

ORDINANCE NO. 2020-09

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION; AMENDING SEC. 2-2 AUTHORITY OF THE MAYOR; AMENDING SEC. 2-3 DELEGATION OF PURCHASING AUTHORITY; AMENDING SEC. 2-5 PROCESSING OF CONTRACTS FOR THE PROVISION OF COMMODITIES OR SERVICES; AMENDING SEC. 2-7 EXEMPTIONS FROM COMPETITIVE PROCUREMENT REQUIREMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, multiple portions of Chapter 2 of the Town Code are outdated because of changes in the Town; and

WHEREAS, portions assigning the mayor administrative duties conflict with the Town Charter; and

WHEREAS, the Town of Hilliard has found it necessary to enact the following amendment to Chapter 2 Administration.

NOW, THEREFORE THE TOWN OF HILLIARD HEREBY ORDAINS, the following Sections of the Hilliard Town Code, Chapter 2, Administration shall be amended as follows:

Section 1. Sec. 2-2. Authority of the mayor is hereby amended to the following:

Sec. 2-2. Authority of the ~~mayor~~ town council president.

The ~~mayor~~ town council president may, upon delegation to act by the Town Council or upon written request of a department head:

- (1) Solicit quotations, both verbal and written, and issue invitations to bid and requests for proposals.
- (2) Award and renew contracts pursuant to the terms and provisions of this chapter.
- (3) Award and renew contracts and/or purchase orders and agreements when utilizing other government contracts in an amount not to exceed ~~\$10,000.00~~ \$4,999.00 in value.
- (4) Award and renew contracts and/or purchase orders and agreements when utilizing other government contracts in an amount not to exceed \$50,000.00 in value if the ~~mayor~~ town council president first finds that there are exigent circumstances, i.e., circumstances requiring immediate aid or action but not necessarily emergencies.

To the extent the ~~mayor~~ town council president is delegated the above authority to act on behalf of the town council, or to act upon the request of a department head, as opposed to simply making a recommendation, the ~~mayor~~ town council president is cautioned to comply with the sunshine laws codified at F.S. § 286.011, as to possible discussions with council members relating to authority that has been delegated.

Section 2. Sec. 2-3. Delegation of purchasing authority is hereby amended to the following:

All town purchases, except such purchases which are needed to maintain day to day operations also known as operating expenses, must have proper prior authorization and approval. Department heads of the Town of Hilliard are designated as follows: ~~Fire chief~~ Parks and Recreation Director, ~~Public Works Director~~ and ~~Town Clerk~~. The department heads or their designee(s) are required to approve all purchasing related documents prior to submitting same to the ~~mayor~~ town council president. All individuals involved in contracting are encouraged to become familiar with and abide by F.S. Ch. 112, Part III, Code of Ethics for Public Officers and Employees, particularly those provisions relating to solicitation or acceptance of gifts or doing business with one's own agency.

The approval levels are as follows (total purchase):

- (1) \$0.00—\$4,999.00: Department head.
- ~~(2) \$500.00—\$4,999.00: Department head with the signature of the mayor town council president.~~
- ~~(3) \$5,000.00 and above: Town Council. However, the mayor town council president may authorize the expenditure of up to \$50,000.00 if a department head warrants that exigent circumstances, i.e. circumstances requiring immediate aid or action but not necessarily an emergency, justify the expenditure in writing and the town council president concurs.~~
- ~~(4) \$10,001.00—\$50,000.00: The mayor if the mayor first finds that there are exigent circumstances, i.e., circumstances requiring immediate aid or action but not necessarily emergencies.~~
- ~~(5) Over \$50,000.00: Town council.~~

Purchase amounts shall not be artificially divided to circumvent the approval requirements. Willful violation of these rules will result in termination of purchasing authority to the individual and/or department and may further result in disciplinary action against the individual committing the violation.

Section 3. Sec. 2-4. Processing of contracts for the provision of commodities or services is hereby amended to the following:

The quotation levels are as follows (individual item):

- (1) \$0.00—\$1,9499.00: None.
- ~~(2) \$500.00—\$1,999.00: Two verbal or written quotes~~
- ~~(23) \$2,000.00—\$50,000.00: Three written quotes, formal bid or request for proposals.~~
- (34) Over \$50,000.00: Formal bid or request for proposals.

Section 4. Sec. 2-5. Processing of contracts for the provision of commodities or services is hereby amended to the following:

(a) *Purchase requisitions.* All purchases of goods and services with a total cost of less than \$500.00 shall be purchased with requisitions or an appropriate receipt, which shall in either case indicate which department purchased the goods and services and contain the appropriate signature. If the requisition is for a particular project, that information should be contained on the requisition or receipt as well.

(b) *Purchase orders.* All purchases of goods or services that cost \$500.00 or more shall be purchased with a purchase order.

(c) No person shall enter into any purchase orders or contracts to any vendors currently involved in litigation or arbitration with the Town of Hilliard until such time as a satisfactory resolution is reached with such vendors; however, the town council may, in its sole discretion, award purchase orders or contracts to such vendors.

(d) All contracts, leases, and agreements calling for payments from the town of over \$25,000.00 shall be reviewed by the town attorney before execution unless the ~~mayer~~ town council president determines there are exigent circumstances or that attorney review is unnecessary. In determining the value of the contract, all proposed renewal clauses must be considered.

Section 5. Sec. 2-7. Exemptions from the competitive procurement requirement is hereby amended to the following:

The following are exempt from the requirements of formal competitive procurement:

(1) Sole source procurement; however, all sole source procurements where the cost of the commodity or contractual service exceeds \$50,000.00 shall be first authorized by the town council. Sole Source means the only existing source of the items that meet the needs of the using department as determined by a reasonably thorough analysis of the marketplace. Sole Source purchasing of goods and services requires a written finding that only one qualified source is available; and also requires a written statement that a search for alternative source have been made; and a justification of why the only source is acceptable to fit the needs of the using department. A request for a proprietary item does not justify sole source procurement if there is more than one potential bidder for the item.

(2) Nonemergency exemptions to this process must be approved by the town council if over \$50,000.00.

(3) *Emergency procurements.* The ~~mayer~~ town council president may make or authorize emergency procurements of commodities or services when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the town. The town clerk will notify the town council immediately or as soon as possible thereafter of all emergency expenditures over \$50,000.00.

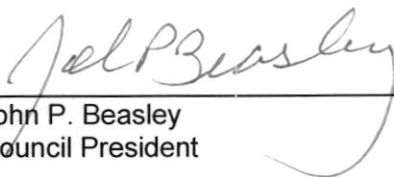
(4) Purchases under contracts of the federal government, the State of Florida and/or its political subdivisions. All purchases of commodities or services under the provisions of local, state and federal purchasing contracts shall be exempt

from the competitive procurement requirements, however such contracts must be first approved by the town council if over \$50,000.00.

(5) Exempt contractual goods and services not subject to the competitive procurement requirement. This category shall include services involving special skill, ability, training or expertise that are in their nature, unique, original or creative, in accordance with F.S. § 287.057(5)(f).


Section 6. Effective Date. This Ordinance shall become effective upon passage.

Adopted this 7th day of January, 2021, by the Hilliard Town Council, Hilliard, Florida.



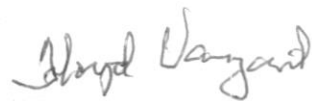
John P. Beasley
Council President

ATTEST:



Lisa Purvis
Town Clerk

APPROVED:



Floyd L. Vanzant
Mayor

First Reading:	December 3, 2020
Publication NCR:	December 16, 2020
Public Hearing:	January 7, 2021
Second/Final Reading:	January 7, 2021