

ORDINANCE NO. 2024-10

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE IV, FINANCE, DIVISION 2, PURCHASES, BY AMENDING SECTION 2-216, APPROVAL OF PURCHASES; PURCHASING THRESHOLD, DELETING SECTION 2-217, LOCAL PREFERENCE, AND AMENDING SECTION 2-223, CONFLICTS OF INTEREST AND SECTION 2-226, SURPLUS AND SCRAP DISPOSAL; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City desires to clarify and amend certain procedures related to the delivery of goods and services for the city; and

WHEREAS, in order to assure compliance with the requirements for federal grant funding, the city desires to amend the current purchasing thresholds so that they match the requirements of Title 2, Subtitle A, Chapter II, Part 200, Code of Federal Regulations; and

WHEREAS, the city desires to adopt language which facilitates more effective and efficient procurement procedures; and

WHEREAS, the Venice City Council finds and determines that the provisions of this Ordinance are in the best interest and furtherance of the health, safety, and welfare of the City, its citizens and taxpayers.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 2, Administration, Article IV, Finance, Division 2, Purchases, Section 2-216, Approval of purchases; purchasing threshold, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 2-216. Approval of purchases; purchasing threshold.

(a) The city has a mixture of centralized and decentralized purchasing practices designed to provide maximum efficiency, while maintaining security and control. Purchasing cards may be utilized throughout the city by all departments to procure products and services that cost less than \$5,000.00 per transaction. Purchase requests must be~~are~~ entered into the city's electronic requisitioning system for transactions in excess of \$10,000.00~~\$5,000.00~~, and a purchase order number will be assigned to each request accordingly.

(b) A purchase order can be issued for under \$10,000.00~~\$5,000.00~~ for the following reasons:

(1) A vendor may require a purchase order number for reference and invoicing.

(2) A department head may request a purchase order number for "tracking" purposes of a specific account.

(3) A purchase order number may be used, but not limited to service contracts, that are under \$10,000.00~~5,000.00~~.

(c) All procurements for the city will be conducted in a manner that promotes competition and secures the best value in accordance with subsection 2-216(d), unless otherwise exempted.

(d) Purchasing thresholds:

(1) Less than ~~\$10,000.00~~~~5,000.00~~: One verbal quote, with written record of;

~~(2) \$5,000.00 to \$9,999.99: Documentation of three verbal or written quotes on VQF;~~

~~(32)~~ \$10,000.00 to \$74,999.99 per annum: Documentation of three written quotes on VQF with the finance director's approval;

~~(43)~~ \$75,000.00 to \$250,000.00 per annum: Documentation of three written quotes on VQF with the city manager's approval; and

~~(54)~~ Over \$250,000.00 per annum: Formal ITB or RFP with the city manager's approval. In addition, the city manager, or designee, shall notify city council of any procurement conducted under this subsection.

(e) Any and all verbal quotes (with written record) and the three written quotations are to be sent to the finance department for record keeping with the purchase's paperwork.

(f) For the purchasing thresholds referenced in subsection 2-216(d) above, if the city department is unable to obtain a minimum of three written ~~or verbal~~ quotations, documentation of a no-bid or no-quote response, as defined in section 2-211, may be considered, provided reasonable and documented attempts to obtain quotations have been made.

(g) The city has the right to ask or require a bid at any of the different levels of threshold, as it sees fit to do.

SECTION 3. Chapter 2, Administration, Article IV, Finance, Division 2, Purchases, Section 2-217, Local preference, of the City's Code of Ordinances, is hereby deleted in its entirety as follows:

Sec. 2-217. Reserved Local preference.

~~(a) The city grants preference to qualified local businesses as defined in section 2-211. A finance department representative will oversee the application of local preference to competitive sealed bids and competitive sealed proposals.~~

~~(b) Bidders and proposers wishing to be granted local preference must submit all required documentation with their bid or proposal. Bidders or proposers who submit falsified data shall be disqualified from consideration as a local business in the city for a period of one year.~~

~~(c) When applying local preference to competitive sealed bids, the finance department will notify the responsive and responsible lowest local business bidder that they have five days to resubmit a bid that matches or beats the lowest bid submitted by the nonlocal business, provided the local business' original bid was within ten percent of the lowest bid submitted by the nonlocal business. If the lowest local business bidder submits a revised bid that matches, or beats, the bid submitted by the lowest nonlocal business bidder, the bid will be awarded to the local business. If the lowest local business bidder fails to submit a bid that matches or beats the bid submitted by the lowest nonlocal business bidder, the bid will be awarded to the nonlocal business.~~

~~(d) When applying local preference to competitive sealed proposals, the finance department will apply points equaling up to ten percent of the total points allotted in the evaluation criteria, to any business submitting documentation that they are considered a local business. The allocation of points shall be clearly defined in each solicitation, and, when appropriate, may include points awarded for the use of local subconsultants and the length of time a business has maintained a permanent local office.~~

~~(e) Preference for a local business shall not apply to any of the following purchases or contracts:~~

- ~~(1) Goods or services provided under a cooperative purchasing agreement or piggyback;~~
- ~~(2) Contracts for professional services subject to the Consultant's Competitive Negotiation Act (F.S. § 287.055);~~
- ~~(3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; and~~
- ~~(4) Purchases made or contracts let under emergency or noncompetitive situations exempt from competition.~~

SECTION 4. Chapter 2, Administration, Article IV, Finance, Division 2, Purchases, Section 2-223, Conflicts of interest, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 2-223. Conflicts of interest.

~~The finance director, Every officer, department head and employee of the city is, are expressly prohibited from accepting, directly or indirectly, from any person to whom any purchase order or contract is or might be awarded, any rebate, gift or money if he or she reasonably knows the value is in excess of \$100 or anything of value whatsoever except where given for the use and benefit of the city. Notwithstanding the foregoing, after issuance of any solicitation and until execution of the final contract or cancellation of the solicitation, no officer or employee of the city shall accept, directly or indirectly, from any current or prospective vendor for that solicitation or any person acting on their behalf, anything of value.~~

SECTION 5. Chapter 2, Administration, Article IV, Finance, Division 2, Purchases, Section 2-226, Surplus and scrap disposal, of the City's Code of Ordinances, is hereby amended as follows:

Sec. 2-226. Surplus and scrap disposal.

The finance director, or designee, shall have the authority to require reports from all city departments indicating all commodities or capital items which are no longer used or which have become obsolete or worn out. The finance director, or designee, shall have the authority to transfer these items from one department to another and to sell all items which have become unsuitable for public use or to exchange or trade for new supplies or capital items. A listing of all salable items, not including scrapped items, for either public auction or by sealed bid shall be approved by the finance director, or designee, and such sales will be to the highest responsible bidder or disposed of in accordance with F.S. § 274.05, which allows for the city to offer surplus property to other governmental units in the county for sale or donation or to private nonprofit agencies by sale or donation. In addition, material that is not on the asset register, with no resale value and/or a scrap value of less than \$500.00, may be scrapped as the need arises. A list of such items shall be provided to the finance director, or designee, for permanent record.

SECTION 6. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 7. If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION 8. This ordinance shall become effective immediately upon its approval and adoption, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 28th DAY OF MAY 2024.

First Reading: May 14, 2024

Second Reading: May 28, 2024

Adoption: May 28, 2024

Nick Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, a meeting thereof duly convened and held on the 28th day of May 2024, a quorum being present.

WITNESS my hand and the official seal of said City this 28th day of May 2024.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney