

ORDINANCE NO. 2012-08-281

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AMENDING ARTICLE IX, DIVISION 1, SECTION 2-700 "DEFINITIONS" AND DIVISION 3, SECTION 2-752 ("PURCHASES IN EXCESS OF \$50,000.00") OF THE CITY'S CODE OF ORDINANCES; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, during its last session, the Florida Legislature made certain amendments to Chapters 119 and 286 of the Florida Statutes regarding public records and meetings,

WHEREAS, included in those amendments were provisions relating to bid opening procedures, and

WHEREAS, it is necessary to amend Section 2-752 of the City's Code of Ordinances to comply with Florida Statutes, and

WHEREAS, City staff would like to start utilizing Invitations to Negotiate when issuing solicitations, and

WHEREAS, Invitations to Negotiate will allow the City to identify one or more responsive vendors, with which the City may negotiate in order to receive the best value,

WHEREAS, an amendment to Section 2-700 of the City's Code of Ordinances is necessary to include Invitations to Negotiate,

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 OF THE ORDINANCE: Article IX, Division 1, Section 2-700 of the City's Code of Ordinances is hereby amended as follows:

Section 2-700 - Definitions:

Terms not defined in this section shall have the meaning customarily assigned to them. Otherwise, the following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Invitation to bid means and includes ~~invitations to bid, requests for proposals, and solicitations for quotations from vendors~~ the process of requesting and receiving sealed bids, proposals, or replies in accordance with the terms of a competitive process, regardless of the method of procurement. The term also includes re-advertising for bids.

Section 4. AMENDMENT OF THE ORDINANCE: Article IX, Division 3,

Section 2-752 of the City's Code of Ordinances is hereby amended as follows:

Sec. 2-752. - Purchases in excess of \$50,000.00.

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:

- (3) *Bid opening procedures.* Sealed written bids shall be returned to the city and identified as bids on the envelope, together with other information as may be specified in the invitation to bid. Bids shall be opened in public on the date and at the time and place stated in the public notices. ~~A tabulation of all bids received shall be made available to the public within ten days of bid opening.~~ All bids shall be subject to the Florida Public Records laws and Section 255.0518 of the Florida Statutes.

Section 5. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

Section 6. 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. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami

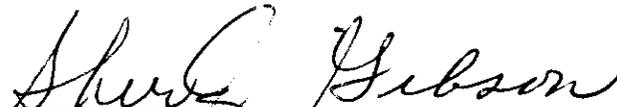
Gardens and that the section of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed.

Section 8. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

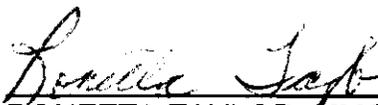
PASSED ON FIRST READING ON THE 13th DAY OF JUNE, 2012.

PASSED ON SECOND READING ON THE 27th DAY OF JUNE, 2012.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 27TH DAY OF JUNE, 2012.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DR. DANNY O. CREW, CITY MANAGER

Moved by: Councilwoman Robinson
Second by: Councilman David Williams Jr.

VOTE: 6-0

Ordinance No. 2012-08-281

Mayor Shirley Gibson	<u>X</u> (Yes)	_____ (No)
Vice Mayor Oliver Gilbert, III	<u>X</u> (Yes)	_____ (No)
Councilman Aaron Campbell, Jr.	<u>X</u> (Yes)	_____ (No)
Councilman David Williams Jr	<u>X</u> (Yes)	_____ (No)
Councilwoman Lisa Davis	_____ (Yes)	_____ (No) (not present)
Councilwoman Felicia Robinson	<u>X</u> (Yes)	_____ (No)
Councilman Andre' Williams	<u>X</u> (Yes)	_____ (No)