

ORDINANCE NO. 2025-05

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE VII, FINANCE, DIVISION 2, PURCHASES AND CONTRACTS, TO REVISE AND CLARIFY THE PROCUREMENT CODE AND PURCHASING PROCESSES AND FOR OTHER PURPOSES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 2, 2015, the City Council adopted Ordinance No. 2015-17, which created the existing Procurement Code, Sections 2-111 through 2-217 of the City of Greenacres Code of Ordinances; and

WHEREAS, on May 21, 2018, the City Council adopted Ordinance No. 2018-07, which created the existing Procurement Code, Sections 2-111 through 2-221 of the City of Greenacres Code of Ordinances; and

WHEREAS, the City seeks to revise the Procurement Code to include new purchasing processes, options, and exemptions and to clarify existing processes; and

WHEREAS, the revisions to the Procurement Code will provide some flexibility in the City's purchasing processes while maintaining fair and equitable treatment of all persons who transact business with the City; and

WHEREAS, the revisions to the Procurement Code will also promote efficient purchasing procedures for the City and continue to maximize the value of public funds; and

WHEREAS, the revisions to the Procurement Code will promote the health, safety, and welfare of the citizens of Greenacres and serves a valid public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated into this Ordinance as true and correct statements.

Section 2. Chapter 2, Administration, Article VII, Finance, Division 2, Purchases and Contracts, of the City of Greenacres Code of Ordinances is hereby amended to read as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout type~~):

Sec. 2-211. - General purpose.

The purpose of the ~~procurement~~purchasing code adopted in this division is to promote efficient procedures for the purchase of goods and services (including construction and real property), provide fair and equitable treatment of all persons who

transact business with the city and maximize the value of public funds. ~~All The procurements of goods, contractual services and construction services shall be~~ conducted through adherence to the highest standards of ethics, professionalism, and impartiality in the conduct of business transactions.

Sec. 2-212. - Organization.

- (a) The city manager shall appoint the purchasing agent. The purchasing agent, regardless of title, shall act as the principal public purchasing officer responsible for the procurement of goods and services as well as the disposal of excess or obsolete equipment and supplies.
- (b) Under the direction of the city manager, the purchasing agent shall:
 - (1) Administer the central purchasing function for the city.
 - (2) Establish and implement policies and procedures for the procurement of goods and services, and disposal of excess or obsolete equipment and supplies consistent with the provisions of this division and applicable state statutes.
 - (3) Purchase or contract for goods and services in accordance with provisions of this division.
 - (4) Maintain an inventory of commodities and supplies commonly used by the city.
 - (5) Maintain a current list of vendors that supply goods and services purchased by the city and files and records of procurement activities.
 - (6) Ensure that there exists a sufficient appropriation of funds prior to the execution of contracts or issuance of purchase orders for the procurement of goods and services.

Sec. 2-213. - Waiver of competitive selection.

The city council may waive all or specific provisions of this procurement code if the council finds that it is in the best interests of the city to do so, and that the waiver of any competitive solicitation requirements will not inure to the financial disadvantage of the city. In no case may competitive solicitation requirements be waived where said waiver would constitute a violation of state or federal law or grant requirement.

Sec. 2-214. - Procurement of goods and services.

- (a) Competitive solicitation process. Unless otherwise provided herein or by state or federal law, ~~goods and service purchases with an anticipated value in excess of thirty-five thousand dollars~~ fifty thousand dollars (\$35,000\$50,000) shall be procured through competitive solicitation processes unless an alternate source process is utilized or the city council approves a waiver as set forth in section 2-213. ~~or as set forth herein.~~ A competitive solicitation in the form of an invitation to bid, request for proposals, request for qualifications, request for information, invitation to negotiate, or

other authorized competitive solicitation process shall be made available simultaneously to all vendors, must include the time and date for receipt of bids, proposals, replies, and must include all evaluation criteria to be used in determining acceptability and relative merit of the bid, proposal or reply. Competitive solicitations must also include provisions relating to compliance with the county commission on ethics and office of inspector general ordinances and the city's cone of silence (reference section 2-219). The following information is provided on the city's common competitive solicitations processes:

1. *Invitation to bid.* The invitation to bid process shall be used when the scope of work for a contractual service can be clearly defined or when specifications for the required goods can be precisely defined.
 - a. The bid documents will include a detailed description of the goods and/or contractual services sought.
 - b. The resulting contract will be awarded to the responsible and responsive bidder who submits the lowest bid consistent with the requirements of the invitation to bid.
2. *Request for proposals.* The request for proposal process will be used when the purposes and uses for which the goods, group of goods, and/or contractual services can be defined and various combinations or versions of the goods and/or contractual services may be proposed by a responsive vendor to meet the specifications of the request for proposals.
 - a. The request for proposals will include terms and conditions, scope of work, evaluation criteria and relative importance of price and other evaluation criteria.
 - b. The contract will be awarded to the responsible and responsive proposer whose proposal is determined to be the most advantageous to the City, taking into consideration the price and other evaluation criteria set forth in the request for proposal.
3. *Request for qualifications/non CCNA (Consultants Competitive Negotiation Act).* A request for qualifications (RFQ) process shall be used where the purchasing agent in his/her sole discretion determines ~~that~~ it desirable to select a professional service firm(s) based on qualifications or is necessary to select a pool of pre-qualified vendors prior to releasing a subsequent competitive solicitation. The request for qualifications shall set forth the evaluation criteria for evaluating and ranking the responsive and responsible firms or vendors. If the city council~~commission~~ approves the ranking and recommendation of the evaluation committee, those pre-qualified vendors shall be the only vendors eligible to submit a response to the subsequent competitive solicitation.
4. *Request for Information (RFI).* When it is deemed necessary by the purchasing agent to assess the market, feasibility of a proposed project,

service and/or goods, or when vendor input to specifications or a scope of work would result in a more fair and competitive solicitation process, a request for information (RFI) may be issued requesting submission of unpriced offers, products and/or scopes of services which may be followed by subsequent competitive solicitation that is not limited to those vendors who responded to the RFI.

5. *Invitation to negotiate (ITN).* When the purchasing agent determines that procurement by an invitation for bids, request for proposals or request for qualifications or other solicitation method, is not in the best interest of the city, and that negotiation may be necessary for the city to receive the best value, he/she may procure commodities or other contractual services by competitive sealed replies through an invitation to negotiate (ITN). This section shall not apply to procurements governed by the CCNA.
 - a. *Evaluation criteria.* The invitation to negotiate shall state the criteria to be used in the evaluation of the replies and shall include its relative importance. Price may or may not be included and can be reserved for the negotiation phase.
 - b. *Negotiations.* The city manager or designee shall appoint a negotiation team. Negotiations may be conducted with one (1) or more respondents. Negotiations may be either sequential or concurrent as determined by the purchasing agent.
 - c. *Award.* Contract award shall be made to the responsive and responsible respondent(s) determined to offer the best value to the city and who is determined to be most capable of assisting the city in achieving the objectives of the procurement, taking into consideration the evaluation criteria set forth in the ITN.
 6. *Design-build contracts.* In the selection and award of design-build contracts, the city shall utilize the competitive proposal selection process set forth in F.S. § 287.055, as may be supplemented by further policy by the purchasing agent.
- (b) City reservations. In all competitive selection processes, the city reserves the following rights:
1. Rejection of bids, proposals or other responses. If the purchasing agent determines that it is in the best interests of the city to do so, the city may reject any or all bids, proposals or other responses requested in whole or in part. Bids, proposals or other responses requested that are submitted after the due date and time will be disqualified from further consideration.
 2. Waiver of irregularities. The purchasing agent shall have the authority to waive all nonmaterial irregularities on any or all bids, proposals or other responses requested. Nonmaterial irregularities are those irregularities which do not directly affect price and/or competition.

3. An IFB, RFP, ITN or other competitive selection process utilized may be canceled, in whole or in part, when it is in the best interests of the city.
 4. All costs and fees, including reasonable attorney's fees, incurred by any party in preparing and responding to an IFB, RFP, ITN or other competitive selection process used by the city are the sole responsibility of the responding party including any and all costs and fees, including reasonable attorney's fees, related to a protest.
- (c) Alternate source selection. For all purchases, the city may utilize one of the following alternate source selection processes instead of the competitive solicitation process or informal request for quotes process as long as the alternate source selection process is not in violation of state or federal law or grant requirements. If the purchase is in excess of fifty thousand dollars (\$50,000), the alternate source selection must receive approval by the city council.
- (1) *Purchases utilizing contracts of other governmental entities:* Notwithstanding any requirements of this division, the purchase of goods and/or services under a contract with a federal, state or municipal government or any other governmental agency, political subdivision, or government-related association, may be made providing that the originating entity utilized a competitive process substantially similar to that used by the city.
 - (2) *Cooperative purchases.* The city may participate in, sponsor, conduct, or administer a cooperative purchase with other government and cooperative entities for the procurement of goods and/or services.
 - (3) *Emergency purchase.* The city manager may authorize emergency purchases when a threat exists to public health, safety, or welfare, or other substantial or potential loss to the city that requires urgent action. ~~The written basis for the emergency shall be provided to the city council and included in the contract file.~~ This includes procurements made during a declared local, state, or federal emergency, or under conditions where delay incident to competitive solicitation would be detrimental to the city's interests. The written basis and justification for the emergency shall be documented. If the emergency purchase exceeds fifty thousand dollars (\$50,000), the city council shall ratify the emergency purchase at the next available city council meeting.
 - (4) *Sole and single source purchases.* The ~~city purchasing agent~~ may make or authorize the purchase of goods and/or services without competitive solicitation when the director of the department requesting the purchase has documented in writing and provided information supporting the fact that the goods and/or services requested is the only item that meets the specified requirements and the goods or service is only available through one (1) source.

- (5) *Purchases from other governmental entities.* The city may purchase goods and/or services from the federal government, any state or political subdivision thereof, or any municipality.
- (6) *Direct purchases.* Materials, equipment and/or supplies may be procured directly from vendors where such materials, equipment and/or supplies are being procured by the city as an owner direct purchase for incorporation into a public works project, the contract for which was previously awarded by the city, which prior award included the cost of such materials, equipment and/or supplies. In such event, the city shall procure the materials, equipment and/or supplies in accordance with Florida Statutes and regulations related to owner direct purchases by governmental entities.
- (d) Purchases of \$50,000 or less. Unless otherwise provided herein, ~~goods and service purchases with an anticipated value of thirty five fifty~~ thousand dollars (~~\$35,000.00~~ \$50,000) or less shall be procured through an informal request for quotes ~~competitive solicitation~~ process to the extent practicable or through an alternative source selection process ~~through a request for quote process or the alternate source selection methods specified in section 2-214(c).~~ The request for quotes shall be an oral, electronic or written request for pricing of ~~goods and services~~ in accordance with the following thresholds:
- (1) ~~For goods and service purchases with an anticipated value in excess of ten twenty-five~~ thousand dollars (~~\$25,000.00~~ \$50,000) ~~and but not to exceed up to thirty five fifty~~ thousand dollars (~~\$35,000.00~~ \$50,000), the purchasing agent shall electronically post a request for quotes ~~description of the goods and/or services sought for at least seven ten (710)~~ business days. The posted request for quotes ~~information~~ shall include the scope of work and/or, specifications for goods, and the response forms to be used by vendors in response to the request for quotes ~~quotation~~.
- (2) For purchases with an anticipated valued above ten thousand dollars (\$10,000) but not to exceed twenty-five thousand (\$25,000):
- a. For goods (commodities): a minimum of three (3) attempted written quotes are required.
 - b. For goods and services: a minimum of three (3) attempted written quotes are required on request for quotes forms prescribed by the purchasing agent.
- ~~(2) For goods and services with a value between five thousand dollars (\$5,000.00) and nine thousand nine hundred ninety nine dollars (\$9,999.00), a minimum of three (3) written quotes are required on forms prescribed by the purchasing agent.~~
- (3) For goods and/or services anticipated to have a value in excess of five thousand dollars (\$5,000) but not to exceed ten thousand dollars (\$10,000), a minimum of three (3) attempted written quotes are required. ~~(3) For goods and services with a value between one thousand dollars (\$1,000.00) and four thousand nine hundred~~

~~ninety nine dollars (\$4,999.00) a minimum of three (3) written and/or verbal quotes are required.~~

- (4) For goods and/or services anticipated to have a value of five thousand dollars (\$5,000) or less, purchases may be made without obtaining written quotes, provided the price is considered fair and reasonable.

The purchasing agent reserves the right to require quotes or additional documentation for any purchase if deemed in the best interest of the city.

As provided herein, "attempted written quotes" means a good faith effort by the city to obtain quotes from responsible vendors for the desired purchase. Good faith efforts include, but are not limited to, email requests, documented telephone or other oral requests, and mailed requests.

- (e) *Unauthorized purchasing practices.* An unauthorized purchase occurs when any employee of the city orders, contracts for or buys any goods, services, materials or supplies outside the purview of the city code and/or purchasing division. Any individual making an unauthorized purchase may be subject to disciplinary actions as appropriate, which may include termination and/or prosecution. The following are unauthorized purchasing practices:

- (1) Artificially dividing purchases into multiple segments in an attempt to issue single orders below the dollar threshold requirements as established herein (also known as "stringing" or "splitting" purchase orders) is prohibited.
- (2) Purchasing any goods and/or services above the thresholds delineated herein directly from a vendor, bypassing the purchasing division.
- (3) Committing to a purchase without issuance of an authorized purchase order, when one is required.
- (4) Obtaining items available on an existing city term contract from a supplier that does not hold the contract.
- (5) Providing false information such as false quotations (without actually contacting and obtaining a quotation, bid or proposal from a vendor).
- (6) Adding unauthorized purchases to previously approved purchase orders without approval of the appropriate approval authority and subsequent modification of the purchase order.
- (7) Failure to comply with budgetary limits for any purchase.

Sec. 2-215. - Professional services.

- (a) *CCNA services.* The procurement of professional architectural, engineering, landscape architectural, or surveying and mapping services shall be conducted in accordance with the requirements of F.S. §287.055, the "Consultants' Competitive

Negotiation Act." The procurement of professional services that are exempt from the requirements of F.S. §287.055 shall be made in accordance with this division.

- (b) *External auditor services.* The procurement of a professional auditor for financial auditing services within the scope of F.S. ch. 218 shall comply with the requirements of F.S. §218.391.
- (c) *Consulting services or other professional services.* The city manager and/or city council may select a consultant or professional service provider with a distinctive field of expertise without competitive selection for services consistent with the threshold amounts set forth in this procurement code.
- (d) *Lobbying services.* The city manager or city council may select a person or firm to provide lobbying services to the city without competitive selection.

Sec. 2-216. - Council selection process.

In any competitive solicitation process, the city council has full discretion to reject all bids and proposals, waive minor irregularities in bids and proposals and may re-rank/re-evaluate the evaluation/selection committee's recommendation for award. If the council determines that they want to re-rank or re-evaluate the evaluation/selection committee's recommendation for award, the council must convene a special meeting to serve as the evaluation/selection committee and undergo the same process as the original evaluation/selection committee from the beginning of the review process, which may include but is not limited to, the review of the proposals, short listing, oral presentations, and final ranking.

Sec. 2-217. - Exemptions.

The procurement code adopted in this division shall not apply to the following exempt purchases:

- (1) The procurement of dues and memberships in trade or professional organizations; registration fees for trade and career fairs; subscriptions for periodicals and newspapers; advertisements; postage; expert witness; legal and mediation services; ~~professional medical services~~; partial real property interests; abstracts of title for real property; title searches and certificates; title insurance for real property; real estate appraisal services; water, sewer, telecommunications, solid waste and electric utility services; fuel for city vehicles and equipment; copyrighted materials or patented materials including, but not limited to, copyrighted materials, technical pamphlets, published books, maps, testing or instructional materials; fees and costs of job-related seminars and training; admission fees for parks and entertainment activities included in city recreational programs;
- (2) Agreements between the City and other government or nonprofit organizations that provide for the transfer, sale, or exchange of goods and/or services;

- (3) Goods purchased with petty cash or city procurement cards in accordance with the city's petty cash and procurement card procedures;
- (4) Items purchased for resale to the general public, for example, supplies for a city-owned concession area;
- (5) Purchase of food items;
- (6) Professional medical services, health services involving examination, diagnosis, treatment, prevention, medical consultation, drug testing or administration;
- (7) Auditing services that are not subject to the requirements of F.S. Chapter 218, Part III
- (8) Artistic services or works of art;
- (9) Travel expenses, hotel accommodations and hotel services;
- (10) Entertainment and entertainment-related services for city-sponsored events;
- (11) Purchase of motor vehicle license plates from a governmental agency;
- (12) Persons or entities retained as "expert consultants" to assist the City in litigation, or in threatened or anticipated litigation;
- (13) Educational or academic programs;
- (14) Recreational instructors and sports officials;
- (15) ~~Proprietary~~ Software applications, website design and the related maintenance or service agreements;
- (16) Settlement agreements and associated payments that are approved by the city manager, including mediation or negotiated settlement of claims, disputes, or litigation;
- (17) Full or part-time contractual employees or independent contractors; and
- (18) Any services identified in F.S. §287.057, as may be amended from time to time, as being exempt from the competitive solicitation process.

All exempt purchases must comply with the budgetary limit on such purchases.

Sec. 2-218. - Contracts.

- (a) The procurement of goods and/or services shall be evidenced by a written contract or purchase order embodying all the provisions and conditions of the procurement of such good and/or services.

- (b) Contracts for goods and/or services in excess of ~~thirty-five~~ fifty thousand dollars (\$~~3550,000.00~~) must be approved by the city council. Contract values shall be based on the total potential cost of the contract, including all renewal terms, options, and contingencies. Separate multi-department contracts or purchase orders with the same vendor shall not determine the total contract value; however, departments are encouraged bundle purchases from the same vendor with the goal of a single, annual need contract or blanket purchase order.
- (c) Contracts and purchase orders for goods and/or services ~~with a value in excess of seven fifteen~~ thousand ~~five hundred~~ dollars (\$~~7,515,000.00~~) ~~but not to exceed to thirty five fifty~~ thousand dollars (\$~~3550,000.00~~) must be approved by the purchasing agent and city manager.
- (d) Purchase orders or contracts for goods and/or services with a value less than ~~seven fifteen~~ thousand ~~five hundred~~ dollars (\$~~7,515,000.00~~) must be approved by a department director and the purchasing agent.
- (e) In lieu of using blanket written purchase orders for small dollar value purchases, the user departments are authorized to use electronic purchasing media, including bank issued purchasing cards(*credit cards*). The city manager and purchasing agent shall establish policies and procedures to ensure adequate internal controls for the use of the cards.
- (f) Contracts may be renewed or extended for a period that does not exceed three (3) years or the term of the original contract, whichever is longer, unless otherwise approved by city council.
- (g) Contract administration will be the responsibility of the user department with oversight by the purchasing agent.
- (h) Contract change orders must be authorized in writing subject to the limitations of section 2-218(b)—(d), provided that the change does not materially alter the character of the work contemplated by the contract and sufficient budgeted funds are available. If the change materially alters the character of the work contemplated by the contract and the contract was originally approved by city council, the change order(s) is subject to city council approval.
- (i) A purchase order may be utilized in lieu of a formal contract where the standard terms and conditions of a city purchase order will suffice. The terms and conditions in a city issued purchase order will supersede and take precedence over any conflicting provisions provided by a vendor.
- (j) Regardless of the contracting authority that approved a contract or purchase order, the city manager or designee may place any vendor in default and/or terminate an existing contract or purchase order consistent with the terms and conditions of the contract or purchase order.

Sec. 2-219. - Cone of silence.

The city complies with the Palm Beach County Lobbyist Registration Ordinance, section 2-355, cone of silence, which provides for a prohibition on any communication, except for written correspondence, regarding a particular invitation to bid, request for qualification, or any other competitive solicitation between any person or person's representative seeking an award and any member of the city council or employee authorized to act on behalf of the city council to award a contract. The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other response to a competitive solicitation and shall terminate at the time the city council or employee authorized to act on behalf of the city council, awards or approves a proposal, rejects all proposals, responses, or otherwise takes action which ends the solicitation process. The cone of silence does not apply to oral communications at any public proceeding, selection committee presentation, or negotiation meeting.

Sec. 2-220. - Purchasing protests.

- (a) *Right to protest.* Any actual bidder, proposer, offer or, vendor or contractor who is aggrieved in connection with an invitation to bid, request for proposals or other competitive selection process may protest such purchase.
- (b) *Protest deadline.* The deadline for filing a protest is not later than three (3) days (excluding Saturdays, Sundays and legal holidays) after the date the applicable competitive selection process has been advertised by the city (for protests alleging a deficiency in the advertised competitive selection process) or after the date that notice of the written recommendation of award has been posted on the city's website or purchasing bulletin board by the purchasing agent or designee (for protests challenging the award). It shall be the responsibility of a bidder, offer or, vendor or contractor to ascertain the advertisement date and/or bid award information from the purchasing division. Protestors shall file their protests in writing with the purchasing agent during normal office hours of the city, but in no event later than 4:00 p.m. on any normal business day of the city, prior to the expiration of the deadline for protests. Protests shall specifically describe the subject matter and facts giving rise to the protest. Protests shall be deemed effective on the date they are received by the purchasing agent.
- (c) *Decision.* If the protest is not resolved by mutual agreement, the purchasing agent shall issue a decision in writing within a reasonable amount of time. The purchasing agent shall have the authority to settle and resolve a protest of an aggrieved bidder, offer or, vendor or contractor concerning the competitive selection process or award. If the purchasing agent is unable to resolve the protest, the purchasing agent in consultation with the city manager shall render a decision. The decision of the city manager shall:
 - (1) State the reasons for the action taken; and
 - (2) Inform the protestor of its right to appeal as provided in this section.
- (d) *Notice of decision.* A copy of the decision of the purchasing agent and city manager shall be mailed or otherwise furnished promptly to the protestor and any other party intervening. A refusal to accept a copy furnished by mail or otherwise shall not affect the validity of the decision.

- (e) *Appeal to city council.* A protestor may appeal the decision of the city manager to the city council by filing a written notice of appeal within seven (7) business days after receipt of the notice of decision of the city manager. The notice of appeal shall be filed with the city manager during normal office hours of the city manager, but in no event later than 5:00 p.m. on any normal business day of the city prior to the expiration of the deadline for the notice of appeal. The notice of appeal shall set forth the grounds for the appeal. The protest shall be heard by the city council within a reasonable time of the filing of the notice of appeal with the city manager.
- (f) *Finality of decision.* A decision of the purchasing agent and city manager regarding a protest which is not timely appealed to the city manager, or a decision of the city manager which is not timely appealed to the city council, or a decision of the city council regarding a protest, shall be final and conclusive. A bidder, offer or, vendor or contractor who has not timely appealed the decision(s) regarding the protest to the city council shall not be deemed to have exhausted his or her administrative remedies.
- (g) *Stay of procurements during protests.* In the event of a timely protest under this section, the purchasing agent shall not proceed further with the competitive selection process or award until all administrative remedies have been exhausted or until the city manager makes a written determination that the competitive selection process and/or award without delay is necessary to protect substantial interests of the city. The city council may, upon determination that a bona fide emergency exists, waive all bid protest procedures and approve an award.
- (h) *Failure to follow procedure.* Failure to follow the protest procedure set forth herein shall automatically nullify any protest or claim brought by an aggrieved bidder, offer or, vendor or contractor.

Sec. 2-221. - Surplus equipment and supplies.

- (a) No department shall transfer, sell, trade, or otherwise dispose of equipment, materials and supplies owned by the city, without written authorization of the purchasing agent
- (b) The purchasing agent shall establish policies and procedures for disposal of surplus goods and equipment that provides the best value to the city, consistent with the provisions of this article.
- (c) Surplus equipment, materials and supplies will be offered for sale through public auctions, established markets, posted prices or other appropriate methods including donation to other government entities and non-profit organizations.

Sec. 2-222. Real Property Purchases.

- (a) Section 166.045, Florida Statutes, shall apply to all purchases of real property by the city if the city seeks to utilize the public records exemption set forth in section 166.045, Florida Statutes.

(b) If the city does not seek to utilize the public records exemption in section 166.045, Florida Statutes, the city shall purchase real property as follows:

- (1) For all purchases of real property anticipated to cost in excess of \$50,000, the town shall obtain an appraisal by a certified or licensed appraiser. Additional appraisals may be obtained if determined to be in the best interests of the city.
- (2) The city manager or designee may negotiate with the seller or the seller's agent of the real property and enter an option contract with the seller. As used herein, "option contract" means a binding agreement signed by the town manager and the seller which agreement is subject to approval of the city council at a regular or special meeting.
- (3) The city council will consider all option contracts to purchase real property at a duly noticed public meeting. If the option contract is approved by the city council, the city manager, mayor, and/or vice-mayor may execute all documents necessary to close on the real property.

Secs. 2-223—2-229. Reserved.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed and all ordinances or parts of ordinances not in conflict herewith are hereby continued in full force and effect.

Section 4. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Greenacres. The codifier may make formal, non-substantive changes to this Ordinance as authorized by section 1-12 of the Code.

Section 5. If any portion, clause, phrase, sentence or classification of this ordinance is held or declared to be either unconstitutional, invalid, inapplicable, inoperative or void, then such declaration shall not be construed to affect other portions of the ordinance; it is hereby declared to be the express opinion of the City Council of the City of Greenacres that any such unconstitutional, invalid, inapplicable, inoperative or void portion or portions of this ordinance did not induce its passage, and that without the inclusion of any such portion or portions of this ordinance, the City Council would have enacted the valid constitutional portions thereof.

Section 6 This ordinance shall take effect immediately upon passage.

Passed on the first reading this 1st day of December, 2025.

PASSED AND ADOPTED on the second reading this ___ day of January, 2025.

Chuck Shaw, Mayor

Voted:

John Tharp, Council Member, District I

Attest:

Quintella Moorer, *City Clerk*

Voted:
Peter Noble, *Council Member, District II*

Voted:
Judith Dugo, *Council Member, District III*

Voted:
Susy Diaz, *Deputy Mayor*

Voted:
Elisa Leheny, *Council Member, District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, *City Attorney*

