

ORDINANCE NO. 02-2019

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING THE CITY OF SEMINOLE CODE OF ORDINANCES, CHAPTER 42 TAXATION AND FINANCE, ARTICLE V FINANCE, DIVISION 4 PROCUREMENT, BY AMENDING THE FOLLOWING SECTIONS; SECTION 42-292 REQUISITIONS AUTHORIZED; SECTION 42-293 CREDIT CARD USE; SECTION 42-294 PRICE QUOTES, SEALED BIDS, EXCEPTIONS; SECTION 42-295 PERSONAL AND PROFESSIONAL SERVICES; SECTION 42-296 EMERGENCY PURCHASES; SECTION 42-297 PURCHASE OF USED EQUIPMENT; SECTION 42-298 APPROVAL OF CONTRACTS; SECTION 42-299 RECORDS; CREATING SECTION 42-301 ADMINISTRATIVE PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA;

SECTION 1: That the City of Seminole Code of Ordinances is hereby amended by amending Chapter 42 Taxation and Finance, Article V Finance, Division 4 Procurement, to read as follows:

Sec. 42-291. - Purchase order required.

A purchase of any single item or group of items ordinarily comprising one transaction shall be made with one purchase order.

Sec. 42-292. – Requisition approvals.

Purchase requisitions are required for all purchases over \$20. At the discretion of the finance director, utilities and recurring services may be exempt from requisitions. All requisitions require approval from department directors and requisitions over \$1,000 also require the approval of the finance director.

Sec. 42-293. - Purchase card use.

The issuance of purchase cards shall require the approval of the finance director. No city official who has been issued a purchase card may begin to use the card until he or she has reviewed, acknowledged an understanding of, and agreed to comply with, the city's purchase card program's policies and procedures. Purchases using a purchase card require a requisition and appropriate approvals per Sec. 42-292.

Sec. 42-294. - Price quotes; competitive purchase process; exceptions.

(a) For any materials, supplies, equipment or items costing below \$5,000, one written quote is required before a purchase order is issued. For any materials, supplies, equipment or items

costing \$5,000 to \$49,999.99, the department head shall first solicit three written price quotes before a purchase order is issued.

- (b) No purchase of materials, supplies or equipment at or above \$50,000 in value shall be made unless a competitive purchase process and proper advertisement has occurred. The city council shall approve the award of all purchases at or above \$50,000.
- (c) The following are exceptions from the requirements of subsections (a) and (b) above:
 - (1) When such proposed expenditure may be consummated through use of state, county or other municipal contract lists, such as piggybacking or cooperative purchase agreements, the competitive process shall be waived. To comply with this exception, the contract upon which the city seeks to piggyback must contain language which authorizes subsequent parties to piggyback on it and must be for the same terms and conditions as are contained in the original contract, and the cooperative purchasing agreement must provide that the city is a party to the agreement.
 - (2) Where the commodities or contractual services are available only from a single source. When the city believes that desired commodities or contractual services are available only from a single source, the finance director shall electronically post a description of the commodities or contractual services sought for a period of at least five (5) business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. Posting shall not be required for desired commodities or contractual services below \$50,000. If it is determined in writing by the finance director after reviewing all relevant information, including information received from prospective vendors as a result of a required posting, that the commodities or contractual services are in fact available only from a single source, the city is authorized to enter a sole source purchase contract. In any case where the city seeks to purchase from a sole source materials for the construction, modification, alteration, or repair of any city-owned facility, the city council must first make the written findings required by Florida Statutes, Section 255.04.
 - (3) Personal and professional service contracts, which shall be awarded as provided in section 42-295.
 - (4) Emergency purchases, which shall be awarded as provided in section 42-296.
 - (5) Purchases of used equipment, which shall be awarded as provided in section 42-297.
 - (6) Insurance policies, utilities, and real property.
 - (7) Situations where using another vendor would void an existing warranty.
 - (8) Purchases made pursuant to a state or federal grant contract where the terms of the contract require the city to use a procurement method inconsistent with this code.

Sec. 42-295. - Personal and professional services.

Contracts and engagement of personal and professional services may be obtained and entered into by the city council without competitive bidding. The fixing and payment of salaries

to city employees and contracts for the services of attorneys at law, auditors and other personal and professional services shall not be subject to the requirement for competitive bids where doing so does not conflict with state or federal law. Notwithstanding the foregoing, where the city seeks to acquire architectural, engineering, landscape architecture, or registered surveying and mapping services, it shall comply with the requirements of Florida Statutes s. 287.055.

Sec. 42-296. - Emergency purchases.

In the case of an emergency where it is essential to the health, safety or welfare of the people or city assets are jeopardized and that necessitate immediate action be taken, the competitive purchase process shall not be required before the purchase of supplies, equipment, or materials or the entering into of a contract for public works. The city manager or acting city manager must authorize all emergency purchases.

Sec. 42-297. - Purchase of used equipment.

Purchasing policies may be waived by the city manager when purchasing used or surplus equipment provided that such a purchase is in the best interest of the city.

Sec. 42-298. - Approval of contracts.

Prior to a submitting award of a contract to the city council for materials, supplies or equipment at or above \$50,000, the city attorney shall review and provide a written opinion approving the form and legal sufficiency of the contract. The contract then must be approved by the city council. Such approval shall be recorded in the official minutes of the city council. Each contract after approval by the city council shall be signed by the city manager and attested to by the city clerk.

Sec. 42-299. - Records.

The finance office shall keep a record of all purchase orders used for city business.

Sec. 42-300. - Insurance on city-owned vehicles.

The city shall carry a minimum of liability insurance on all of the city-owned motor vehicles in the following amounts:

- (1) No less than \$100,000.00 coverage for any one individual sustaining injury.
- (2) No less than \$300,000.00 total coverage for damages sustained in any particular incident.

Sec. 42-301 – Administrative Provisions

The city manager is authorized to promulgate, revise from time to time, and rescind administrative procedures and associated forms to implement the provisions of the city's procurement code to the extent same are not inconsistent with any provisions of this code. The city manager shall ensure that any such procedures and forms are communicated to those city officials with responsibility or authority to administer the city's procurement functions. To the extent such procedures or forms will require action or understanding by the vendor community, the city manager shall make reasonable efforts to ensure that they are published on the city's

website and sufficiently referenced in any solicitation requests the city issues. The city council reserves the right at any time to review and, in its discretion, revise, or rescind any administratively-created procedures or forms.

Secs. 42-302—42-330. - Reserved.

SECTION 2: It is the intention of the City Council of the City of Seminole that each provision hereof be considered severable, and that the invalidity of any provision of this ordinance shall not affect the validity of any other provisions of this ordinance or the City Code of Ordinances.

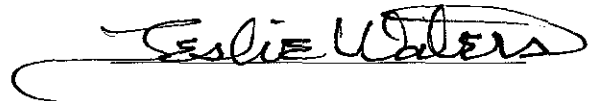
SECTION 3: This ordinance shall become effective immediately upon its adoption at second reading.

APPROVED ON FIRST READING: March 5, 2019

PUBLISHED: March 1, 2019

PASSED AND ADOPTED ON

SECOND AND FINAL HEARING: March 12, 2019

A handwritten signature in black ink that reads "Leslie Waters". The signature is written in a cursive style and is enclosed within a large, horizontal, hand-drawn oval.

Leslie Waters, Mayor

ATTEST:

A handwritten signature in black ink that reads "Ann Marie Mancuso". The signature is written in a cursive style and is underlined.

Ann Marie Mancuso, Interim City Clerk