

ORDINANCE NO. 2026-02

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AMENDING ARTICLE VII, DIVISION 1, SECTION 2-272 OF THE CITY OF PAHOKEE'S CODE OF ORDINANCES ENTITLED "PURCHASE ORDERS", TO RETITLE AS "PURCHASE ORDERS, COMPETITIVE BIDS AND EXEMPTIONS"; SPECIFICALLY AMENDING NUMBERED PARAGRAPH (6) ENTITLED "EXEMPT PURCHASES" TO CLARIFY THAT THE DETERMINATION OF AN EMERGENCY PURCHASE IS VESTED IN THE LEGISLATIVE JUDGMENT OF THE CITY COMMISSION; PROVIDING FOR ADOPTION OF REPRESENTATIONS; PROVIDING FOR CONFLICT AND REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Pahokee ("City Commission") recognizes that unforeseen circumstances and emergencies may arise that require immediate action to protect the public health, safety, and welfare of the community; and

WHEREAS, delays associated with standard procurement procedures may impair the City's ability to respond effectively to emergencies and urgent situations as determined by the City Commission; and

WHEREAS, the City Commission finds it necessary to establish clear authority for emergency purchases to ensure the timely acquisition of goods and services needed to address pressing public needs as determined by the City Commission; and

WHEREAS, the City Commission further finds that determinations regarding the existence of an emergency and the necessity of emergency purchases should be vested in the legislative judgment of the City Commission to ensure accountability and responsiveness to the public interest; and

WHEREAS, the provisions set forth herein are intended to provide flexibility for emergency response while maintaining appropriate oversight and compliance with applicable law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PAHOKEE, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as

being true and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Article VII, Division 1, Section 2-272 to retitle said section to "Purchase Orders, Competitive Bids and Exemption"; specifically amending Section 2-272(6) entitled "Exempt Purchases" to clarify that the determination of an emergency purchase is vested in the legislation judgment of the City Commission and shall state as follows:

Sec. 2-272. - Purchase orders, Competitive Bids and Exemptions.

The power to make purchases or contract for the furnishing of goods or services for and on behalf of the city is hereby authorized as follows:

- (1) *Authorization of procurement officers.*
 - a. The city manager is empowered as procurement officer for the city.
 - b. Other employees may be granted limited purchase authority upon written warrant of the city manager.
 - c. The finance director will act as procurement officer in the event of the absence of the city manager.
 - d. A majority of the city commission may appoint one (1) of the members of the commission to act as a procurement officer, in the event of the absences of the city manager and the finance director.
- (2) *Establishment of a purchase order system.*
 - a. All purchases made by the city shall have a purchase order number issued by the procurement officer, excluding minor purchases made from petty cash and those purchases declared exempt by this section.
 - b. Purchase orders shall contain the following: Name of the business or firm, description of the purchases, amount of purchase and signature of the authorized procurement officer or purchasing agent.
 - c. The finance director shall cause to be maintained a purchase order record and shall therein record all purchases made by the city.
- (3) *Purchase limitations.* No purchase exceeding ten thousand dollars (\$10,000.00) shall be made without the approval of the city commission.
- (4) *Competitive bids and exemptions.*
 - a. All purchases exceeding ten thousand dollars (\$10,000.00) shall be awarded after receiving bids. Local businesses shall be afforded equal opportunity to bid on every city purchase. The city manager, on a case by case basis, may determine that the type of purchase will require workers that are present and available in the local Pahokee workforce. The city manager may set a goal for the use of city residents.

- b. Purchase orders involving an obligation of the city for a sum in excess of ten thousand dollars (\$10,000.00) shall be signed by the city clerk, after award by the city commission upon invitations to bid, published once a week for two (2) successive weeks in a newspaper of general circulation in the city and approval by the city commission of the lowest responsible bidder. The published notice shall set forth the time and place that the sealed bids will be opened and shall either set forth the specifications or disclose where the specifications may be obtained.
 - c. Sole source items shall be exempt from competitive bids.
 - d. Items on the state or other governmental bid lists shall be exempt from competitive bidding.
 - e. Proprietary purchases may be exempt when the vendor will supply the item/service at prices equal to or less than the price quoted on state, federal, or other governmental bid lists.
- (5) *Professional services.* Contractors or agreements for the furnishing of professional services to the city, such as engineers, architects, accountants, attorneys, and other professional fees, shall be excluded from this section but shall be by contract approved and authorized, executed by the city commission from time to time in the manner required by law.
- (6) *Exempt purchases.*
- a. Exempt purchases not requiring the use of a purchase order or the express approval of the city commission, but which are included in the budget resolution are utilities, departmental salaries, salary increases, bonuses, insurance, intergovernmental transfers and court ordered payments.
 - b. Any time in any budget year the city commission may make emergency purchases to meet a pressing need for the protection of the public health, safety, or welfare, other than for regular or recurring requirements, upon signature of the city clerk, and approval of a majority of the city commission in session. Notwithstanding any other provision of this Code, the determination of whether a circumstance constitutes a pressing need for the protection of public health, safety, or welfare sufficient to authorize an emergency purchase under this section shall be solely within the discretion and legislative judgment of the City Commission. The City Commission's determination that an emergency exists and that an emergency purchase is necessary shall be final and conclusive. ~~Accordingly, the City Commission may make emergency~~

~~purchases to meet a pressing need for the protection of public health, safety, or welfare, other than for regular or recurring requirements, upon signature of the City Clerk and approval of a majority of the City Commission in session.~~

- c. Emergency purchases not exceeding fifteen thousand dollars (\$15,000.00) may be made by the city manager or the procurement officer to meet a pressing need for the protection of the public health, safety, or welfare of the community. The city commission shall ratify every emergency purchase as soon as it is reasonably possible.

(7) *Determination of lowest responsible bidder.* All purchases shall be made in such a manner as to invite free competition and to secure the best products, services and properties at the lowest responsible price practicable, taking into consideration all applicable facts. In determining "lowest responsible bidder," in addition to price, the city shall consider:

- a. The ability, capacity and skill of the bidder to perform the contract or provide the services 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 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;
- h. The ability of the bidder to provide future maintenance for the use of the subject of the contract;
- i. The number and scope of conditions attached to the bid;
- j. Whether the bidder has met the goal set by the city manager for use of local people under subsection (4)a of this section;
- k. Whether the bidder has a place of business within the Glades Area of Pahokee, Belle Glade, and South Bay (local bidder). The city commission may give preference to a

local bidder if and only if the local bidder's bid is within five (5) percent or five thousand dollars (\$5,000.00), whichever is less, of the lowest bid;

1. This subsection is void if the project is funded by a federal or state grant that requires low bid be based on cost only.

Section 6. Conflict & Repealer.

All ordinances, parts of ordinances or code provisions in conflict herewith ordinance are hereby repealed.

Section 7. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Inclusion in Code.

It is the intention of the City Commission of the City of Pahokee that the provisions of this Ordinance shall at some time in the future become and be made a part of the Code of Ordinances of the City of Pahokee and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

Section 9. Effective Date.

This Ordinance shall become effective immediately upon final passage and

adoption.

PASSED FIRST READING this 9th day of June 2026.

PASSED SECOND READING this 11th day of August 2026.

Keith W. Babb, Jr., Mayor

ATTESTED:

Nylene Clarke, CMC, City Clerk

APPROVED AS TO LEGAL SUFFICIENCY:

Burnadette Norris-Weeks, P. A.
City Attorney

Vote:

Mayor Babb	_____ (Yes)	_____ (No)
Vice-Mayor McDonald	_____ (Yes)	_____ (No)
Commissioner Cowan-Williams	_____ (Yes)	_____ (No)
Commissioner McPherson	_____ (Yes)	_____ (No)
Commissioner Scott	_____ (Yes)	_____ (No)