

ORDINANCE NO. 444

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA, AMENDING CHAPTER 2, ADMINISTRATION, OF THE TOWN'S CODE OF ORDINANCES, BY AMENDING ARTICLE III, FINANCIAL MATTERS, DIVISION 2, PURCHASING, SECTION 2-66, BIDDING PROCEDURES, BY REQUIRING THAT PUBLIC WORKS CONSTRUCTION PROJECTS IN EXCESS OF \$100,000 OR WHEN LABOR AND MATERIALS FOR PUBLIC WORKS CONSTRUCTION PROJECTS ARE ADDED SEPARATELY AND EXCEED \$100,000 ON A PROJECT COSTING MORE THAN \$200,000, SUCH PROJECT SHALL BE COMPETITIVELY BID; ALLOWING FOR THE TOWN TO PURCHASE MOTOR VEHICLES FOR LESS THAN \$50,000 WITHOUT A FORMAL BID; AND REQUIRING ALL OTHER PURCHASES IN EXCESS OF \$35,000 TO BE COMPETITIVELY BID; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Haverhill, Florida is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the Town Council desires to amend the its Purchasing code to require public works construction projects costing over \$100,000 to be competitively bid, and if labor and material for such projects is considered independently but is over \$100,000 for a total project cost in excess of \$200,000, they are to be competitively bid; and

WHEREAS, any vehicle costing less than \$50,000 and any other expense less than \$35,000, need not be procured through a competitive bidding process; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the Town Staff and other interested parties; and

WHEREAS, the Town Council finds that this Ordinance is consistent with the requirements of the Comprehensive Plan and Zoning Code; and

WHEREAS, the notice and hearing requirements of the Zoning Code and Florida law have been met for adoption of this Ordinance; and

WHEREAS, the Town Council has determined that the adoption of these regulations would further the public's health, safety and general welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVERHILL, FLORIDA:

Section 1. The "WHEREAS" clauses are incorporated herein as true and correct and as the legislative findings of the Town Council.

Section 2. Code Amendments.

See Exhibit A attached hereto and made a part hereof.

Section 3. Codification. The Mayor and Town Administrator are hereby authorized and directed to do all things necessary to effectuate this amendment; and authority is hereby granted to codify and incorporate this ordinance into the existing Code of Ordinances of the Town of Haverhill. The provisions of this Ordinance, including its recitals, shall become and be made a part of the *Code of Ordinances of the Town of Haverhill, Florida* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections 3, 4, 5 and 6 of this Ordinance shall not be codified. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of laws in conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Modification. Sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate word.

Section 7. Effective Date. This Ordinance shall take effect immediately upon adoption.

PASSED AND APPROVED ON FIRST READING this 22 day of June, 2017.

THE SECOND AND FINAL READING was held this 27 day of July, 2017. Council member Harvin offered the foregoing Ordinance, and moved its adoption. The Motion was seconded by Council member Gordon, and upon being put to a vote, the vote was as follows:

- JAY G. FOY, Mayor
- LAWRENCE GORDON, Vice Mayor
- MARK C. UPTEGRAPH, Council Member
- JO H. PLYLER, Council Member
- REMAR HARVIN, Council Member

Aye
Aye
Aye
Aye
Aye

The Mayor thereupon declared this Ordinance approved and duly adopted by the Town Council of the Town of Haverhill, Florida.

Attest:

TOWN OF HAVERHILL, FLORIDA



Janice C. Rutan, Town Admin.



Jay G. Foy, Mayor

Exhibit A

Ordinance 444

Sec. 2-66. – Bidding procedure for expenditure of town funds ~~in excess of \$20,000.00~~

- (a) Construction of public works and improvements of the town for projects estimated to have a total construction project cost of over \$100,000.00 must be awarded through a competitive process. Additionally, the purchase of labor and/or materials which labor and materials when considered independently have a cost of more than \$100,000.00 on any public construction contract that is estimated to have total construction project costs of more than \$200,000.00 shall be awarded through a competitive procurement process. Additionally, the town may purchase vehicles, defined as "motorized rolling stock intended for travel over public roadways with a cost of less than \$50,000.00," without the need for formal sealed bids. Other than for the above stated exceptions, the purchase of all supplies and equipment for the use of the town not involving construction of public work and improvements in the town amounting to \$35,000.00 or more, shall only be made using a competitive procurement process.
- (a) ~~Bidding procedure of town funds for the accomplishment of a purpose which is the exercise of one or more of those certain powers vested in the town by virtue of the Charter of the town, which expenditure exceeds \$20,000.00, shall be advertised by the publication of a notice in a newspaper of general circulation in the county, for two consecutive weeks and by the posting of a notice on the town bulletin board. Responses shall be submitted to the town administrator or his/her designee, after advertisement, giving notice of the character and quantity of the supplies or equipment needed, or a brief description of the extent of the construction work or improvement to be undertaken, to be published in some newspaper of general circulation in the county, once each week for two successive weeks, and on the town bulletin board, which notice shall call for responses to be deposited with the town administrator or his/her designee at the time and place set forth in such published notice, and which sealed bids shall be opened and read at the approved time and place and proposal responses tabulated. At least ten days shall elapse between the date of the first publication and posting of such a notice and the date of receiving bids.~~
- (b) The town administrator or his/her designee shall make a report and make recommendations thereon to the town council upon award determination. Bids submitted under this section shall be opened, evaluated, and the best and most responsive bid selected at the next regular meeting of the town council at which a quorum is present following the date of receiving bids, or at a special meeting of the town council called for that purpose. If no bid is deemed suitable, the bidding procedure may be initiated again.
- (c) The bidding procedure described in this section shall not apply to contracts or services which were initially procured through the competitive bidding process and which the town council has determined that the services provided under such contract have been

provided in a superior and exemplary fashion during the term of the contract. If such a determination is made by the town council, the town council may renew, extend and/or modify the contract for a term or period not to exceed three years from the date of expiration of the contract under review. The renewal modification or extension of such a contract, however, shall require a four-fifths vote of the town council. The extension, renewal and/or modification may be granted by resolution of the town council unless the contract in question was initially approved by ordinance, in which case, the extension thereof would also be by ordinance.

- (d) The bidding procedure described in this section shall not apply to contracts for goods or services required by the town council which contracts were first procured by Palm Beach County, The School District of Palm Beach County, Florida or the State of Florida or any of its agencies, through its competitive bidding procedure, as amended from time to time, and which the town council determines that the vendor of said goods or services is satisfactorily performing its duties under its contract with Palm Beach County or the State of Florida, whichever is applicable.
- (e) Any person desiring to submit a bid or bids shall be permitted to inspect the plans and specifications which govern the construction to be undertaken, or the supplies and equipment intended to be purchased. The published notice shall give such brief description as to give reasonable notice to prospective bidders of the character and extent of the work to be done, or the quality and amount of materials to be purchased.