

ORDINANCE 714

AN ORDINANCE OF THE CITY OF MEXICO BEACH, FLORIDA, AMENDING THE CITY'S PURCHASING PROCEDURES, PROVIDING SIMPLIFIED PROCESSES FOR EMERGENCY PURCHASING AND PIGGYBACKING; WAIVING FORMAL COMPETITIVE PURCHASING REQUIREMENTS FOR 365 DAYS FOR PURCHASES UP TO \$20,000; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Rick Scott, Governor of the State of Florida, Issued Executive Order 18-276 declaring a state of emergency in Bay County as a result of Tropical Storm Michael;

WHEREAS, on October 10, 2018, Hurricane Michael struck the City of Mexico Beach (the "City") resulting in massive damages to private and public property and structures in the City;

WHEREAS, Rick Scott Issued Executive Order 18-360 extending the state of emergency in Bay County as a result of Hurricane Michael for an additional sixty days from December 5, 2018;

WHEREAS, the State of Emergency has continued to be extended by the State; and

WHEREAS, these Executive Orders permit the City, in accordance with Florida Statute 252.38, to waive procedures and formalities pertaining to contracts; acquisition of supplies, materials, and facilities; expenditure of public funds; and other similar actions; and

WHEREAS, in some instances the City has relied on these Executive Orders to streamline purchases, but the Executive Orders will expire eventually; and

WHEREAS, Section 30.01 of the City Code provides that Expenditures of an amount exceeding \$8,000 shall be by competitive bids; and

WHEREAS, the older Section 30.02 of the City Code provides the apparently inconsistent rule that, "Expenditures from \$1,500 to \$3,000 may be authorized by Council action without competitive bids" and other rules that appear out of date and may have been intended to be superseded previously; and

WHEREAS, due to the unusual number of purchases relating to the Hurricane Michael recovery and repairs of associated damage, including expenses covered by insurance proceeds, it has become burdensome to conduct formal competitive bidding for relatively small purchases, both in terms of staff time and advertising costs; and

WHEREAS, during the hurricane recovery, most purchases have greater time sensitivity than under normal conditions; and

WHEREAS, various public procurement requirements exist by statute in the State of Florida and the revisions provided by this ordinance do not violate those statutory public procurement requirements; and

WHEREAS, the City Council hereby finds that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH, FLORIDA:

SECTION 1. FINDINGS OF FACT. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

SECTION 2. PERMANENT AMENDMENTS. From and after the effective date of this ordinance, the Mexico Beach City Code relating to competitive bidding is amended to read as follows (new text **bold and underlined**, deleted text ~~struckthrough~~):

#### **§ 30.01 EXPENDITURE OF CITY FUNDS BY COMPETITIVE BIDS.**

Expenditures of an amount exceeding \$8,000 shall be by competitive bids. Competitive bids normally will be solicited by advertisement in a local or area newspaper of general circulation. This procedure may be supplemented by direct mailings, posted notices and/or other advertising means when practical. ~~Where newspaper advertising is good cause, one or more of these means can be utilized to obtain bids.~~ The best and lowest bid normally will be selected; however, the Council may reject any or all bids or select other than the low bid where there is full justification. An exception from competitive bids may be approved by Council majority vote for goods and/or services **needed to address an emergency;** from single source outlets, federal and state agencies, or one time auctions; **when piggybacking a public contract procured under Florida law within the past 365 days; or** where the best interest of the citizens of the city require it after unsuccessfully attempting competitive bidding.

#### ~~§ 30.02 EXPENDITURE OF CITY FUNDS WITHOUT COMPETITIVE BIDS.~~

~~—(A) Expenditures from \$1,500 to \$3,000 may be authorized by Council action without competitive bids.~~

~~—(B) Expenditures up to \$1,500 may be authorized by the Mayor or a Council member.~~

~~—(C) Expenditures up to \$1,000 may be authorized by the City Administrator.~~

~~—(D) Expenditures up to \$250 may be made by the Public Works Director or Assistant Public Works Director.~~

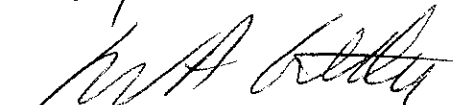
SECTION 3. TEMPORARY AMENDMENTS. For 365 days in recognition of the unique conditions caused by Hurricane Michael, formal competitive bidding procedures are not required for expenditures up to \$20,000. These purchases must still be approved in advance by the City Council when they exceed \$5,000.00.

SECTION 4. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 5. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED at the special meeting of the City Council of the City of Mexico Beach, Florida, this 12 day of February, 2019.

  
\_\_\_\_\_  
William A. Cathey, Mayor

ATTEST:

  
\_\_\_\_\_  
CITY CLERK