

ORDINANCE 2017 -

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 23 "PROCUREMENT CODE", ARTICLE I PURCHASING, SECTION 23-12 ENTITLED "PROCEDURES FOR PURCHASES IN EXCESS OF \$50,000" TO ALLOW THE CITY MANAGER TO AUTHORIZE CHANGE ORDERS WITHIN THE AMOUNT AWARDED BY THE CITY COMMISSION; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 23-12 of the City Code requires City Commission approval for each change order over \$50,000, which can significantly delay large scale projects that typically include authorized contingency funds; and

WHEREAS, the Mayor and the City Commission have determined that it is in the best interest of the residents of the City of Hallandale Beach to amend Chapter 23 Section 23-12 to allow the City Manager to approve change orders of any amount if the total amount of all change orders does not exceed the total amount awarded by the City Commission.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF HALLANDALE BEACH, FLORIDA:

SECTION 1. Chapter 23, Procurement Code; of Article I, Purchasing; Section 23-12, Procedures for purchases in excess of \$50,000; is amended to read as follows:

Sec. 23-12. - Procedures for purchases in excess of \$50,000.00.

(7) Change orders. Any change in the contract price, scope of work or time for completion of any project following the award of a contract shall be by a written change order, approved by the city manager and executed with the same formalities as the contract. However, the city manager may approve and execute change orders without city commission approval subject to the following limitations:

a. The city manager may approve any change orders, which cumulatively do not exceed \$50,000.00 are not in excess of the total amount awarded by, for up

~~to a maximum of ten percent over the award of the city commission. The scope of any project may not be changed without prior approval of the city commission. No increase in contract price shall be approved unless there are sufficient funds available for such purpose.~~

b. Contract price decreases may be approved without limitation.

c. No change order shall materially change the scope of the work unless approved by the city commission.

d. In the event the lowest, most responsive and responsible bid for a project exceeds available funds, and the city commission does not make available additional funds, the city manager is authorized, when time or economic considerations preclude re-solicitation of bids, to negotiate an adjustment of the bid price as long as the scope of work is not materially changed with the lowest, most responsive and responsible bidder, in order to bring the bid within the amount of available funds. Final negotiations shall be in written form as approved by the city manager.

SECTION 2. Conflict. All ordinances or portions of the Code of Ordinances of the City of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the extent of such conflict.

SECTION 3. Codification. It is the intention of the Mayor and City Commission that the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention the words "ordinance" or "section" may be changed to other appropriate words.

SECTION 4. Severability. Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2017.

PASSED AND ADOPTED on 2nd reading on _____, 2017.

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JOY F. COOPER
MAYOR

76 SPONSORED BY: CITY ADMINISTRATION

77 ATTEST:

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MARIO BATAILLE, CMC
CITY CLERK

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83 APPROVED AS TO LEGAL SUFFICIENCY and
84 FORM

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JENNIFER MERINO
CITY ATTORNEY

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