

**ORDINANCE No. 2023-10**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING SECTION 2-318 OF CHAPTER 2, ARTICLE V OF THE CITY OF DORAL CODE OF ORDINANCES, TITLED “PURCHASING LIMITATIONS; COMPETITIVE BIDDING,” TO INCREASE THE MONETARY THRESHOLDS FOR PURCHASES REQUIRING COMPETITIVE BIDDING, AND TO INCREASE THE MONETARY THRESHOLDS FOR PURCHASES REQUIRING CITY COUNCIL APPROVAL; PROVIDING FOR THE CITY MANAGER TO HAVE AUTHORITY TO APPROVE CHANGE ORDERS SUBJECT TO CERTAIN LIMITATIONS; AMENDING SECTION 2-323 OF CHAPTER 2, ARTICLE V OF THE CITY OF DORAL CODE OF ORDINANCES, TITLED “EXEMPTIONS FROM COMPETITIVE BIDDING” TO ENUMERATE ADDITIONAL EXEMPTIONS TO THE CITY’S PURCHASING CODE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Article V of Chapter 2 of the Code of Ordinances (the “Code”) for the City of Doral (the “City”) sets forth the City’s purchasing procedures (“Purchasing Code”); and

**WHEREAS**, the Purchasing Code provides that purchases in excess of \$5,000.00 but less than \$15,000.00, may be made or entered into by the City Manager without submittal to the City Council and without competitive bidding, but shall require that the City Manager obtain quotes from at least three (3) different vendors; and

**WHEREAS**, the Purchasing Code further provides that purchases in excess of \$15,000.00 require City Council approval and shall be in compliance with the competitive bidding requirements set forth in section 2-319 therein; and

**WHEREAS**, since the adoption of the City’s Purchasing Code, the City has grown exponentially and the costs of goods and services have also increased, and the existing \$5,000.00 and \$15,000.00 thresholds are not commensurate with the City’s size and purchasing needs; and

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**WHEREAS**, the Purchasing Code also provides for very limited exemptions to the City's competitive bidding requirements, which is unduly prescriptive, and not consistent with Florida state statutes governing agency purchases, and other local jurisdictions, which provide for exemptions to competitive bidding requirements for certain categories of purchases; and

**WHEREAS**, the City finds it necessary and in the best interest of the citizens of the City to amend and expand the Purchasing Code to increase the monetary thresholds for purchases requiring City Council approval and compliance with competitive bidding procedures, authorizing the City Manager to administratively approve change orders subject to certain limitations, and further enumerating additional exemptions to the City's competitive bidding requirements.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Incorporation of Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**Section 2. Amendment to Article V of Chapter 2 of the City of Doral's Code of Ordinances.** Chapter 2, Article V of the City of Doral's Code of Ordinances is hereby amended as follows:

ARTICLE V. PURCHASING AND PROCUREMENT  
DIVISION 1. GENERALLY

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**Sec. 2-318. Purchasing limitations; competitive bidding.**

- (a) *Purchases less than ~~\$5,000.00~~ \$10,000.00.* Purchases of or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of ~~\$5,000.00~~ \$10,000, may be made or entered into by the city manager without submittal to the city council and without competitive bidding. Single purchases or contracts in excess of ~~\$5,000.00~~ \$10,000.00 shall not be broken down to amounts less than ~~\$5,000.00~~ \$10,000.00 to avoid the requirements of this subsection.
- (b) *Purchases more than ~~\$5,000.00~~ \$10,000.00 but less than ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00.* Purchases of or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of ~~\$5,000.00~~ \$10,000 but which does not exceed ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00, may be made or entered into by the city manager without submittal to the city council and without competitive bidding, but shall require that the city manager obtain quotes from at least three different vendors. Single purchases or contracts in excess of ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00 shall not be broken down to amounts less than ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00 to avoid the requirements of this subsection.
- (c) *Purchases in excess of ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00.* The city council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00. Purchases in excess of ~~\$15,000.00~~ ~~\$50,000.00~~ \$30,000.00 shall be in compliance with the competitive bidding requirements set forth in section 2-319.
- (d) *Exceeding budget appropriation.* The city manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the city council amends the budget to increase the appropriation to the applicable level.
- (e) *Change Orders or Contract Amendments.* The city manager may approve any change orders or contract amendments so long as the total sum of all change orders or contract amendments does not exceed the total amount awarded by the city council by more than either ten (10%) percent of the contract cost or ~~fifty thousand (\$50,000.00)~~ thirty thousand (\$30,000.00) dollars, whichever is less. No increase in contract price shall be approved unless there are sufficient funds available for such purpose.
- (f) *Purchases Made During Declared Emergencies.* The city manager may, upon declaration of an emergency by local, state or federal officials, or when there exists an immediate threat or danger to public health, safety or welfare, loss of public or private property, or interruption in the delivery of an essential governmental service, authorize purchases that exceed the city manager's authority. However, all such

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purchases must be approved by the city council at the earliest regular or special public meeting thereafter.

**Sec. 2-321. - Waiver of competitive bidding procedures.**

- (1) The city council may, by majority vote, waive the competitive bidding procedures outlined in this article upon the recommendation of the city manager that it is in the best interest to do so, to obtain goods and services which cannot be acquired through the normal purchasing process due to insufficient time, the nature of the goods or services or other factors.
- (2) Emergency Purchases. Notwithstanding any other provision of this chapter, the city manager, or designee, may make, or authorize others to make, emergency purchases when there exists a threat to public health, welfare, or safety, as determined under emergency purchase procedures set forth in the Procurement and Purchasing Policy & Procedures Manual, provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. A full written determination of the basis of the emergency, and reason for selection of the particular contractor, shall be included on the emergency purchase order and shall be filed as a permanent and public record of the purchase. Emergency Procurements that exceed the City Manager's spending authority, shall be reported to the City Council within thirty (30) days of such action.

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**Sec. 2-323. Exemptions from competitive bidding.**

The following types of payments and purchases shall be exempt from the competitive ~~bidding procurement~~ procedures outlined in this article but must be approved in accordance with the authorized individual thresholds as established in section 2-318:

- (1) Transactions described in section 2-321 and 2-322.
- (2) Contracts for professional services. As used herein, "professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, except for those contracts that exceed the purchasing category thresholds for professional services governed by F.S. § 287.055 (the Consultants Competitive Negotiations Act).
- (3) Other contracts as provided by state law.
- (4) Emergency purchases as defined herein.
- (5) Training, Academic programs, lectures, educational services, or seminars. specialized services and recreational instructors.

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- (6) Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting, sculpture and the like.
- (7) Performing artists and entertainers as approved by the city manager/purchasing agent when deemed in the city's best interests, for the benefit of the citizens of the city, and the general public at any city function.
- (8) Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services, except as otherwise provided by the city charter.
- (9) Health and medical services, including drug testing, wellness activities and pharmacy services.
- (10) Animal services, including veterinary services and the acquisition or training of animals.
- (11) Utilities, including but not limited to, electric, water, natural gas (excluding fuel/diesel purchases), sewage and solid waste collection, and telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").
- (12) Sole source purchases. Supplies, equipment or services available from a sole source only may be exempted from the bidding requirements of this chapter by the city manager upon the filing of a written request by a department head to the city manager outlining the conditions and circumstances involved, after conducting a good faith review of available sources, a contract may be awarded without competition when the city manager or purchasing agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, brand, service, or construction item capable of fulfilling the needs of the city. The city manager or purchasing agent shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be available as a public record and shall identify each purchase order and/or contract.
- (13) Insurance. Purchases of insurance through the city's agent of record are exempt from the competitive bid and competitive proposal requirements.
- (14) Memberships and associated fees.
- (15) Subscriptions, books and publications.
- (16) Travel (Hotel, Registration, Transportation).
- (17) Regulatory or government licenses and permits.
- (18) Notary Services.
- (19) Recording Fees.
- (20) Title Insurance, and Title searches.
- (21) Court reporting services.

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- (22) Software modification services by the copyright holder, maintenance agreements, and related software enhancements to install software purchased through competitive means.
- (23) Shipping services, including postage, overnight delivery, courier services and mailing costs.
- (24) Service and Warranty. Servicing or warranty work of equipment by the authorized dealer or manufacturer's representative, when required to maintain a warranty in full force and effect, or when considered to be in the best interest of the city and recommended by the using department, and the services to be performed are by the equipment manufacturer, manufacturer's service representative, or a distributor of the manufacturer's equipment.
- (25) Purchase of construction materials included in the scope of a construction contract in order to realize the tax savings, in accordance with F.S. § 212.08(6).
- (26) Real property (land or buildings) purchase, lease or rental.
- (27) Advertisements, radio, newspapers, magazines, professional organizations, trade shows, television, and any other related media.
- (28) Products purchased from the blind, and other severely impaired persons (RESPECT) in accordance with F.S. §§ 413.032, 413.033 and 413.036.

**Section 3. Repealer.** All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

**Section 4. Severability.** If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

**Section 5. Incorporation Into the Code.** It is the intention of the Mayor and the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Code of Ordinances of the City of Doral; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word, as required.

**Section 6. Effective Date.** This Ordinance will become effective ten (10) days after adoption at second reading.

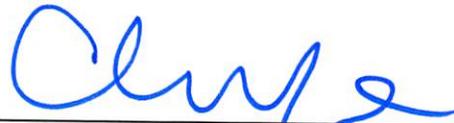
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The foregoing Ordinance was offered by Councilmember Puig-Corve who moved its adoption. The motion was seconded by Councilmember Cabral upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	Yes
Vice Mayor Rafael Pineyro	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Maureen Porras	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED on FIRST READING this 12 day of April, 2023.

PASSED AND ADOPTED on SECOND READING this 10 day of May, 2023.



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CHRISTI FRAGA, MAYOR

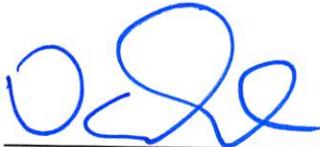
ATTEST:



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CONNIE DIAZ, MMC  
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



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VALERIE VICENTE, ESQ. for  
NABORS, GIBLIN & NICKERSON, P.A.  
CITY ATTORNEY

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