

ORDINANCE NO. 2003-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DESIGNATING A PURCHASING AGENT; PROVIDING FOR INFORMAL COMPETITIVE BIDDING; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council has determined that purchasing guidelines and procedures are essential elements in the administration of the City's day to day activities; and

WHEREAS, the City Charter requires that contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of specifications and competitive bids, except in cases where the City Council specifically determines that it is impractical to do so; and

WHEREAS, the Council hereby determines that it is impractical to purchase through competitive biddings materials, supplies, equipment, improvements or services for which funds are provided in the budget and for which the total amount to be expended is \$2, 500 or less.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

PURCHASING PROCEDURES

Section 1. Purchasing Agent.

The City Manager or his/her designee shall be the chief purchasing agent of the City. The purchasing agent shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the City. The purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the City. All references herein to the City Manager include the Interim City Manager.

Section 2. Purchasing Limitations; Competitive Bidding.

(a) **Purchases less than \$2,500:** Purchases of, or contracts for, materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of \$2,500 may be made or entered in to by the City Manager without submittal to the City Council and without competitive bidding. Single purchases or contracts an excess of \$2,500 shall not be broken to amounts less than \$2,500 to avoid the competitive bidding requirements.

b) **Purchases in excess of \$2,500:** The City Council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be

expended is more than \$2,500. Such purchases shall be subject to competitive bidding requirements, unless the competitive bidding requirements are waived by the City Council.

Section 3. Informal Bidding Procedure.

(a) For purchases less than \$2,500, the City Manager shall solicit informal bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.

(b) The City Manager may publish a public invitation to bid if necessary for purchases less than \$2,500.

Section 4. Waiver of Competitive Bidding Procedures.

The City Council hereby waives the competitive bidding requirement for purchases less than \$2,500.

Section 5. Governmental Contracts.

The City Manager is hereby authorized to enter into bids or contracts entered into by another governmental authority provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this ordinance.

Section 6. Repeal of Conflicting Provisions.

All provisions of the Code of Miami-Dade County as made applicable to the City by the City Charter which are in conflict with this Ordinance are hereby repealed.

Section 7. 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, clauses, and phrases of this Ordinance shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

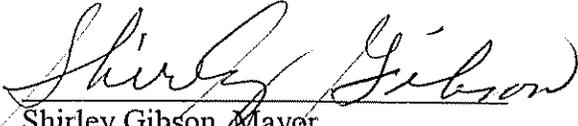
Section 8. Inclusion in the code.

It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Miami Gardens Code; and that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 9. Effective Date. This ordinance shall be effective ten days after adoption on second reading.

PASSED on first reading the 10 day of Sept, 2003

PASSED AND ADOPTED on second reading this 24 day of Sept., 2003.


Shirley Gibson, Mayor

ATTEST:


_____, Acting City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:


Hans Ottinot, Interim City Attorney

Motion on second reading by: VM Campbell

Second on second reading by: Councilmbr. Bratton

VOTE: 7-0

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| Mayor Shirley Gibson | <u> x </u> (Yes) | <u> </u> (No) |
| Vice Mayor Aaron Campbell | <u> x </u> (Yes) | <u> </u> (No) |
| Councilman Melvin L. Bratton | <u> x </u> (Yes) | <u> </u> (No) |
| Councilman Oscar Braynon II | <u> x </u> (Yes) | <u> </u> (No) |
| Councilwoman Audrey King | <u> x </u> (Yes) | <u> </u> (No) |
| Councilwoman Sharon Pritchett | <u> x </u> (Yes) | <u> </u> (No) |
| Councilwoman Barbara Watson | <u> x </u> (Yes) | <u> </u> (No) |