

ORDINANCE NO. 04-2025

AN ORDINANCE OF THE TOWN OF CENTURY, FLORIDA, ESTABLISHING A PROCUREMENT POLICY PURSUANT TO THE TOWN CHARTER AMENDMENT AND RESOLUTION NO. 3-2024; PROVIDING FOR PROCUREMENT PROCEDURES; ESTABLISHING THE MAYOR'S SPENDING AUTHORITY; SETTING COMPETITIVE BIDDING REQUIREMENTS; PROVIDING FOR EXCEPTIONS; ESTABLISHING ETHICAL STANDARDS; PROVIDING FOR COMPLIANCE WITH STATE AND FEDERAL PROCUREMENT GUIDELINES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 5, 2024, the voters of the Town of Century approved the ballot question amending the Town Charter to provide that purchasing shall be governed by council-approved policies and procedures, consistent with the Mayor-Town Council form of government; and

WHEREAS, the Town Council desires to establish a procurement ordinance consistent with the approved Charter amendment and **Resolution No. 3-2024**, which affirms procurement policies and procedures in accordance with best practices and legal requirements; and

WHEREAS, the Town Council finds that adopting this ordinance will promote efficient governmental operations and ensure compliance with applicable **Florida law** and **federal procurement requirements**, including **2 CFR Part 200** for federal grants such as Community Development Block Grant (CDBG) dollars; and

WHEREAS, this ordinance aligns with **Florida Statutes Chapter 287 (Procurement of Personal Property and Services)** and **Chapter 218 (Financial Matters Pertaining to Political Subdivisions)**.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CENTURY, FLORIDA, AS FOLLOWS:

SECTION 1. TITLE

This ordinance shall be known as the **Town of Century Procurement Ordinance**.

SECTION 2. PURPOSE

The purpose of this ordinance is to establish uniform procurement procedures to promote efficiency, economy, and transparency in the acquisition of goods, services, and construction projects for the Town while ensuring compliance with **Florida law**, the **Town Charter**, and **federal procurement guidelines**.

SECTION 3. PROCUREMENT AUTHORITY

Travel and Training Expenditures: Travel and training expenses are governed by a separate policy approved by the Town Council. Nothing in this ordinance shall be interpreted to allow

spending under this ordinance to override the training and travel policy approved by the Town Council.

1. **Mayor's Authority:** The Mayor shall have the authority to approve and expend funds for procurement up to **\$10,000** without prior approval of the Town Council, provided that such expenditures are within the budget adopted by the Town Council.
2. **Town Council Approval:** Expenditures exceeding **\$10,000** shall require prior approval of the Town Council, except as otherwise provided herein.
3. **Procurement Officer:** The **Town Clerk** shall serve as the **Procurement Officer** responsible for overseeing compliance with procurement policies.

SECTION 4. PROCUREMENT PROCEDURES

1. **Purchases Under \$5,000:** The Mayor or designee may approve purchases below \$5,000 with at least **two written quotations** whenever practicable. If a written quotation cannot be obtained, a form must be completed with the details of the quotation, including the vendor name, price, and reason why a written quotation was not available.
2. **Purchases Between \$5,000 and \$10,000:** Shall require at least **three written quotations** whenever practicable to ensure cost-effectiveness.
3. **Purchases Exceeding \$10,000:** Shall require competitive bidding as set forth in Section 5 unless an exception applies.
4. **Public Works Projects:** In accordance with **Florida Statutes § 255.20**, public works projects exceeding **\$50,000** shall be subject to a competitive bidding process.
5. **No Splitting of Purchases:** Purchases shall not be artificially divided or split to avoid procurement thresholds. If multiple related purchases are needed, the total cost shall determine the required procurement procedure.

SECTION 5. COMPETITIVE BIDDING REQUIREMENTS

Definition of Responsive and Responsible Bidder

- **Responsive Bidder:** A bidder who has submitted a bid that conforms in all material aspects to the requirements set forth in the invitation to bid, including compliance with specifications, terms, conditions, and submission deadlines.
 - **Responsible Bidder:** A bidder who has the financial stability, technical capability, experience, and past performance necessary to fulfill the contract requirements successfully. A responsible bidder must demonstrate the ability to perform the work required and comply with applicable laws and regulations.
1. **Sealed Bidding Process:** Purchases of goods, services, or construction projects exceeding **\$10,000** shall be awarded through a competitive sealed bid process, with the following requirements:
 - A public notice of the invitation to bid shall be issued at least **ten (10) days** before the bid opening.
 - Bids shall be opened publicly at a designated date and time.

- The contract shall be awarded to the lowest responsive and responsible bidder unless the Town Council determines another bidder provides the best value to the Town.
- 2. **Best Value Procurement:** The Town Council may award contracts based on a **best value** evaluation when it is determined that factors other than price are critical to the procurement.
- 3. **Cone of Silence:** To ensure fairness and integrity, communication between potential bidders, Town officials, and staff is prohibited from the time of bid advertisement until the final award.
- 4. **Sealed Bidding Process:** Purchases of goods, services, or construction projects exceeding **\$10,000** shall be awarded through a competitive sealed bid process, with the following requirements:
 - A public notice of the invitation to bid shall be issued at least **ten (10) days** before the bid opening.
 - Bids shall be opened publicly at a designated date and time.
 - The contract shall be awarded to the lowest responsive and responsible bidder unless the Town Council determines another bidder provides the best value to the Town.
- 5. **Best Value Procurement:** The Town Council may award contracts based on a **best value** evaluation when it is determined that factors other than price are critical to the procurement.
- 6. **Cone of Silence:** To ensure fairness and integrity, communication between potential bidders, Town officials, and staff is prohibited from the time of bid advertisement until the final award.

SECTION 6. EXCEPTIONS TO COMPETITIVE BIDDING

1. **Emergency Purchases:** Immediate action is required to protect public health, safety, or property. All emergency purchases must be ratified by the Town Council at the next available regular Town Council meeting or as practicable.
2. **Sole Source Purchases:** When only one vendor can provide the required goods or services, per **2 CFR § 200.320(c)**. A **Sole Source Justification Form** must be completed.
3. **Intergovernmental Purchases:** Allowed under **Florida Statutes § 287.056** and **§ 163.01** for cooperative purchasing and piggybacking agreements.
4. **Professional Services:** Includes legal, engineering, architectural, lobbying, or consulting services, in compliance with **Florida's CCNA** and **2 CFR § 200.317-200.320**.
5. **Grant-Funded Procurements:** When external funding sources impose procurement requirements differing from Town policies.
6. **Renewals of Existing Contracts:** If renewal provisions are in the Town's best interest and comply with procurement laws.
7. **Utility Bills:** Payments for municipal utilities, including electricity, water, sewer, and telecommunications services, are exempt from procurement requirements.

SECTION 7. ETHICAL STANDARDS

1. **Conflict of Interest:** Officials and employees shall not participate in any procurement decision involving a financial interest of themselves or related parties.
2. **Gifts and Gratuities:** Vendors seeking business with the Town may not offer gifts, favors, or incentives.
3. **Transparency:** Procurement records shall be maintained and made available per **Florida public records law (Chapter 119, Florida Statutes)**.

PASSED AND ADOPTED this ____ day of _____, 2025.

APPROVED:

TOWN OF CENTURY, FLORIDA

By: _____
Alicia Johnson, Interim Mayor

ATTEST:

By: _____
Carrie Moore Town Clerk