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EXHIBIT 1

ORDINANCE NO. 2024-

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF
THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING
THE CITY OF HALLANDALE BEACH CODE OF ORDINANCES
CHAPTER 23 PROCUREMENT CODE, SECTION 23-12(2)
RELATING TO SECURITY (BID BONDS); PROVIDING FOR
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE
DATE.**

13 **WHEREAS**, pursuant to Article V, Division I, Section 5.01 of the City of Hallandale Beach
14 Charter, a City Ordinance is required to amend an existing Ordinance; and
15

16 **WHEREAS**, the Procurement Department is proposing to amend Section 23-12 (2)
17 Security (Bid Bond) of the City of Hallandale Beach Procurement Code to more specifically
18 comply with the requirements of state and federal grants; and
19

20 **WHEREAS**, Section 23-12(2) of the City Code of Ordinances presently requires a ten
21 percent (10%) bid security bond or cash when the estimated cost of a contract is \$150,000 or
22 higher, or five (5%) percent when the estimated cost is below \$150,000; and
23

24 **WHEREAS**, Staff recommends that the Mayor and City Commission find it in the public
25 interest to amend Section 23-12 (2) Security (Bid Bond) of the City of Hallandale Beach
26 Procurement Code to provide for an exception to the bond requirement when required pursuant
27 to state or federal grants.
28

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

31 **SECTION 1.** The foregoing "Whereas" clauses are confirmed as true and
32 incorporated herein.

Words in ~~strikethrough~~ type are deletions from existing text.
Words in underline type are additions.

33 **SECTION 2.** Chapter 23 PROCUREMENT CODE – Article I Purchasing, Section
34 23-12 Procedures for Purchases in Excess of \$50,000 (2) Security (bid bonds) of the City of
35 Hallandale Beach Code of Ordinances is amended as follows:

36
37 Section 23-12. – Procedures for Purchases in Excess of \$50,000

38
39 (2) *Security (bid bonds)*. When the estimated cost of a construction contract is one hundred and
40 fifty thousand dollars (\$150,000.00) or higher, or when otherwise deemed necessary by the city
41 manager, security in the form of a bid bond issued by a surety company licensed to do business
42 in the state or a cash bond in an amount equal to ten percent of the bid shall be prescribed in
43 the public notices inviting bids. When the city manager deems it necessary to require a bid bond
44 for bids less than \$150,000.00, the bond shall be in an amount equal to five percent of the bid.
45 A vendor shall forfeit a bid security upon a refusal or failure to execute the contract within 15
46 calendar days of the notice of award of contract, unless the city is solely responsible for the
47 delay in executing the contract. The city commission may, upon the refusal or failure of the
48 successful vendor to execute the contract, award the contract to the next lowest vendor. When
49 eligibility for county, state or federal grants requires differing security bond requirements than
50 those enacted in this section, the requirements of this section shall be waived in favor of the
51 requirements of the grant.

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53 **SECTION 3. Conflict.** All ordinances, parts of ordinances, resolutions, or parts of
54 resolutions in conflict herewith are hereby repealed, to the extent of the conflict.

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56 **SECTION 4. Severability.** Should any provision of this Ordinance be declared by a
57 court of competent jurisdiction to be invalid, such decision shall not affect the validity of this
58 Ordinance as a whole or any portion thereof, other than the part that is declared to be invalid.

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60 **SECTION 5. Codification.** It is the intention of the Mayor and City Commission that the
61 provisions of this ordinance be incorporated into the Code of Ordinances; to effect such intention
62 the words “ordinance” or “section” may be changed to other appropriate words.

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64 **SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon its
65 passage and adoption.

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68 PASSED AND ADOPTED on 1st reading, on _____, 20__.

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70 PASSED AND ADOPTED on 2nd reading, on _____, 20__.

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JOY F. COOPER
MAYOR

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79 ATTEST:

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JENORGEN GUILLEN
CITY CLERK

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JENNIFER MERINO
CITY ATTORNEY

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