

ORDINANCE NO. 2005-014

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, AMENDING AND RESTATING CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF OCOEE REGARDING THE CITY'S PURCHASING POLICY; AMENDING AND RESTATING DEFINITIONS; ESTABLISHING A PURCHASING FUNCTION; RESTATING AUTHORITY; AMENDING THE MINIMUM STANDARDS; AMENDING AND RESTATING EXCEPTIONS TO MINIMUM STANDARDS; AMENDING AND RESTATING THE PROVISION OF EMERGENCY PURCHASES; AMENDING AND RESTATING PURCHASING PROCEDURES AND PRACTICES; AMENDING AND RESTATING EXEMPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA AS FOLLOWS:

**SECTION ONE. Authority.** The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes, and Section C-8E of the Charter of the City of Ocoee.

**SECTION TWO. Amended and Restated City Purchasing Policy.** Chapter 21 of the Code of Ordinances of the City of Ocoee, Florida, is hereby amended to read as follows (with deletions stricken and additions underlined):

CHAPTER 21

PURCHASING POLICY

SECTION 21.1 Definitions

- A. "**Commodity**" means any of the various supplies, materials, goods, merchandise, equipment, and other personal property.
- B. "**Formal Invitation to Bid (ITB)**" or "**Formal Request for Proposal (RFP)**" refers to the procedure for soliciting two or more competitive sealed bids or proposals submitted by responsive, responsible, and qualified bidders or offerors.
- C. "**Contractor**" or "**Vendor**" means a party who contracts to sell commodities or contractual services to the City.

- D. **“Contractual Services”** means only those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consultants; educational training programs; research and development studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services.
- E. **“Emergency Purchase”** means those purchases occurring when certain conditions might adversely affect the life, health, safety, and welfare of City employees or its citizens, or when City property or equipment are endangered, or when it is necessary to maintain or restore vital services, to address non-compliance with Florida Statutes or other regulatory laws and permits, or situations which may cause a major adverse financial impact to the City should immediate action not be taken.
- F. **“Government Contracts”** includes contracts by other governmental agencies to include any political subdivision of the State of Florida or the United States, Special Districts, or special co-operative contracts provided such contracts are the result of a competitive bidding process.
- G. **“Purchasing Manual”** means the written purchasing procedures and practices which may be promulgated from time to time by the City Manager to implement and adhere to this Chapter.
- H. **“Purchasing Card”** is a Visa/Mastercard issued to designated employees to be used in compliance with this Chapter and the Purchasing Card Policies and Procedures.
- I. **“Purchase Requisition”** is a request for a PO to be issued and is required for all items that cannot be purchased using the City’s Purchasing Card.
- J. **“Purchase Order” (PO)** is a signed, numbered document authorizing an employee to purchase goods or services. PO’s are the result of the authorized Purchase Requisition.
- K. **“Quotation” or “Quote”** is an informal written or verbal price proposal for a commodity or contractual service as stated by the vendor to be used to determine the correct price for purchase.
- L. **Request for Qualifications “RFQ”** refers to the procurement of professional services, when requesting statements of qualifications only, and does not consider price in the ranking of firms.

## **SECTION 21.2 Establishing Purchasing Function**

There is hereby established a Purchasing Function within the Finance Department of the City. The Purchasing Agent shall be a budgeted position and shall serve as the central procurement officer of the City.

### **SECTION 21.3 Authority**

Subject to compliance with this Chapter and the Purchasing Manual, the Purchasing Agent or designee is hereby granted authority to purchase or contract for all commodities and contractual services required by the City or other agencies under cooperative purchasing agreements.

### **SECTION 21.4 Minimum Standards**

Unless otherwise provided by Florida Law or other provisions of the Code or waived as provided in this Chapter, all purchases by the City of commodities and contractual services shall be processed and approved in accordance with the following minimum standards:

<b>Level</b>	<b>Value of Purchase</b>	<b>Pricing Mechanism</b>	<b>Authority to Approve</b>
Level One	Individual Item and/or Total Purchase less than \$1,000.00	One Verbal Quote	Department Director or Designee
Level Two	Individual Item and/or Total Purchase \$1,000.00 and over and less than \$5,000.00	Two Verbal Quotes	Department Director or Designee
Level Three	Individual Item and/or Total Purchase \$5,000.00 and over and less than \$15,000.00	Three Written Quotes	Purchasing Agent (Requires City Commission approval for capital items if amount exceeds budgeted amount or has been changed from original budget)

Level Four	Individual Item and/or Total Purchase \$15,000.00 and over and less than \$25,000.00	Formal Invitation to Bid or Request for Proposal	City Manager (Requires award or rejection by the City Commission if the purchase exceeds the original budgeted dollar amount, or has been changed from original budget)
Level Five	Individual Item And/or Total Purchase \$25,000.00 and over	Formal Invitation to Bid Or Request for Proposal	City Commission

**SECTION 21.5 Exceptions to Minimum Standards**

When it is determined to be in the best interest of the City, the minimum standards contained in Section 21.4 above may be waived on a case-by-case basis. The authority to waive the minimum standards is as follows:

- A. The Purchasing Agent may waive the minimum standards for any commodity or contractual service which is less than \$15,000.00 in value. In such case, the Purchasing Agent shall attach a written explanation for waiver to the purchase order.
- B. The City Manager may waive the minimum standards for any commodity or contractual service which is over \$15,000.00 and less than \$25,000.00 in value. In such case, the City Manager or designee shall file a written explanation for waiver with the Purchasing Agent.
- C. The City Commission may waive the minimum standards for any commodity or contractual service in excess of \$25,000.00

**SECTION 21.6 Emergency Purchases**

- A. The Department Director may make Emergency Purchases, with authorization of the City Manager, in accordance with emergency purchasing procedures set forth in the Purchasing Manual. A summary report of all emergency purchases shall be submitted to the City Manager on a monthly basis.

- B. Emergency purchases of \$25,000.00 or more will require that the City Manager or the Department Director inform the City Commission regarding the purchase and the nature of the emergency, by submitting a report, of all such emergency purchases at the next regularly scheduled City Commission meeting following the emergency.

**SECTION 21.7 Procedures and Practices**

- A. The City Manager is hereby directed to establish a system, or amend the existing system, of uniform procurement procedures and practices to implement this Chapter. The purchasing procedures, as established by the City Manager above, are detailed as part of the Purchasing Manual.
- B. The adoption of a Purchasing Policy shall be made by City Ordinance.
- C. According to the City Charter, the Mayor and City Clerk shall execute all contracts. As set forth in Section 21.4, the purchase of commodities and contractual services with a value less than \$25,000.00 do not require City Commission approval. If a contract is required in connection with such a purchase, then following compliance with Section 21.4, Minimum Standards, the Mayor and City Clerk shall execute all such contracts.
- D. Failure to comply with the Purchasing Ordinance or Purchasing Manual is a group I or group II offense as defined in the Personnel Rules and Regulations, and may result in removal of the employee's purchasing privileges and other disciplinary actions as detailed in the Personnel Rules and Regulations (PRR).

**SECTION 21.8 Exemptions**

- A. The following commodities and contractual services shall not be procured subject to this Chapter:
  - (1) APPRAISAL SERVICES
  - (2) CATERING/FOOD
  - (3) COLLECTIVE BARGAINING AGREEMENTS
  - (4) DUES
  - (5) EMPLOYEE SCREENING SERVICES INCLUDING MEDICAL
  - (6) ENTERTAINMENT
  - (7) FINANCIAL SERVICES
  - (8) FREELANCE SERVICES
  - (9) LAND PURCHASES
  - (10) LEGAL ADVERTISING
  - (11) LEGAL SERVICES
  - (12) POSTAGE/SHIPPING
  - (13) TEMPORARY EMPLOYMENT CONTRACTS
  - (14) TRAVEL/TRAINING
  - (15) UTILITIES
  - (16) VETERINARIAN SERVICES

- B. Professional architectural, engineering, landscape architectural, or surveying and mapping services shall be procured in accordance with the requirements of Section 287.055, Florida Statutes, and shall not be subject to the requirements of this Chapter. Section 287.055 is short-titled the "Consultants' Competitive Negotiation Act" (CCNA).
- C. Professional Auditing Services shall be procured in accordance with the requirements of Section 218.391, Florida Statutes, and shall not be subject to the requirements of this Chapter. Section 218.391 is short-titled "Auditor Selection Procedures".
- D. Professional Design-Build Construction Services shall be procured in accordance with Chapter 4 of the Code of Ordinances of the City of Ocoee, Florida, and shall not be subject to the requirements of this Chapter. Chapter 4 is titled "Design-Build Contracts".
- E. Group Insurance for Employees and Public Officers shall be procured in accordance with the requirements of Section 112.08, Florida Statutes, and shall not be subject to the requirements of this Chapter. Chapter 112.08 is short-titled "Group insurance for public officers, employees, and certain volunteers; physical examinations."

**SECTION THREE. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION FOUR. Codification.** It is the intention of the City Commission of the City that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the City; and that sections of this ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "chapter," "section," "article," or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and the correction of typographical errors which do not affect the intent maybe authorized by the City Manager, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

SECTION FIVE. Effective Date. This Ordinance shall become effective upon passage and adoption.

PASSED AND ADOPTED this 4 day of October, 2005.

APPROVED:

CITY OF OCOEE, FLORIDA

ATTEST:

Beth Eikenberry  
Beth Eikenberry, City Clerk

S. Scott Vandergrift  
S. Scott Vandergrift, Mayor

ADVERTISED August 21, 2005  
READ FIRST TIME  
September 6, 2005  
READ SECOND TIME AND ADOPTED  
October 4, 2005  
UNDER AGENDA ITEM NO. 7

FOR USE AND RELIANCE ONLY  
BY THE CITY OF OCOEE,  
APPROVED AS TO FORM AND  
LEGALITY, THIS 4<sup>th</sup> day  
of October, 2005

FOLEY & LARDNER, LLP

BY: [Signature]  
Assistant CITY ATTORNEY