

ORDINANCE NO. 21-17

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REPEALING CHAPTER 36, "ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF CITY PROPERTY" IN ORDER TO ADOPT A PURCHASING POLICY AND PROCEDURES MANUAL, PROVIDING FOR ITS ADMINISTRATIVE AMENDMENT AND TO ESTABLISH PURCHASING AUTHORITY LIMITS; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AND EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Commission of the City of Delray Beach has determined it is in the best interests of its residents to repeal the current purchasing ordinance and enact a new ordinance, adopting a "Purchasing Policies and Procedures Manual."

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

Section 1. Chapter 36, "Acquisition of Goods and Services and Disposal of City Property", of the Code of Ordinances of the City of Delray Beach is hereby repealed and readopted, as revised; providing that Chapter 36 "Acquisition of Goods and Services and Disposal of City Property" shall hereafter read as follows:

See Exhibit "A", which is attached hereto and made a part hereof.

Section 2. All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 3. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

Section 4. Specific authority is hereby given to codify this Ordinance.

Section 5. This Ordinance shall become effective immediately upon adoption.

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PASSED AND ADOPTED in regular session on second and final reading on this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading\_\_\_\_\_

Second Reading\_\_\_\_\_

## **EXHIBIT "A" to ORDINANCE NO. 21-17**

### **CHAPTER 36. - ACQUISITION OF GOODS AND SERVICES AND DISPOSAL OF CITY PROPERTY**

#### **Sec. 36.01 PURCHASING PROCEDURES.**

(A) The City Manager shall prepare rules and regulations pertaining to purchasing procedures for the acquisition of non-real property, goods, or services that shall apply to all personnel involved in the purchasing process. Such rules and regulations shall be in the form of a Purchasing Policies and Procedures Manual ("PPM"), which shall be effective upon issuance by the City Manager.

(B) The PPM shall include purchasing/acquisition procedures, fiscal controls, dollar limitation on purchasing authority of the various city officials and shall be subject to modification, amendment, or expansion as deemed necessary by the City Manager.

(C) The rules and regulations set forth in the PPM shall be subject to and in accordance with the requirements and limitations of this chapter.

#### **Sec. 36.02 COMMISSION APPROVAL REQUIRED.**

Acquisitions greater than \$65,000 shall be awarded by competitive sealed bid, or such other method as permitted by Florida law, and such threshold shall automatically be adjusted to be consistent with the category three purchasing threshold set forth at § 287.01, Fla. Stat., as may be amended from time to time. Acquisitions in an amount less than or equal to \$65,000 may be approved by the City Manager, or designee. Acquisitions greater than \$65,000 shall be approved by the City Commission. City Commission approval is not required for payment of invoices for professional services, the acquisition or retention of which previously received City Commission approval.

#### **Sec. 36.03 DISPOSAL OF NON-REAL PROPERTY.**

(A) Trade-in. Where trade-in is available in conjunction with the purchase of replacement non-real property from the same vendor, the City may trade-in and replace its non-real property with that vendor. The trade-in of the City's non-real property shall be subject to approval by the City Commission if the estimated market value of the property being traded-in is greater than \$65,000.

(B) Market value of \$65,000 or less. The City's non-real property with an estimated market value of \$65,000 or less may be sold or auctioned through a competitive process as determined by the City Manager.

(C) Market value greater than \$65,000. The City Manager may sell or auction any of the City's non-real property with an estimated market value of greater than \$65,000 through a competitive process that is approved by the City Commission.

(D) Junk non-real property. The City Manager may declare that any non-real property that is determined by the City Manager to have reached the end of its useful life and/or may expose the City to potential liability from its continued use or sale and/or whose disposition cost exceeds its value, is junk. Non-real property declared by the City Manager to be junk shall be disposed of without receipt of consideration (or, if necessary, at a cost to the City) and shall be rendered useless and not be donated.

#### **Sec. 36.04. ACQUISITION OF REAL PROPERTY.**

Whenever the City Commission determines it would be in the best interest of the City to purchase certain real property for municipal purposes, the City shall prepare a notice setting forth the terms and conditions of the proposed real property purchase and the date, time and place of the public hearing on the proposed purchase. The City shall publish the notice in a newspaper of general circulation ten (10) days prior to consideration by the Commission of a resolution authorizing the purchase of the real property. The City Commission is authorized and empowered to make the real property purchase upon the terms and conditions it deems to be in the best interest of the City provided that the City Commission holds a public hearing prior to approving the resolution authorizing the purchase. The notice provisions of this section shall not apply where the City has authorized the use of its eminent domain powers for the purchase of real property.

#### **Sec. 36.05. SALE OR EXCHANGE OF REAL PROPERTY.**

(A) Sale of Real Property. Whenever the City Commission determines that the City owns and possesses certain real property that is not needed for municipal purposes, the City Commission may sell that property in a manner, and upon terms and conditions, as the City Commission shall determine provided that the City Commission holds a public hearing prior to approving the resolution authorizing the sale. Before any sale can be completed, a notice of sale stating the date, time and place of the public hearing on the proposed sale shall be published in a newspaper of general circulation ten (10) days prior to the hearing.

(B) Exchange of Real Property. Whenever the City Commission determines that the City owns and possesses certain real property that is not needed for municipal purposes, the City Commission may exchange that property for other real property to be acquired for municipal purposes in a manner and upon terms and conditions as the City Commission shall determine are in the best interest of the City, provided that the City Commission holds a public hearing prior to approving the resolution authorizing the property exchange. Before any exchange of real property shall be completed, a notice stating the date, time and place of the public hearing on the proposed exchange shall be first published in a newspaper of general circulation ten (10) days prior to the hearing.