

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) makes any purchase of, or contract for, supplies, materials, ~~equipment~~ capital items, or insurance services in an amount less than ~~\$20,000~~ \$75,000, the General Services Director shall ~~have solicited competitive quotations~~ obtain a quote from at least one responsible sources of supply.

(B) (1) Any purchase of supplies, materials, capital items, or insurance services in the amount of \$75,000 or more shall ~~be by written, sealed bids~~ first require a minimum of three written quotes. The General Services Director or designee shall have the authority to approve purchases in an amount less than ~~\$75,000~~ \$200,000 with the concurrence of the City Manager. Except as otherwise

provided herein, any purchase as set forth above in the amount of ~~\$75,000~~ \$200,000 or more shall be approved by the City Commission; ~~but this proviso may be waived by appropriate resolution of the City Commission.~~

(2) In addition to the purchases described in subsection (1) above, the General Services Director or designee shall have the authority to approve all other purchases in an amount less than ~~\$75,000~~ \$200,000, with the concurrence of the City Manager.

(C) The General Services Director, 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, ~~applies only to those items that will be obtained at the approved budget cost or less~~ subject to funding appropriations and is not a waiver of the competitive bidding requirements in Section 32.39 herein. ~~The City Commission must approve the award of the capital items whose acquisition cost is greater than that previously approved in the budget process.~~

~~(D) Contracts to be awarded for the construction of public improvements or public works must be approved by the City Commission after advertisement for written, sealed bids in a newspaper of general circulation in the city or county not less than five days prior to the day set to receive bids; however, for contracts that amount to less than \$75,000, contracts shall be awarded on the basis of informal written quotations which should include the solicitation of at least three sources of supply. The City Commission may waive the necessity for advertisements for contracts for the construction of public improvements or public works in an amount of \$75,000 or more by appropriate resolution. If a waiver occurs, at least three competitive bids must be obtained before a contract is awarded.~~

(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 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.

(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 \$75,000, one quote must be obtained before the contract is awarded. For those construction or improvement projects costing more than \$75,000 up to \$150,000, at least two quotes must be obtained. For those

construction or improvement projects costing \$150,000 up to \$300,000, at least three quotes must be obtained.

(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 _____, 2023.

PASSED SECOND READING this _____ day of _____, 2024.

REX HARDIN, MAYOR

ATTEST:

KERVIN ALFRED, CITY CLERK

MEB/mcm:jrm
01/18/23
L:ord/ch32/2024-29