

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 540.09

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING SECTIONS 2-266 "APPLICATION, EXCEPTIONS" AND 2-275 "WAIVER OF BID PROCEDURE" OF CHAPTER 2 "ADMINISTRATION" OF THE TOWN OF GOLDEN BEACH CODE OF ORDINANCES, INCREASING DOLLAR THRESHOLD OF PURCHASES EXEMPT FROM BID PROCEDURES AND TOWN COUNCIL APPROVAL, AND PROVIDING ADDITIONAL AUTHORITY TO WAIVE BID PROCEDURES WHERE COMPLIANCE IS IMPRACTICAL AND NOT IN THE BEST INTEREST OF THE TOWN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council desires to amend Sections 2-266 "Application, Exceptions" and 2-275 "Waiver of bid procedure" contained in Chapter 2 "Administration" of the Code of Ordinances of the Town of Golden Beach, Florida (the "Town"), to increase the dollar threshold of purchases exempt from the Town's bid procedures and from Town Council approval, and to authorize the Town Council to waive bid procedure requirements where compliance is impractical and not in the best interest of the Town; and

WHEREAS, the Town Council finds that this amendment is in the best interest of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above stated recitals is hereby adopted and confirmed.

Section 2. Amendments to Sections 2-266 and 2-275. That Sections 2-266 "Application, Exceptions" and 2-275 "Waiver of bid procedure" of Chapter 2 "Administration" of the Code of Ordinances of the Town of Golden Beach, Florida are hereby amended as follows¹:

Sec. 2-266. Application, exceptions.

This division shall be applicable to all purchases by the Town for goods, materials or services, excluding the following:

- (1) Professional services.
- (2) Goods, materials or services obtained from or through the Federal Government, State, County, or other municipalities from advertised bid lists or procedures adopted by competitive bidding.
- (3) Goods, materials, or services which do not exceed ~~\$5,000.00~~ \$10,000 for a single project's total cost.
- (4) Goods, materials, or services that fall between ~~\$5,000.00~~ \$10,000 to ~~\$10,000.00~~ \$25,000 provided the Town Manager endeavors, in good faith, to obtain a minimum of two written quotes and three written quotes when possible prior to authorizing any expenditure as set forth in this sub-section.
- (5) The Town Manager is authorized to make purchases of goods, materials or services that have a total cost of less than ~~\$10,000.00~~ \$25,000 without council action provided the applicable requirements of the purchasing ordinance have been met and the Manager obtains the approval of the Mayor, who shall execute all documents on behalf of the Town. This Subsection (5) may be repealed by ordinance of the Town Council.
- (6) The Village Manager shall deliver a written report to the Town Council monthly listing and describing all purchases made in the preceding month pursuant to Subsection (4) or (5) of this Section.

2-275. Waiver of bid procedure.

The Town Council is authorized to waive requirements of the foregoing procedures by four-fifths vote on the following grounds:

^{1/} Proposed additions to existing Town Code text are indicated by underline; proposed deletions from existing Town Code text are shown by ~~strikethrough~~. Highlighted text indicates proposed amendments made between first and second reading.

- (1) *Emergency acquisition of services.* Upon finding by the Town Council that it is in the best interest of the Town to waive the bid procedures set forth above in order to protect the health, safety and welfare of the community if an emergency required consideration of the purchase when insufficient time exists to complete the bid processes. The emergency ground shall be set forth in the minutes of the Town Council waiving bid procedures.
- (2) *Sole provider.* Upon certification by the Town Manager that the service, goods or equipment sought by the Town is provided solely by one Person, and for which competitive bids are not possible, the Town Council upon finding that the bid presented has been received from a sole provider the Town Council may waive the bid procedure.
- (3) *Impracticality.* Upon finding by the Town Council that compliance with the bid procedures is impractical and not in the best interest of the Town.

Section 3. Severability. 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 4. Inclusion in the Code. That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the Town of Golden Beach, Florida; 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 5. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin,
seconded by Councilmember Einstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Aye</u>

PASSED on first reading this 26th day of August, 2009.

The Motion to adopt the foregoing Ordinance was offered by Vice Mayor Lusskin,
seconded by Councilmember Rojas and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Ben Einstein	<u>Aye</u>
Councilmember Amy Rojas	<u>Aye</u>
Councilmember Ken Bernstein	<u>Absent</u>

PASSED AND ADOPTED on second reading this 22nd day of September, 2009.



MAYOR GLENN SINGER

ATTEST:


ELIZABETH SEWELL
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY