

ORDINANCE No. 2009-23-195

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE II, SECTION 10 (1) OF ORDINANCE NO. 2005-10-48 AS AMENDED, THE CITY'S "PURCHASING ORDINANCE," TO DELETE THE REQUIREMENT THAT NOTICES INVITING BIDS BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN MIAMI-DADE COUNTY, AND TO PROVIDE, INSTEAD THAT EXCEPT FOR THOSE SOLICITATIONS WHICH ARE GOVERNED BY FLORIDA STATUTES, SAID NOTICES BE PUBLISHED ELECTRONICALLY ON A WEBSITE DESIGNATED BY THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Miami Gardens adopted its Purchasing Ordinance No. 2005-10-48 on February 9, 2005, and

WHEREAS, the current Purchase Ordinance provides that notices inviting bid exceeding \$50,000, have to be published at least one (1) time in a newspaper of general circulation within Miami-Dade County, and

WHEREAS, the City spends approximately \$6,000 to \$7,000 annually in order to advertise bids, and

WHEREAS, in addition to advertising bids, in the past the City has also noticed each solicitation at www.demandstar.com, and

WHEREAS, there is no statutory requirement for the City to publish all of its invitations to bid in a newspaper, but in certain instances, notices have to be published in the newspaper, i.e., public construction, insurance purchases, etc., and,

WHEREAS, City staff is recommending that the City Council amend the Purchasing Ordinance to delete the requirement that invitations to bid exceeding

\$50,000 be published in a newspaper, but instead to require that said notices be published via the City's website and an internet service to be selected by the City,

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

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. AMENDMENT: Article II, Section 10 of Ordinance No. 2005-10-48 is hereby amended as follows:

Except as otherwise provided in this division, the purchase of commodities or services of an estimated value of over \$50,000.00 shall be approved by the City Council and may be by purchase order and/or other written contract with the vendor submitting the lowest responsible bid whose bid has been solicited, received and approved, pursuant to the following procedures:

Notice inviting bids. Except for those bids that are required by statute to be advertised in a newspaper, notices inviting bids shall be published at least one time in a newspaper of general circulation within Miami-Dade County electronically on the City's website and an internet website designated by the City, and generally used for municipal advertisement of commodities and services, and shall include a general description of the commodities or services to be purchased, a statement of where bid documents may be obtained, and the date, time, and place of the public opening of bids. ~~The notice shall be published in accordance with state statute, but in no event shall the notice be published less than ten calendar days before the bid opening date.~~ Sealed bids shall also be solicited from responsible prospective vendors including those on the registered vendor's list.

* * * * *

Language deleted is stricken through and language added is underlined.

Section 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

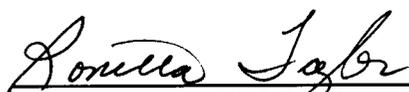
Section 7. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 8th DAY OF SEPTEMBER 2009.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 21st DAY OF SEPTEMBER, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

Ordinance No. 2009-23-195

Moved by: Councilwoman Watson
Second by: Mayor Gibson

VOTE: 7-0

Mayor Shirley Gibson	<u> X </u> (Yes)	____(No)
Vice Mayor Oliver Gilbert III	<u> X </u> (Yes)	____(No)
Councilman Melvin L. Bratton	<u> X </u> (Yes)	____(No)
Councilman Aaron Campbell	<u> X </u> (Yes)	____(No)
Councilman Andre' Williams	<u> X </u> (Yes)	____(No)
Councilwoman Sharon Pritchett	<u> X </u> (Yes)	____(No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	____(No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	September 21, 2009		Item Type:	Resolution	Ordinance		Other	
			<i>(Enter X in box)</i>		X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading:		1st Reading		2nd Reading	
		X	<i>(Enter X in box)</i>				X	
			Public Hearing:		Yes	No	Yes	No
			<i>(Enter X in box)</i>				X	
Funding Source:	N/A		Advertising Requirement:		Yes		No	
					<i>(Enter X in box)</i>		X	
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:					
		X						
Sponsor Name	City Manager Danny Crew		Department:			Procurement Division		

Short Title:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE II, SECTION 10 (1) OF ORDINANCE NO. 2005-10-48 AS AMENDED, THE CITY’S “PURCHASING ORDINANCE,” TO DELETE THE REQUIREMENT THAT NOTICES INVITING BIDS BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN MIAMI-DADE COUNTY, AND TO PROVIDE, INSTEAD THAT EXCEPT FOR THOSE SOLICITATIONS WHICH ARE GOVERNED BY FLORIDA STATUTES, SAID NOTICES BE PUBLISHED ELECTRONICALLY ON A WEBSITE DESIGNATED BY THE CITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

Staff Summary:

Background

The City of Miami Gardens Purchasing Ordinance 2005-10-48, Adopted February 9, 2005 Article II Section 10 (1) states “*Notice inviting bids.* Notices inviting bids shall be published at least one time in a newspaper of general circulation within Miami-Dade County and shall include a general description of the items to be purchased, a statement of where bid documents may be obtained, and the date, time and place of the public opening of bids...”

Procurement Division currently advertises each formal solicitation in the Daily Business Review one time. The average cost per notice is \$110 for an estimated annual cost of \$6,820. Each formal solicitation is also posted at www.DemandStar.com. The State Statute requires formal bid notices for the procurement of goods and services, including professional services, to be an electronic posting. Public Construction solicitations in excess of \$250,000 must be noticed in a publication of general circulation. The proposed amendment will allow the City to post electronically for all solicitations except when required by Statute.

**ITEM I-2) ORDINANCE
SECOND READING/PUBLIC HEARING
Amending Purchasing Ordinance**

Current Situation

We are now able to post formal solicitations on the Procurement home page of the City's web site as well as on www.DemandStar.com. On the last nine solicitations issued we incorporated a survey requesting the vendors to state where they saw the notice. Below are the results received:

Solicitations	Number of Bids Received	Daily Business Review	City's Web Site	DemandStar.com	Other
9	52	3	6	41	2

Based on these results, the number of formal solicitations issued each year, and the associated costs, staff recommends that City Council remove the requirement of notices being published at least one time in a newspaper and electronic post all solicitations unless statutorily required to advertise.

Proposed Action:

The City Council approve the proposed ordinance amendment to Ordinance 2005-10-48 Article II Section 10: (1) to remove the language "shall be published at least one time in a newspaper of general circulation within Miami-Dade County" and insert the language " shall be published electronically on the internet website designated by the City except for those solicitations statutorily required to advertise".

Attachment:

None.