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6 **ORDINANCE**  
7 **NUMBER 2023-4**  
8

9 **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE CODE**  
10 **OF ORDINANCES OF LEVY COUNTY, FLORIDA RELATING TO**  
11 **PROCUREMENT; BY INCREASING PURCHASING THRESHOLDS;**  
12 **PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING**  
13 **CLAUSE; PROVIDING FOR INCLUSION IN THE CODE AND**  
14 **PROVIDING DIRECTIONS TO THE CLERK AND AN EFFECTIVE DATE.**  
15

16  
17 **WHEREAS**, by adoption of Ordinance No. 2018-005 on October 2, 2018, the  
18 Board of County Commissioners of Levy County (the "Board") determined it necessary  
19 and desirable to establish a procurement code to provide for the fair and equitable  
20 treatment of persons dealing with the County's procurement system, to foster effective  
21 broad-based competition within the free enterprise system, and to obtain goods and  
22 services of satisfactory quality and quantity at reasonable cost to the County;  
23

24 **WHEREAS**, at its November 8, 2022 Regular Meeting, the Board heard a request  
25 from the County Procurement Coordinator to revise the purchasing thresholds due to  
26 increased inflation and directed County Staff to prepare this ordinance to amend County  
27 Code;  
28

29 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
30 newspaper of general circulation notifying the public of this proposed ordinance and of a  
31 public hearing in the Levy County Government Center in Bronson, Florida; and  
32

33 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners  
34 of Levy County, Florida, that:  
35

36 **SECTION 1.** Section 2-195(a) is amended to read as follows. Except as amended  
37 herein, the remainder of Sec. 2-195 remains in full force and effect.  
38

39 **Sec. 2-195. - Exemptions from competitive procurement.**  
40

41 (a) The provisions of this section shall not limit the ability of the board to follow any  
42 competitive procurement procedures in the procurement of goods or services  
43 listed in any of the exemptions in this section, if desired and directed by the  
44 board or the county coordinator, or if otherwise allowed or required by law. In

Note: Additions shown underlined, deletions shown ~~stricken~~.

1 addition, contracts for procurement of any of the goods or services listed in the  
2 exemptions contained in subsections (b)(2) through (b)(18) below, the cost of  
3 which to the county is ~~\$20,000.00~~ \$25,001 or more, shall be subject to the  
4 approval of the board. The procurement of any goods or services listed as  
5 exemptions in this section must still comply with the requirements and other  
6 provisions of this article unrelated to competitive procurement procedures,  
7 including but not limited to the provisions of section 2-196(a) that such  
8 procurement be performed through the procurement department with the  
9 cooperation of the applicable county department.

10  
11  
12 **SECTION 2.** Section 2-197(a) and (b) are amended to read as follows. Except as  
13 amended herein, the remainder of Sec. 2-197 remains in full force and effect.

14  
15 **Sec. 2-197. - Authority and duty of county coordinator, procurement coordinator**  
16 **and department directors.**

17  
18 (a) Unless otherwise provided for in this article, the procurement of goods and  
19 services shall be under the supervision and management of the procurement  
20 coordinator, with the cooperation of the applicable county department utilizing  
21 or requesting the procurement of such goods or services. It shall be the duty,  
22 responsibility, and authority of the procurement coordinator to:

23  
24 (1) Procure or supervise the procurement of all goods and services, except as  
25 otherwise provided for herein, required by the board and departments for  
26 which payment is made from funds of the county or funds granted to the  
27 county by any state or federal agency or private person.

28  
29 (2) In conjunction with the county departments, prepare and enforce standard  
30 specifications which shall apply to all goods or services procured for the use  
31 of the county.

32  
33 (3) Maintain current files of qualified sources of supply for goods and services  
34 required by the county.

35  
36 (4) Perform other related duties as may be assigned by the board or the county  
37 coordinator.

38  
39 (5) Sign and authorize on behalf of the county duly issued purchase orders or  
40 assign said responsibility to a designee.

41  
42 (6) Sign and authorize purchase or procurement agreements or contracts on  
43 behalf of the county which have been reviewed for form by the county  
44 attorney, which agreements or contracts are for procurements of less than

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1           ~~\$3,000.00~~ \$4,999.99 in total value, for goods or services which have been  
2 authorized in the adopted county budget, or assign said authority to a  
3 designee.  
4

5           (7) Take all reasonable steps to insure that the specifications for an item to be  
6 procured are developed to allow competition among providers of the item  
7 whenever practicable.  
8

9           (8) Maintain a system of accountability and numbering of all contracts for  
10 procurement of goods and services under the jurisdiction of the board  
11 whether exempt from the procurement procedures or not.  
12

13           (9) Reject all bids or proposals in a selection process, and cancel the related  
14 competitive sealed bid or proposal process, as may be in the best interest  
15 of the county.  
16

17           (b) The county coordinator, or his/her designee, will have the authority to sign and  
18 authorize purchase agreements or contracts on behalf of the county which have  
19 been reviewed for form by the county attorney, which agreements or contracts  
20 are for procurements of less than ~~\$20,000.00~~ \$25,000 in total value, for goods  
21 or services which have been authorized in the adopted county budget.  
22

23  
24 **SECTION 3.** The first sentence in Section 2-200 is amended to read as follows. Except  
25 as amended herein, the remainder of Sec. 2-200 remains in full force and effect.  
26

27 **Sec. 2-200. - Procurement of goods or services.**  
28

29 No procurement of goods or services of ~~\$20,000~~ \$25,001 or more shall be made unless  
30 upon competitive sealed bids received in the manner hereinafter prescribed, except in at  
31 least one of the following circumstances:  
32

33  
34 **SECTION 4.** Section 2-201 is amended to read as follows.  
35

36 **Sec. 2-201. - Micro and small procurements.**  
37

38           (a) Micro procurements of up to ~~\$3,000.00~~ \$4,999.99. Procurements of goods or  
39 services of a value up to but not including ~~\$3,000.00~~ \$4,999.99 shall be  
40 authorized to be made by the director of the county department which seeks or  
41 needs such goods or services on the open market without bid. Procurements  
42 shall be made with notice to and in cooperation with the procurement  
43 department. To the extent practicable, the county will distribute such  
44 procurements equitably among qualified suppliers. Procurements pursuant to

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1 this subsection may be awarded without soliciting competitive quotations if the  
2 county considers the price to be reasonable. In the case of acquisition of  
3 construction services subject to the David-Bacon Act, the maximum threshold  
4 for micro procurement pursuant to this subsection will be \$2,000.00.  
5

6 (b) Small procurements of ~~\$3,000.00~~ \$5,000 up to and including ~~\$19,999.99~~  
7 \$25,000. Procurements of goods or services of a value of ~~\$3,000.00~~ \$5,000 or  
8 more up to ~~\$19,999.99~~ \$25,000, shall be authorized by the procurement  
9 coordinator or the county coordinator. Such procurements shall be based on  
10 the solicitation of price or rate quotations, such solicitation to be made by the  
11 procurement coordinator or the department which seeks or needs the goods or  
12 services in cooperation with the procurement coordinator. Price or rate  
13 quotations shall be obtained from an adequate number of qualified sources, in  
14 any event no fewer than three if three are possible. Award shall be made on  
15 the basis of lowest and best quotation to the lowest responsive, responsible  
16 bidder or quoter submitting a quote. The names of all bidders or quoters  
17 submitting quotations, and the date and amount of each quotation, shall be  
18 maintained as a public record.  
19

20 (c) Dividing procurements not allowed. Requirements for procurement procedures  
21 and grants of authority contained in this section shall not be avoided or  
22 manipulated by artificially dividing goods or services into components that will  
23 lessen the requirements or level of authority that would be required if the goods  
24 or services were not so artificially divided.  
25

26  
27 **SECTION 5.** Section 2-202(a) is amended to read as follows. Except as amended herein,  
28 the remainder of Sec. 2-202 remains in full force and effect.  
29

30 **Sec. 2-202. - Competitive sealed bids.**

31  
32 (a) Unless otherwise excepted in this article, competitive sealed bids shall be used  
33 for purchases of ~~\$20,000~~ \$25,001 or more. In addition, the competitive sealed  
34 bid method is the preferred method for procuring construction, if the conditions  
35 in subsection 2-202(b) apply.  
36

37  
38 **SECTION 6.** Section 2-203(a) is amended to read as follows. Except as amended herein,  
39 the remainder of Sec. 2-203 remains in full force and effect.  
40

41 **Sec. 2-203. - Competitive sealed proposals.**

42  
43 (a) When the goods or services to be acquired are of an estimated value of  
44 ~~\$3,000.00~~ \$5,000 or more, and when the nature of the goods or services

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1 dictate that the use of price or rate quotations or competitive sealed bidding is  
2 not practicable, reasonable or advantageous to the county or when conditions  
3 are otherwise not appropriate for the use of price or rate quotations or  
4 competitive sealed bids, a contract may be entered into by the use of  
5 competitive sealed proposals. If procurement is by competitive sealed  
6 proposals, the following requirements apply:  
7  
8

9 **SECTION 7.** Sections 2-204(a) and (b) are amended to read as follows. Except as  
10 amended herein, the remainder of Sec. 2-204 remains in full force and effect.  
11

12 **Sec. 2-204. - Noncompetitive procurements.**  
13

14 (a) Noncompetitive procurements in the amount of ~~\$3,000~~ \$5,000 or more may be  
15 made through solicitation of a proposal from only one source and may be used  
16 only when one or more of the following circumstances apply:  
17

18 (1) The item is available only from a sole source, and the department  
19 requesting or requiring the goods or services certifies in writing that there is  
20 only one source for the goods or services;  
21

22 (2) In the event the goods or services or project is funded in whole or in part by  
23 federal funds, the federal awarding agency or pass-through entity expressly  
24 authorizes noncompetitive proposals in response to a written request from  
25 the county; or  
26

27 (3) After solicitation of a number of sources, competition is determined  
28 inadequate.  
29

30 (b) A contract may be awarded for a procurement of goods or services of a value  
31 of ~~\$3,000~~ \$5,000 or more through a noncompetitive procurement, even when  
32 more than one potential supplier for the goods or services may exist, when the  
33 procurement is not funded in whole or in part by federal funds, and when the  
34 county coordinator, with the concurrence of the department requesting or  
35 needing the goods or services, provides written documentation clearly  
36 documenting the advantages of declaring the procurement noncompetitive.  
37 The advantages of declaring a procurement noncompetitive may be based on  
38 the existence of only one reasonable and practicable source, uniqueness of the  
39 goods or services, uniqueness of vendor qualifications, timeliness of the  
40 procurement, or other extenuating circumstances, even when more than one  
41 supplier exists for the goods or services.  
42  
43

44 **SECTION 8. Severability.** If any section, subsection, sentence, clause, phrase,

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1 portion or provision of this ordinance is for any reason declared or held invalid or  
2 unconstitutional by any court of competent jurisdiction, such section, subsection,  
3 sentence, clause, phrase, portion or provision shall be deemed a separate, distinct and  
4 independent provision, and the remainder of this ordinance shall be not affected by such  
5 declaration or holding.

6  
7 **SECTION 9. Repeal.** All ordinances or parts of ordinances and all resolutions or  
8 parts of resolutions of Levy County that are in conflict with this ordinance are, to the extent  
9 of the conflict, hereby repealed.

10  
11 **SECTION 10. Inclusion in the Code.** The provisions of Section 1 of this  
12 ordinance shall become and be made a part of the Levy County Code, and the sections  
13 of this ordinance may be renumbered or relettered and the word "ordinance" may be  
14 changed to "section," "article," "regulation," or such other appropriate word or phrase in  
15 order to accomplish the codification.

16  
17 **SECTION 11. Effective Date.** In accordance with Section 125.66, Florida  
18 Statutes, the Clerk to the Board of County Commissioners is directed to file this ordinance  
19 with the Florida Department of State within 10 days after adoption and upon such filing,  
20 this ordinance shall become effective.

21  
22 **PASSED AND DULY ADOPTED** this \_\_\_\_\_ day of January, 2023.

23 **BOARD OF COUNTY COMMISSIONERS**  
24 **OF LEVY COUNTY, FLORIDA**

25  
26 \_\_\_\_\_  
27 Matt Brooks, Chairman

28  
29 **ATTEST:** Danny J. Shipp, Clerk of  
30 the Circuit Court and Ex-Officio Clerk  
31 to the Board of County Commissioners

32  
33 \_\_\_\_\_  
34 Danny J. Shipp

35 Approved as to form and legal sufficiency

36 \_\_\_\_\_  
Nicolle M. Shalley, County Attorney

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