

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.39, "COMPETITIVE BIDDING," TO PROVIDE FOR REVISION TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1. That Section 32.39, "Competitive Bidding," of Chapter 32, "Departments," of the Pompano Beach Code of Ordinances, is hereby amended to read as follows:

§ 32.39 COMPETITIVE BIDDING.

(A) Before the General Services Director (also known as ~~Purchasing~~ Director of ~~Procurement & Contracts~~) makes any purchase of, or contract for, supplies, materials, capital items, or insurance services in an amount ~~less than~~ up to \$75,000, the ~~General Services Director, Procurement & Contracts or designee~~ shall ~~obtain~~ ensure a quote was obtained from at least one responsible source of supply.

(B) ~~(4)~~ Any purchase of supplies, materials, capital items, or insurance services in the amount of \$75,000 or more shall first require a minimum of three written quotes. The ~~General Services Director, Procurement & Contracts~~ or designee shall have the authority to approve purchases in an amount ~~less than~~ up to \$200,000 with the concurrence of the City Manager. Except as otherwise provided herein, any purchase as set forth above in the amount of \$200,000 or more shall be approved by the City Commission.

(C) (1)(2) In addition to the purchases described in subsection ~~(4)~~ (B) above, the ~~General Services~~ Director, Procurement & Contracts or designee shall have the authority to approve all other purchases and contractual services in an amount ~~less than \$200,000~~ up to \$150,000, with the concurrence of the City Manager and in accordance with the provisions within this subsection below.

(2) All contracts entered into per subsection (1) above shall be reviewed by the City Attorney to ensure the proper form of document is utilized, and in addition to the signature requirements in Section 34.002 of the City's Code of Ordinances, shall also execute the document to indicate same.

(3) In addition, all such contracts for provision of services shall contain a clause providing for "Termination for Convenience" by the City with no greater than a ~~(60)~~ sixty-day notice requirement.

(4) On a quarterly basis, the ~~General Services~~ Director, Procurement & Contracts shall provide an updated listing of all contracts entered into pursuant to the provisions of subsection (1) above to the City Commission.

(5) Multiple contracts for goods or services with any single vendor, consultant or entity for the same products, scope of work or services, may not be entered into under the provisions of subsection (1) above. This requirement shall be prospective in nature as of the effective date of this subsection.

(D)(C) (1) The ~~General Services~~ Director, Procurement & Contracts, with the concurrence of the City Manager, shall have the authority to approve the award of all nonconstruction capital budget items that had been approved for the current fiscal year budget during the normal budget process. The approval authority is, regardless of purchase cost, subject to funding appropriations and is not a waiver of the competitive bidding requirements in § 32.39 herein. The Director, Procurement & Contracts shall apprise the City Commission and the City Manager of any capital item whose acquisition cost becomes greater than 25% of the estimated amount for that item previously approved in the annual budget process, and of the process utilized to fund any such price differential, before purchase if feasible, provided any delay will not result in an additional price escalation for the item.

(2) No capital items may be ordered or purchased requiring payment in future budgetary years prior to City Commission approval through the annual budget process for that year unless approval for same is first obtained by resolution of the City Commission.

(E)(D) (1) Contracts to be awarded for the construction or improvement of a public building, structure or other public construction works that are projected to cost more than \$300,000 per project must be competitively bid, per § 255.20, F.S., and approved by the City Commission. In addition, electrical work projects estimated to cost more than \$75,000 must be competitively bid, advertised to the public, and awarded to an appropriately licensed contractor per the above statute. Any such construction project which is projected to cost less than the \$300,000 threshold above

may be awarded by the City Engineer or designee with the concurrence of the City Manager and ~~General Services~~ Director, Procurement & Contracts.

(2) For construction or improvement contracts to be awarded for the construction or improvement of a public building or other public construction works for projects costing ~~less than~~ up to \$75,000, one quote must be obtained and reviewed by the Director, Procurement & Contracts or designee before the contract is awarded and Purchase Order issuance. For those construction or improvement projects costing more than \$75,000 up to \$150,000, at least two quotes must be obtained and reviewed by the Director, Procurement & Contracts or designee. For those construction or improvement projects costing \$150,000 up to \$300,000, at least three quotes must be obtained, reviewed and approved by the Director, Procurement & Contracts or designee.

(3) Bids or proposals for any city construction project that are required to be competitively solicited and are projected to cost more than \$200,000 shall be publicly advertised pursuant to the requirements set forth in § 255.0525, F.S., and as may subsequently be amended.

SECTION 2. That any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 3. This Ordinance shall become effective upon passage.

PASSED FIRST READING this _____ day of _____, 2025.

PASSED SECOND READING this _____ day of _____, 2025.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm
03/05/25
L:ord/ch32/2025-116