

ORDINANCE NO. 2024-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION ARTICLE III – PURCHASING PROCEDURES; SECTION 2-78. – PURCHASING THRESHOLDS.; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, changes in the economy, i.e. inflation, supply chain disruptions, shortages, etc., have made it apparent that the City needs to revisit its purchasing policies to overcome these issues. Construction costs have increased substantially, the difficulties obtaining new fleet vehicles, and the various city departments' lead time for necessary equipment all point to the need for the City to update/increase the purchasing thresholds to increase our ability to procure necessary goods and services more efficiently; and

WHEREAS, the City Charter at section 6.06. – Purchasing authorizes the City Commission to establish by ordinance, contract execution limits for the City Manager; and

WHEREAS, the City Commission desires to increase the City Manager's contract execution authority from \$25,000.00 to \$100,000.00 under said Charter authority; and

WHEREAS, the City Commission of the City of Clewiston, Florida, has determined that the code amendment contained in this ordinance will be in the best interests of the citizens of the City of Clewiston.

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

SECTION 1. The Clewiston Code of Ordinances, Chapter 2, Article III. – Purchasing Procedures, Section 2-78. – Purchasing thresholds is hereby amended to read as follows:

Sec. 2-78. - Purchasing thresholds.

- (a) Purchases in amounts of over \$5,000.00 but not exceeding ~~\$25,000.00~~ \$100,000.00 may be effected without advertising, but will require written quotes, including fax transmissions and/or emails from prospective vendors which may be obtained by the using department. At least three written quotes shall be obtained if practicable. Purchases less than \$5,000.00 may be by documented verbal quote. In all instances, the city finance director shall have the right to require adequate documentation to ensure that bids are fairly acquired and that a competitive environment is maintained.

- (b) Purchases exceeding ~~\$25,000.00~~ \$100,000.00 shall require public advertising in a newspaper of local circulation and advertising by posting in two conspicuous places in the city limits. Purchases shall be made according to the requirements for the method of purchasing used under section 2-79.

- (c) The city shall require that successful bidders provide bid bonds, performance bonds, labor and/or material bonds, or other appropriate types of bonds at the commission's discretion. ~~In connection with any awarded contract in excess of \$25,000.00 for material, equipment, work or services, ten percent of the contract amount shall be withheld subject to final approval by the city commission of material, equipment, work or services provided under the terms of such contract.~~

- (d) The city commission's approval shall be required for award of all contracts for material, equipment, work or services in excess of ~~\$75,000.00~~ \$100,000.00 for all budgeted items, and in excess of \$25,000.00 for non-budgeted items. Budgeted purchases of ~~\$75,000.00~~ \$100,000.00 or less may be approved by the city manager, if approved in writing in advance by the finance director and the city attorney. In all instances, the purchasing methods of section 2-79 must be used for all purchases in excess of \$5,000.00.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence 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 individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on June 17, 2024.

PASSED AND ADOPTED on second and final reading by the City Commission on July 15, 2024.

ATTEST:

CITY OF CLEWISTON, FLORIDA




Mary K. Combass, City Clerk



James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Dylan J. Brandenburg, City Attorney