

ORDINANCE 2022 - 04

AN ORDINANCE OF THE CITY OF BOWLING GREEN, FLORIDA PROVIDING FOR AMENDMENT OF CITY PROCUREMENT CODE TO DELETE EXISTING SOLE SOURCE CODE SECTION 2-57 AND ADD A NEW SUBSECTION FOR SOLE SUPPLIERS UNDER SECTION 2-55; PROVIDING FOR AMENDMENT OF EXISTING CODE SECTION 2-55 AND ADDITION OF CODE PROVISIONS FOR COOPERATIVE AND "PIGGYBACK" PROCUREMENT; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City often has opportunity to purchase goods and services from vendors who have already committed to larger governments or government cooperatives at a much better per unit price due to economies of scale, than otherwise available to the City; and,

WHEREAS, the City has determined that the addition of cooperative and "piggyback" procurement should be methods of acquisition in the City; and

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF BOWLING GREEN, FLORIDA:

Section 1.

Sec. 2-55. Exceptions.

In the event that the purchase price of items to be purchased is in excess of \$5,000.00 and the item can be purchased in any of the following procedures with the city commission approval: under either the state, county or federal general services administration contracts, the item may be purchased under either of such contracts; and in the event of a sole supplier, the requirement of competitive bidding herein shall not apply.

(a) Sole source purchases. A contract may be awarded, or purchase made without competition when, after conducting a good faith review of available sources, it is determined that only one vendor possesses the unique and singularly available capability to meet the requirements of the request, such as technical qualifications, ability to deliver at a particular time or there is only one (1) reasonable source for the required supply of the service, materials, equipment or construction item. The city manager, or the city manager's designee, shall conduct negotiations, as appropriate, as to price, delivery, and terms with such sole source supplier. A record of sole source purchases shall be maintained and shall list each supplier's name, the amount and type of each contract, a listing of each item purchased under each contract, and the number of each purchase order. Sole source purchases must not violate §838.22(2) F.S., and must be approved by the city commission. Purchases using state or federal grant proceeds shall require pre-approval by the grant-issuing agency.

(b) Cooperatives. The city shall have the authority to purchase from and join with other units of governments in cooperative procurement ventures when the best interest of the city would be served

thereby. It is standard policy of the city to cooperate with other government agencies in the purchase of commodities and services required by the city. Purchases using state or federal grant proceeds shall require pre-approval by the grant-issuing agency.

(c) Piggybacking. The city shall have the authority to piggyback utilizing a contract of other government entities, including local governments, other state governments, local governments in other states, federal agencies of the United States, consortiums and any not-for-profit entity comprised of more than one such unit, if it is deemed by the city to be in the best interest of the City to do so, and provided that such contract was awarded on the basis of a competitive process substantially equivalent to those specified in state law and this code, except that purchases using state or federal grant proceeds shall require pre-approval by the grant-issuing agency.

~~Sec. 2-57. Sole suppliers.~~

~~In cases of specialized equipment that a sole supplier exists for replacement and repairs, every possible effort will be made to obtain the best possible price for the city.~~

Section 2. Severability. It is the declared intent of the City Commission that, should any section or provision of this Ordinance or any portion thereof; the deletion of which would not adversely affect (in the general sense) the remainder, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder, as a whole or any part thereof; other than the part declared to be invalid, and in doing so, the court shall attempt to adhere to the legislative intent.

Section 3. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word, etc.

Section 4. Conflicts. All ordinances or parts of ordinances in express conflict with any of the provisions of this Ordinance, which cannot be harmonized by interpretation considering the intent of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect immediately upon passage.

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This Ordinance was read for the first time at the Regular Meeting of the City Commission held on the 1st day of November, 2022. The vote was as follows:

	Yes	No	Abstain	Absent
<i>Arreda</i> Commissioner/Mayor Gardner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>VM</i> Commissioner Fite <i>1st</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Mayor</i> Commissioner Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti <i>3rd</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

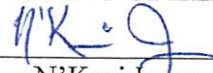
The final reading was held on 13th day of December, 2022, at a regular special session of the City Commission, and this Ordinance was adopted rejected . The vote was as follows:

	Yes	No	Abstain	Absent
1 st Commissioner/Mayor Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2 nd Commissioner Fite	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Lunn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Arreola	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Durastanti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


ATTEST:


Katherine Kinzel, Interim City Clerk

CITY OF BOWLING GREEN, FLORIDA


N'Kosi Jones, Mayor

APPROVED AS TO FORM:


Gerald T. Buhr, City Attorney

