

ORDINANCE NO. 2022-404

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING PORTIONS OF CHAPTER 2 OF THE CODE OF ORDINANCES RELATING TO PURCHASING; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. The Table of Contents for Chapter 2 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Article I. In General

Secs. 2-1--2-30. Reserved.

Article II. Council

Sec. 2-31. Compensation.

Sec. 2-32. Regular meetings.

Sec. 2-33. Reimbursement.

Secs. 2-34--2-65. Reserved.

Article III. Purchasing

Sec. 2-66. Definitions.

Sec. 2-67. Interpretation.

Sec. 2-68. Requirement for obligating public funds.

Sec. 2-69. Councilperson authorization.

Sec. 2-70. Contracts.

Sec. 2-71. Professional services.

Sec. 2-72. Procurement of commodities and contractual services.

Sec. 2-73. Specific exemptions.
Sec. 2-74. Design-build contracts.
Sec. 2-75. Exceptions to contracting requirements.
Secs. 2-76--2-135. Reserved.

Article IV. Tangible Personal Property

Sec. 2-136. Definitions.
Sec. 2-137. Record inventory of property.
Sec. 2-138. Property supervision and control.
Sec. 2-139. Property acquisition.
Sec. 2-140. Surplus property.

Section 2. Section 2-70 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 2-70. Contracts.

Except for any contracts governed specifically by Sections 287.055 and/or 287.057 of the Florida Statutes, the following shall apply to the purchase of goods and/or services by the city.

(a) All contracts for the purchase of goods and/or services within the applicable total budget for the particular department obligating the city in the amount of \$3,500.00 or less may be approved by the applicable department head of the city without the necessity for any (1) public invitations to bid or requests for proposals being sent out, (2) competitive quotes/bids being solicited or (3) vote of the council. Said department head shall attempt to obtain the lowest and best price and terms for the purchase.

(b) All contracts for the purchase of goods and/or services within the applicable total budget for the particular department obligating the city in an amount in excess of \$3,500.00 but not over \$25,000.00 may be approved by the applicable department head of the city without the necessity for any (1) public invitations to bid or requests for proposals being sent out, (2) written competitive quotes/bids being solicited or (3) a vote of the council. Said department head shall attempt to obtain the lowest and best price and terms for the purchase by soliciting a minimum of three (3) verbal quotes

from recognized vendors. The city's failure to obtain three (3) quotes shall not prevent the city from awarding a contract or invalidate a contract if awarded.

(c) All contracts for the purchase of goods and/or services within the applicable total budget for the particular department obligating the city in an amount in excess of \$25,000.00 but not over \$150,000.00 may be approved by the applicable department head of the city without the necessity for any (1) public invitations to bid or requests for proposals being sent out or (2) a vote of the council. Said department head shall attempt to obtain the lowest and best price and terms for the purchase by soliciting a minimum of three (3) written quotes from recognized vendors. The city's failure to obtain three (3) written quotes shall not prevent the city from awarding a contract or invalidate a contract if awarded.

(d) All contracts for the purchase of goods and/or services obligating the city in an amount in excess of \$150,000.00 shall be based upon competitive bids and a vote of the council, excepting in cases of emergency affecting public health, safety and welfare, including but not limit to the purchase of electric current, telephone service, natural gas and water and sources of energy such as fuels and petroleum, and public construction projects funded entirely by public grant monies where acceptance of the grant monies under competitive bidding would fail to comply with the time limitations, conditions and provisions imposed by the grant.

(1) The competitive bidding requirements of this section of the Code shall not apply to the loaning of monies for renovations to residential and commercial properties under the jurisdiction of the city, but shall remain subject to and be administered in accordance with the federal laws and regulations governing such activities; however, the acquisition of properties for housing projects and developments shall remain subject to the ordinances of the city.

(e) When in the opinion of the Mayor it becomes necessary for the prosecution of any work or improvement under contract let on competitive bid to make alterations or modifications, the Mayor shall be authorized to approve change orders provided the change orders collectively do not exceed ten percent of the

contract sum if a contingency of not less than this amount has been budgeted for the project. No change order shall be valid or effective until the price to be paid for the work or material or both under the change order has been agreed to in writing and signed by the contractor or his or her representative and the Mayor.

(f) The city will adopt a Purchasing Manual and make amendments thereto from time to time to expand on the contracting and bidding requirements herein.

Section 3. Section 2-73 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 2-73. Specific exemptions.

The following exemptions do not preclude the city from utilizing competitive purchasing or procurement practices. The following types of purchase activities shall be exempt from the purchasing guidelines:

1. Purchasing contracts between the city and non-profit organizations, other governments, or other public entities.
2. Purchasing of dues and memberships in trade or professional organizations.
3. Purchases made from petty cash accounts under \$50.
4. Any purchase under State of Florida purchasing agreements and contracts. Purchases may also be through contracts competitively awarded by counties or municipalities within the state if the vendors agree to provide city the same goods or services, under the same conditions, terms, and prices.
5. Purchase of goods and services as part of the process of apprehending persons suspected of violating the law.
6. Books, periodicals and other published materials not available by competitive pricing.

7. Services of attorneys and other legally related services, including legislative consultants. Contracts for attorney services and other legal services shall be secured by negotiation of the city Attorney as approved by the city Council.

8. Appraisers and expert witnesses, and similar services; sale, acquisition or lease of real property; real estate brokers; title insurance, abstracts or opinions or title commitments; surveys in connection with acquisition, sale or lease of real property. Contracts for these services shall be negotiated by the Mayor or the city Attorney and approved by the council.

9. Real Estate Purchase Agreements in which the city is acquiring an interest in real property for less than the appraised value.

10. Service/Maintenance Contracts: Continuing service and/or maintenance contracts that are initially awarded by the city as part of a product acquisition/installation to a vendor who is the manufacturer, developer, or who is the authorized service agent thereof and for which funds are annually appropriated in the budget are exempt from further competitive requirements. Examples are software/hardware maintenance, building systems maintenance, security systems, etc.

11. Software, upgrades, software modification services by the copyright holder, and related software enhancements to installed software purchased through competitive means are exempt. The purchase of new software packages or systems or any related hardware shall follow the thresholds and procedures of the policy to ensure competitive selection and receive advance approval from the Information Technology (IT) Division Manager or designee.

12. Pharmaceutical products and health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration. Including, but not limited to, substance abuse and mental health services, involving

examination, diagnosis, treatment, prevention, or medical consultation, when such services are offered to eligible individuals participating in a specific program that qualifies multiple providers and uses a standard payment methodology. Reimbursement of administrative costs for providers of services purchased in this manner shall also be exempt. For purposes of this sub-subparagraph, "providers" means health professionals, health facilities, or organizations that deliver or arrange for the delivery of health services.

13. Training and educational courses, meeting rooms, and hotels; continuing education events or programs; and lectures by individuals.

14. Advertisements; works of art for public display; performances, shows or other cultural events.

15. Payroll, personnel, full or part-time, whether in the classified service or not.

16. Water, sewer, gas, electrical, cable television, telephone, fiber or other utility services.

17. Agreements between the city and other entities for grants and incentive programs approved by the city.

18. Travel arrangements and expenses.

19. Petroleum products (fuel and oil).

20. Procurement of general accounting services and banking services for any bond or loan issuance, refund, or other related activities.

21. Purchases of insurance coverages for the city.

22. Purchases made with the proceeds from any grant, gift, bequest, or donation to the extent the application of this chapter would conflict with the requirements, conditions,

or limitations attached to the grant, gift, bequest, or donation.

23. Any contractual service and commodity exempt from competitive-solicitation under Section 287.056, F.S., et seq.

24. Any other professional service or consulting service that does not require procurement by State law or have State and Federal grant requirements.

These exemptions shall not apply to any purchase governed by explicit provisions of general law or other city codes, ordinances, resolutions or policies unless the solicitation indicates the applicability of the exemption, and the exemption shall apply only to the extent set out in the solicitation.

Section 4. Section 2-141 of the Code of Ordinances, City of Parker, Florida, is deleted in its entirety.

Section 5. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk

or the Clerk's designee, without public hearing.

Section 7. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 8. 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.

Section 9. Repeal of Conflicting Codes, Ordinances, and Resolutions.

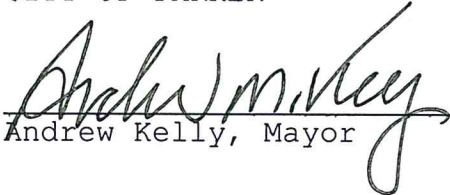
All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 10. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 21st day of June, 2022.

CITY OF PARKER



Andrew Kelly, Mayor

ATTEST:



Jami Hinrichs, City Clerk

Examined and approved by me, this 21st day of June, 2022.



Andrew Kelly, Mayor