

ORDINANCE NO. C-16-

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTIONS 2-179, 2-180, 2-181, 2-182, 2-189, AND 2-191 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, EXPANDING THE CITY MANAGER'S PURCHASING AUTHORITY AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Subsection 2-179(5) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

In all other cases not specifically covered by paragraphs (1), (2), (3) or (4) of this section, public improvements exceeding twenty-five thousand dollars (\$25,000.00) are not authorized except after public notice for formal bids in accordance with section 2-180. The city shall award the contract to the lowest and best responsible bidder, and enter into formal contract with such bidder in duplicate for the performance of the work in accordance with the plans and specifications for such improvements. For those public improvements not exceeding twenty-five thousand dollars (\$25,000.00) or, in the case of a term contract, the public improvements do not exceed twenty-five thousand dollars (\$25,000.00) for the initial contract term, the purchasing manager shall have the authority to approve the lowest and best responsible bid; for those public improvements not exceeding two hundred fifty thousand dollars (\$250,000.00) or, in the case of a term contract, the public improvements do not exceed two hundred fifty thousand dollars (\$250,000.00) for the initial contact term, the city manager or the city manager's authorized designee shall have the authority to approve the lowest and best responsible bid; for those public improvements exceeding two hundred fifty thousand dollars (\$250,000.00), the city commission shall approve the lowest and best responsible bid by motion. A faithful performance bond, written by a corporate surety company holding a certificate of authority from the Secretary of the Treasury of the United States as

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acceptable sureties on federal bonds and executed and issued by a resident agent licensed by and having an office in the state representing such corporate surety, shall be required from the successful bidder in an amount equal to the contract price; provided, however, that at the discretion of the city commission, any person entering into a public works contract with the city which is for fifty thousand dollars (\$50,000.00) or less may be exempted from executing the aforementioned faithful performance bond. The faithful performance bond, contract, contract documents, qualifications of bidders, and plans and specifications shall be prepared and executed in accordance with requirements of the engineering division, approved by the city attorney.

**SECTION 2.** Subsection 2-180(5) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Rejection of bids or proposals.* All bids and proposals received shall be reported to the city commission, but the city commission shall have the authority to reject all bids or proposals, parts of all bids or proposals, or all bids or proposals, for any one (1) or more supplies or contractual services included in the proposed specifications when the public interest will be served thereby. In the event a bid or proposal does not meet specifications or is otherwise non-conforming, such fact shall be pointed out to the commission. If the low responsive bid does not exceed fifty one hundred thousand dollars (\$5100,000.00) or, in the case of a term contract, the low responsive bid does not exceed one hundred thousand dollars (\$100,000.00) for the initial contract term, the bid or proposal may be awarded or rejected under the provisions of Section 2-184 without submission to the city commission for approval.

**SECTION 3.** Subsection 2.180(9) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

*Change of dollar threshold limits.* The city commission may by resolution raise or lower the twenty-five thousand dollar (\$25,000.00) and fifty one hundred thousand dollar (\$5100,000.00) threshold limits contained in this division.

**SECTION 4.** Section 2-181 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

When the estimated cost of supplies and contractual services is fifty one hundred thousand dollars (\$5100,000.00) or, in the case of a term contract, one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term, or over, a contract for same may be awarded by the city commission to the lowest and best responsible bidder without formal contract, and, when requested, the commission may waive formal bidding procedures, under the following conditions:

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SECTION 5. Subsection 2-181(9) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city manager may authorize the purchasing manager or the purchasing manager's designee to purchase surplus property as donated by the state department of general services, division of surplus property, as authorized by Florida Statutes. Supplies costing in excess of fifty one hundred thousand dollars (\$5100,000.00) or, in the case of a term contract, one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term, shall be reported to the city commission at the next meeting following any purchase, listing item(s) and cost of supplies purchased.

SECTION 6. Section 2-182 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Purchase of supplies and contractual services estimated to cost between five thousand dollars and fifty one hundred thousand dollars.

Where the furnishing of supplies and contractual services is estimated to cost between five thousand dollars (\$5,000.00) and fifty one hundred thousand dollars (\$5100,000.00) or, in the case of a term contract, between five thousand dollars (\$5,000.00) and one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term, such purchases may be made upon approval of the city manager or the city manager's designee ~~except when only a single bid is received in response to a city requests for bids in an amount greater than twenty-five thousand dollars (\$25,000.00), in which case such purchase shall be subject to the approval of the city commission.~~ Whenever the total cost does not exceed twenty-five thousand dollars (\$25,000.00) and it is deemed necessary and proper to do so, except in case of emergency, or as otherwise provided herein, at least three (3) competitive written quotes shall be sought by electronic mail, the city's e-procurement web site, U.S. mail, or facsimile, and the quote of the lowest responsive and responsible bidder may be accepted by the purchasing manager or the purchasing manager's designee without city commission approval. The following purchases, however, may be made upon approval of the city manager or the city manager's designee when the cost exceeds five thousand dollars (\$5,000.00), without bid and on a nonemergency basis, when such purchases are deemed to be made for the best interests of the city:

SECTION 7. Subsection 2-189(a) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The purchase of proprietary items, as defined in this article, may be made without the necessity of public bids. Such purchases shall require the approval

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of the city manager or the city manager's designee when the estimated cost of the item is between five thousand dollars (\$5,000.00) and ~~twenty-five~~ one hundred thousand dollars (~~\$25~~100,000.00) or, in the case of a term contract, between five thousand dollars (\$5,000.00) and one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term. If greater than ~~twenty-five~~ one hundred thousand dollars (~~\$25~~100,000.00) or, in the case of a term contract (\$100,000.00) total expenditure for the initial contract term, then the approval of the city commission is required.

**SECTION 8.** Subsection 2-189(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

When a purchase of proprietary items exceeds ~~twenty-five~~ one hundred thousand dollars (~~\$25~~100,000.00) or, in the case of a term contract, one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term and is to be made by the use of grant funds, then the approval of the city manager shall be sufficient, if provisions of the grant are followed and the grantor of the funds approves the purchase.

**SECTION 9.** Subsection 2-189(c)(6) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

City sponsored events at hotels, motels, restaurants.

This exemption from the normal bidding process does not mean that the city will make awards without an investigation of the pricing of products or services being purchased in order to determine that the city is obtaining the product or service at its lowest price and from a responsible supplier. Such purchases will require the approval of the city commission except those under ~~twenty-five~~ one hundred thousand dollars (~~\$25~~100,000.00) or, in the case of a term contract, (\$100,000.00) total expenditure for the initial contract term which may be approved by the city manager or the city manager's designee. For purposes of this section "impractical" shall mean not subject to competition because the providers of the service or product are students, volunteers or persons in a training program.

**SECTION 10.** Subsection 2-191(b) of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

The city manager or the city manager's designee may negotiate for used equipment when deemed to be in the best interest of the city, and if the cost exceeds ~~fifty~~ one hundred thousand dollars (~~\$5~~100,000.00) or, in the case of a term contract, one hundred thousand dollars (\$100,000.00) total expenditure for the initial contract term, the approval of the city commission shall be obtained.

**SECTION 11.** That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this

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Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 12. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 13. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the \_\_\_\_ day of \_\_\_\_\_, 2016.

PASSED SECOND READING this the \_\_\_\_ day of \_\_\_\_\_, 2016.

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Mayor  
JOHN P. "JACK" SEILER

ATTEST:

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City Clerk  
JEFFREY A. MODARELLI

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