



**City Attorney's Communication #2018-191**

November 15, 2017

**TO:** Cassandra LeMasurier, Purchasing Supervisor

**FROM:** Mark E. Berman, City Attorney

**RE:** Ordinance Amending Section 32.49, "Emergency Procurement"

As requested in your e-mail of November 14, 2017, the following form of Ordinance, relative to the above-referenced matter, has been prepared and is attached:

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.49, "EMERGENCY PROCUREMENT," TO PROVIDE FOR REVISION TO THE CITY'S PROCUREMENT PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

Please feel free to contact me if I may be of further assistance.



MARK E. BERMAN

/jrm  
l:cor/gen-srv/2018-191

Attachment

ORDINANCE NO. 2018-\_\_\_\_\_

**CITY OF POMPANO BEACH**  
**Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.49, "EMERGENCY PROCUREMENT," 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 32.49, "Emergency Procurement," of Chapter 32, "Departments," of the Pompano Beach Code of Ordinances, is hereby amended to read as follows:

**§ 32.49 EMERGENCY PROCUREMENT.**

Notwithstanding any other provision of this Code, the City Manager or the General Services Director when designated by the City Manager, may make or authorize others to make emergency procurements of supplies, services or construction when there exists an immediate threat to public health, welfare, or safety or to prevent or minimize serious disruption of government services; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. Any emergency procurement in excess of ~~\$15,000~~ \$75,000 for supplies and services or ~~\$15,000~~ \$75,000 for construction shall be referred to the

City Commission at their next regularly scheduled meeting for ratification, whenever possible, but must be ratified by the City Commission when all the necessary information and documentation has been received by the City Manager.

**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 \_\_\_\_\_, 2017.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
11/15/16  
l:ord/ch32/2018-46