

ORDINANCE 2023-2265

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING SECTIONS 2-178(e) AND 2-182 OF ARTICLE VI, CHAPTER 2, OF THE CODE OF THE CITY OF LAKE CITY RELATING TO PURCHASES OF ITEMS AND CONTRACTUAL SERVICES AND BID PROCEDURES; PROVIDING THAT ALL PURCHASES OF ITEMS AND CONTRACTUAL SERVICES WHEN THE ESTIMATED COST THEREOF EXCEEDS THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) BE PURCHASED BY FORMAL WRITTEN CONTRACT, APPROVED BY THE CITY COUNCIL, AFTER PUBLIC NOTICE INVITING QUOTATIONS AND PROPOSALS; PROVIDING THAT ALL BID-BASED CONTRACTS FOR THE PURCHASE OF ITEMS AND CONTRACTUAL SERVICES WHEN THE ESTIMATED COST THEREOF EXCEEDS THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) BE AWARDED TO THE LOWEST RESPONSIBLE BIDDER; PROVIDING FOR THE ELIMINATION OF BID QUOTATIONS FOR PURCHASE OF ITEMS AND SERVICES WHEN THE COST THEREOF DOES NOT EXCEED FIVE THOUSAND DOLLARS (\$5,000.00); PROVIDING FOR BID PROCEDURES FOR THE PURCHASE OF ITEMS AND SERVICES WHEN THE COST EXCEEDS FIVE THOUSAND DOLLARS (\$5,000.00), BUT IS LESS THAN FIFTEEN THOUSAND DOLLARS (\$15,000.00); PROVIDING FOR BID PROCEDURES FOR THE PURCHASE OF ITEMS AND SERVICES WHEN THE COST THEREOF EXCEEDS FIFTEEN THOUSAND DOLLARS (\$15,000.00), BUT IS LESS THAN THIRTY FIVE THOUSAND DOLLARS (\$35,000.00); PROVIDING FOR BID PROCEDURES FOR THE PURCHASE OF ITEMS AND SERVICES WHICH COST THIRTY FIVE THOUSAND DOLLARS (\$35,000.00) OR MORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA AS FOLLOWS:

Section 1. That Section 2-178(e), Article VI, Chapter 2 of the Code of the City of Lake City, Florida is amended as follows (words stricken are deletions; words underlined are additions):

Section 2-178(e) Formal Contract Procedure. All supplies and contractual services except as otherwise provided by this article or by state law, when the estimated cost thereof shall exceed ~~\$20,000.00~~\$35,000.00 shall be purchased by formal, written contracts, upon approval by the city council, from

the lowest responsible bidder, after due published notice inviting and requesting quotes and proposals.

(1) Notice inviting bids. A notice inviting bids shall be published as follows:

- a. Notice shall be published once in a newspaper of general circulation within the city and at least seven days preceding the last day set of the receipt of proposals.
- b. The newspaper notice required in this section shall include a general description of the supplies or contractual services to be purchased, shall state where the bid blanks and specifications may be secured, the time and place for opening bids, and any such bid deposit as may be required.

(2) Bidders' list. The purchasing agent shall also solicit sealed bids from all suppliers on the bidders' list, which the agent shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase. In any case, invitations sent to the vendors on the bidders' list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.

(3) Bid opening procedures. Bid opening procedures are as follows:

- a. Each bid shall be submitted online through the City's e-procurement portal or be submitted sealed to the purchasing agent and shall be identified as a bid on the envelope.
- b. Bids shall be opened ~~in public~~ on the City's e-procurement portal at the time and place and date stated in the public notice-, anyone following the bid will have access to the bid tabulation.
- c. A tabulation of all bids received shall be filed with the city council and a copy posted for public inspection, and shall be accompanied by a written recommendation from the purchasing agent of the bid most favorable to the city.

(4) Rejection of bids. The purchasing agent shall have the authority to reject all bids, parts of bids or all bids for any one or more supplies or contractual services included in the proposed contract, when the public interest will be served thereby. The purchasing agent shall not accept the bid of a contractor who is in default on the payment of taxes, licenses or other monies due the city. Recommendation of a contract to other than the lowest bidder must be accompanied by a full written

statement from the purchasing agent of the reasons for placing the order with other than the lowest bidder.

- (5) Award of contract. All bid-based contracts for supplies or contractual services valued in excess of ~~\$20,000.00~~\$35,000.00 must be awarded by formal action of the city council on the basis of the lowest responsible bidder. In determining the lowest responsible bidder, in addition to price, the city council shall consider:
- a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;
 - b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference;
 - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
 - d. The quality of performance of previous contracts or services;
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;
 - f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service;
 - g. The quality, availability and adaptability of the supplies or contractual services to the particular use required; and
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

Section 2. That Section 2-182 of Article VI, Chapter 2 of the Code of the City of Lake City, Florida, is amended as follows (words stricken are deletions; works underlined are additions):

Sec. 2-182 Informal bid procedure

- (a) Where not otherwise required by state law to advertise for bids for supplies and contractual services, the following procedures shall apply:

- (1) When the cost is no greater than ~~\$2,500.00~~\$5,000.00 no quotations are required~~., but are encouraged to get the best pricing.~~
 - (2) When the cost exceeds ~~\$2,500.00~~\$5,000.00 but is not greater than ~~\$10,000.00~~\$15,000.00 the purchasing agent shall contact ~~three~~two or more qualified vendors to secure competitive quotations. ~~Contact may be by telephone, provided the purchasing agent maintains on file a record of each quotation.~~These quotes must be in writing and appear on the company's letterhead and be attached to the Purchase order.
 - (3) When the purchase price exceeds ~~\$10,000.00~~\$15,000.00 but is not greater than ~~\$20,000.00~~\$35,000.00 the purchasing agent shall contact three or more qualified vendors to secure competitive written quotations~~, provided the purchasing agent maintains on file a record of each written quotation. These quotes must be in writing and appear on the company's letterhead and be attached to the Purchase Order.~~
 - (4) All purchases under this section shall require prior written approval of the purchasing agent and bids awarded shall be based on the criteria set forth in Section 2-178(e)(5).
- (b) Records. In each instance where the informal bid procedure is followed, a record of the following shall be maintained:
- (1) The reason for the utilization of the informal bid procedure.
 - (2) The list of qualified vendors contacted.
 - (3) The bid/price quotation from the qualified sources.
 - (4) A source document establishing the justification for incurring the cost.
- (c) Exceptions. In the case of non-new or previously owned or otherwise limited availability of supplies or unique contractual services, when three competitive quotations cannot reasonably be obtained, the city manager may authorize the purchase under this section without obtaining competitive quotations. Written justification for such purchase shall be recorded in the records of the city.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 4. Conflicts. All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are hereby repealed to the extent inconsistent herewith.

Section 5. Codification. It is the intention of the City Council of the City of Lake City, Florida, that the provisions of this ordinance shall become and be made a part of the Code of the City of Lake City, Florida, and the sections may be renumbered in order to accomplish such intentions.

Section 6. This ordinance shall take effect immediately upon its adoption.

PASSED upon first reading this ____ day of _____ 2023.

NOTICE PUBLISHED on the _____ day of _____ 2023.

PASSED AND ADOPTED on the _____ day of _____ 2023.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Thomas J. Kennon, III,
City Attorney