by the city commission if the amount to be expended shall exceed ~~thirty~~ sixty thousand dollars (~~\$30,000.00~~ \$60,000.00) in any budget year.
- (c) *Noncompetitive supplies.* Noncompetitive supplies available from only one (1) source, such as unique, patented or franchised supplies, are exempt; however, such purchases require a formal written contract approval by the city commission. The purchasing officer shall submit a statement to the city council indicating why these noncompetitive supplies are available from only one (1) source.
- (d) *Cooperative purchasing.* See section 2-144.
- (e) *Purchase through federal, state, county, city or other governmental entity contracts.* See section 2-145.
- (f) *Artistic services if the amount to be expended shall not to exceed fifty thousand dollars (\$50,000.00).* "Artistic services" as used in this section shall mean the rendering by a contractor of its time and effort to create or perform an artistic work in the fields of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, or tape and sound recording, including cases in which the acquisition requires that the artist furnish a commodity created through the artistic work. As used in this subsection "artistic services" does not include advertising or typesetting.
- (g) *Lectures by individuals.* As used in this subsection, a "lecture" is a formal or methodical reading or presentation on any subject, but it is not intended to be used for the purpose of, or in connection with, training of personnel.
- (h) *Legal services,* including attorney, paralegal, expert witness, appraisal, or mediator services.

- (i) The procurement of dues and memberships in trade or professional organizations; registration fees for trade and career fairs, subscriptions for periodicals and newspapers; advertisements; postage; abstracts of title for real property; title searches and certificates; title insurance for real property; water, sewer, telecommunications and electric utility services; copyrighted materials or patented materials including, but not limited to, technical pamphlets, published books, maps, testing or instructional materials; fees and costs of job-related seminars and training;
- (j) Goods purchased with petty cash or city procurement cards in accordance with the city's petty cash and procurement card procedures;
- (k) Items purchased for resale to the general public; for example, supplies for a city-owned concession area.
- (l) Purchase of groceries;
- (m) Travel expenses, hotel accommodations and hotel services;
- (n) City-sponsored events held at venues not owned by the city;
- (o) Entertainment and entertainment-related services for city-sponsored events;
- (p) The purchase of items critical to the security of city facilities; and
- (q) Any services identified in F.S. § 287.057, as may be amended from time to time, as being exempt from competitive bid/request for proposal requirements.

SECTION 2. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

DATED this ____ day of _____, 2017.

PASSED on first reading this ____ day of _____, 2017.

PASSED AND ADOPTED on second reading this ____ day of _____, 2017.

PRESIDING OFFICER

ATTEST:

CITY CLERK

	FIRST READING	SECOND READING
MOTION	_____	_____
SECOND	_____	_____
M. BATES	_____	_____
H. BENSON	_____	_____
H. BERGER	_____	_____
K. THURSTON	_____	_____
R. KAPLAN	_____	_____