

EXHIBIT 1
ORDINANCE 2021 -

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
CHAPTER 23 "PROCUREMENT CODE", ARTICLE I
PURCHASING, SECTION 23-8 TO REMOVE EMERGENCY
EXPENDITURE CAP AND ADD SPENDING AUTHORITY FOR
CONTINUING SERVICES CONTRACTS; PROVIDING FOR
CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 23-8 of the City Code requires provides or certain exceptions to the procurement code and further provides certain spending authority delegations to the City Manager; and

WHEREAS, Section 23-8(1) allows for emergency purchases for specific situations, but limits the authority to make necessary expenditures to \$50,000. As recent history has demonstrated, repair of documented emergencies resulting in environmental impact and potential loss of city assets can easily exceed \$50,000 and total pricing is difficult to assess when staff is trying multiple courses to correct a situation; and

WHEREAS, Section 23-8 provides for the purchase of professional services up to \$25,000. However, the City frequently utilizes continuing contracts permitted by state statute to contract for engineering, architecture and surveying services in excess of \$25,000. The continuing services list is a result of a publicly solicited Request For Proposals; and

WHEREAS, to provide for efficiency and responsiveness, staff recommends amending Section 23-8 to remove the cap on emergency expenditures, retaining the strict definition of emergencies and the requirement to notify the commission, and to add a \$50,000 cap for professional services procured pursuant to continuing services contracts resulting from a publicly solicited RFP; 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 23-8 as recommended.

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

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37 **SECTION 1.** The foregoing "Whereas" clauses are incorporated herein.

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39 **SECTION 2.** Chapter 23, Procurement Code; of Article I, Purchasing; Section 23-8,
40 Exception to Bid Requirements; is amended to read as follows:

41
42 **Sec. 23-8. - Exception to bid requirements.**

43 Only the following situations are exempted from the competitive bid requirements of this article:

44 (1) Emergency purchases. In urgent cases of compelling emergency which require the
45 immediate purchase or repair of equipment, supplies or contractual services, the city manager is
46 empowered to secure, by open market procedure at the lowest obtainable price, any equipment,
47 supplies, repairs or services ~~not exceeding \$50,000.00~~. The city manager shall place a notation
48 on the agenda of the next regularly scheduled city commission meeting advising of the
49 emergency purchase.

50 (2) Professional services. Contracts for professional services involving peculiar skill, ability,
51 experience or expertise, which are in their nature unique and not subject to competitive bidding,
52 are exempt from the competitive bidding requirements of this article; however, a formal written
53 contract, approved by the commission, shall be required for all such contracts in excess of
54 \$25,000.00.00, and any applicable state law, such as the Consultant's Competitive Negotiation
55 Act, shall be followed.

56 (3) Noncompetitive supplies. Noncompetitive supplies, available only from one source, such as
57 unique, patented or franchised supplies, are exempt. The city manager is authorized to
58 purchase and contract for noncompetitive supplies in excess of \$50,000.00, provided authorized
59 funds are available in the annual budget and records of purchases exceeding \$50,000.00are
60 available for review in the procurement department.

61 (4) No bid received. Where no bid has been received after publication of a bid proposal;
62 however, such purchases in excess of \$50,000.00 require a formal, written contract approved
63 by the city commission.

64 (5) Unique circumstances. Where the city commission finds unique circumstances to establish
65 that competitive bidding is not in the best interest of the city; however, such purchases in excess
66 of \$50,000.00 shall require a formal, written contract approved by the city commission. The city
67 commission, upon request by the city manager, may waive the requirement for a formal written
68 contract when such a contract would not be in the best interest of the city.

(6) Bids and contracts from other entities. The city manager is authorized to use competitive bids and formal contracts from other entities under the same limitations as described in section 23-8.

(7) Continuing Services Agreements. Individual purchases for professional services not exceeding \$50,000 made pursuant to continuing services agreements resulting from a publicly solicited Request For Proposals may be approved by the City Manager.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED on 1st reading on _____, 2021.

PASSED AND ADOPTED on 2nd reading on _____, 2021.

JOY F. COOPER
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

101 JENORGEN GUILLEN
102 CITY CLERK
103

104 APPROVED AS TO LEGAL SUFFICIENCY AND
105 FORM
106
107

108 _____
109 JENNIFER MERINO
110 CITY ATTORNEY