

# PROCUREMENT ORDINANCE (CODE)

## City of Florida Procurement Hub



1234 Strategic Sourcing Street  
Florida Procurement Hub, FL 33333

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## ARTICLE I. GENERAL PROVISIONS

### Section 1. Short Title

This ordinance shall be known and may be cited as the "Procurement Ordinance" or the "Procurement Code" of the **City of Florida Procurement Hub** ("City").

### Section 2. Purposes and Guiding Principles

The purposes and guiding principles of this Procurement Ordinance are:

- (a) To provide for the fair and equitable treatment of all persons involved in public purchasing by the City.
- (b) To maximize the purchasing value of public funds through effective, efficient, and economical procurement practices.
- (c) To foster effective broad-based competition within the free enterprise system.
- (d) To simplify, clarify, and modernize the law governing procurement by the City.
- (e) To permit the continued development of procurement policies and procedures.
- (f) To provide safeguards for maintaining quality and integrity in the City's procurement system.
- (g) To ensure transparency and provide for public confidence in the procedures followed in public procurement.
- (h) To establish a uniform system for procurement and supply management.
- (i) To encourage participation by local businesses.
- (j) To ensure the highest level of oversight, ethics, and protocol.

### Section 3. Requirement of Good Faith

This Code requires all parties involved in the solicitation, negotiation, performance, or administration of City contracts to act in good faith.

### Section 4. Application

This Procurement Ordinance applies to all procurements of goods, supplies, materials, equipment, construction, and services by the City, regardless of the source of funds, except as otherwise specified herein or provided by law. Nothing in this Ordinance shall prevent the City from complying with the terms and conditions of any grant, gift, or cooperative agreement.

## **Section 5. Compliance with Federal and State Law**

All City procurements shall be conducted in accordance with applicable federal and state laws, including but not limited to Florida Statutes Chapter 287 (Procurement of Personal Property and Services), Chapter 255 (Public Property and Publicly Owned Buildings), and Chapter 119 (Public Records). Contracts involving federal funds shall comply with all applicable federal procurement standards, such as those outlined in 2 CFR Part 200. Where conflicts exist, federal and state law shall supersede this Ordinance.

## **Section 6. Definitions**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- **BEST VALUE:** The highest overall value to the City, determined by evaluating factors such as price, quality, design, workmanship, qualifications, experience, capacity, delivery, life-cycle costs, and other criteria relevant to the specific procurement. Lowest price is not the sole determining factor.
- **CHIEF PROCUREMENT OFFICER (CPO):** The individual appointed by the City Manager responsible for the administration and oversight of the City's procurement functions.
- **COMPETITIVE SOLICITATION:** A process used to obtain bids, proposals, qualifications, or other offers for goods, services, or construction, including but not limited to Invitation for Bids (IFB), Requests for Proposals (RFP), Requests for Qualifications (RFQ), Requests for Quotations (RFQu), and Invitations to Negotiate (ITN).
- **CONTRACT AMENDMENT (CHANGE ORDER):** A written alteration to the scope, specifications, price, term, or other provisions of an existing contract, executed by authorized parties.
- **CONTRACTOR/VENDOR:** Any person or entity having a contract with the City or seeking to do business with the City.

- **COOPERATIVE PURCHASING:** Procuring goods or services using contracts established by the state, federal government, other governmental entities, or approved purchasing cooperatives, based on competitive solicitations.
  - **EMERGENCY PROCUREMENT:** A purchase made in response to a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
  - **INVITATION FOR BIDS (IFB):** A method of competitive solicitation used when the City can precisely define its requirements, and award is based primarily on the lowest responsive, responsible bid.
  - **PROCUREMENT:** The process of acquiring goods, services construction, or supplies, including all functions from determining needs, soliciting sources, awarding contracts, and contract administration.
  - **PROCUREMENT MANUAL:** A separate document maintained by the CPO, containing detailed procedures, forms, and guidelines for implementing this Procurement Ordinance.
  - **REQUEST FOR PROPOSALS (RFP):** A method of competitive solicitation used when factors other than price are considered, and negotiation may be required. Award is based on Best Value.
  - **RESPONSIBLE BIDDER/OFFEROR:** A vendor possessing the capability, capacity, experience, integrity, and financial/technical resources to perform the contract requirements.
  - **RESPONSIVE BID/PROPOSAL:** A submission that conforms in all material respects to the requirements stated in the solicitation document.
  - **SOLE SOURCE PROCUREMENT:** A purchase made without competition because only one source is practicably available for the required good or service.
  - **USING AGENCY:** Any City department, office, or entity requiring goods, services, or construction.
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## ARTICLE II. PROCUREMENT ORGANIZATION & AUTHORITY

### Section 7. Procurement Organization

The Office of Procurement Services (“Procurement Services”) is established and shall be responsible for the centralized administration and oversight of the City's procurement activities under this Ordinance.

### Section 8. Chief Procurement Officer (CPO) – Appointment and Authority

The City Manager shall appoint a Chief Procurement Officer (CPO) who shall serve as the Director of Procurement Services. The CPO shall be the City's principal public procurement official and shall have overall responsibility for the procurement of goods, services, and construction in accordance with this Ordinance.

### Section 9. CPO Powers and Duties

Subject to the provisions of this Ordinance and applicable law, the CPO shall:

- (a) Administer the centralized procurement functions of the City.
- (b) Recommend and implement procurement policies and procedures.
- (c) Determine appropriate methods of source selection.
- (d) Prepare, issue, and manage competitive solicitations.
- (e) Award and execute contracts, purchase orders, and related documents within the CPO's delegated authority.
- (f) Maintain standard contract terms and conditions, approved by the City Attorney.
- (g) Determine requirements for bid and performance security.
- (h) Maintain vendor lists and encourage competition.
- (i) Oversee the disposal of surplus property.
- (j) Make recommendations regarding debarment or suspension of vendors.
- (k) Provide guidance and training to City departments on procurement matters.
- (l) Keep informed of best practices and market conditions in public procurement.

(m) Perform other duties as assigned by the City Manager or required by this Ordinance.

## **Section 10. Procurement Manual**

The CPO shall establish and maintain a Procurement Manual detailing the operating procedures, forms, and guidelines necessary to implement this Ordinance. The Procurement Manual shall be consistent with this Ordinance and applicable laws and shall be made available to City staff and the public as appropriate.

## **Section 11. Delegation of Authority**

### **(a) Procurement Authority Thresholds:**

(i) CPO: May approve and execute contracts up to \$25,000.

(ii) City Manager: May approve and execute contracts above \$25,000 up to \$100,000. (Exception: City Attorney approval for legal services up to \$100,000).

(iii) City Commission: Required to approve contracts exceeding \$100,000.

(b) **Delegation to Using Agencies:** The CPO may delegate limited purchasing authority (e.g., for small purchases up to \$2,500) to Using Agencies, subject to procedures in the Procurement Manual.

## **Section 12. Unauthorized Procurements**

Any procurement made by a City officer or employee contrary to the provisions of this Ordinance or the Procurement Manual shall be considered unauthorized and may result in disciplinary action and/or personal liability. Procedures for addressing unauthorized procurements shall be detailed in the Procurement Manual.

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## ARTICLE III. SOURCE SELECTION AND CONTRACT FORMATION

### Section 13. Methods of Source Selection

Except as otherwise authorized by law or this Ordinance, all City purchases and/or contracts exceeding \$100,000 shall be awarded by a competitive solicitation process. The primary methods include Competitive Sealed Bidding (IFB) and Competitive Sealed Proposals (RFP). Other methods such as Requests for Qualifications (RFQ) Invitations to Negotiate (ITN), small purchase procedures, sole source, emergency, and cooperative purchasing may be used as specified herein. The CPO shall determine the appropriate method based on the nature of the procurement and the best interests of the City.

### Section 14. Competitive Sealed Bidding (Invitation for Bids - IFB)

- (a) **Conditions for Use:** IFBs shall be used when the City can prepare clear, detailed specifications, and award can be made primarily on the basis of the lowest price submitted by a responsive and responsible bidder.
- (b) **Procedure:** IFBs shall be publicly advertised, include all relevant specifications and contract terms, and state the time and place for public bid opening.
- (c) **Award:** The contract shall be awarded to the lowest responsive and responsible bidder meeting the specifications.

### Section 15. Competitive Sealed Proposals (Request for Proposals - RFP)

- (a) **Conditions for Use:** RFPs shall be used when the use of competitive sealed bidding is not practicable or advantageous, and factors other than price (e.g., technical expertise, approach, qualifications) are significant considerations for award.
- (b) **Procedure:** RFPs shall be publicly advertised and state the relative importance of price and other evaluation factors. Discussions or negotiations may be conducted with responsible offerors. Best and Final Offers (BAFOs) may be requested.
- (c) **Award:** The contract shall be awarded to the responsible offeror whose proposal is determined to provide the Best Value to the City.

## Section 16. Other Competitive Solicitation Methods (RFQ, RFQu, ITN)

- (a) **Requests for Qualifications (RFQ):** Used primarily for procuring professional services (e.g., architectural, engineering under CCNA, F.S. § 287.055) or to pre-qualify vendors, where selection is based on qualifications rather than price initially.
- (b) **Invitations to Negotiate (ITN):** Used when the City determines that negotiation is necessary to achieve the best outcome, and procurement via IFB or RFP is not practicable.
- (c) Procedures for these methods shall be detailed in the Procurement Manual.

## Section 17. Small Purchases & Informal Quotations

- (a) **Threshold:** Procurements with an estimated cost not exceeding \$10,000 may be made using informal procedures.
- (b) **Procedure:** A minimum of one written quote is required, though seeking three quotes is recommended best practice. Procedures shall be detailed in the Procurement Manual. Micro-purchases (e.g., under \$2,500 or \$5,000, per delegated authority) may have less stringent requirements outlined in the Manual.

## Section 18. Sole Source Procurements

- (a) **Conditions for Use:** Procurements may be made without competition if the CPO determines in writing, after a good faith review, that only one practicable source exists for the required good or service (e.g., due to patents, unique features, or compatibility).
- (b) **Procedure:** Justification must be documented, and notice of the intended sole source procurement shall be publicly posted for a specified period (e.g., 7 business days) prior to award, unless impractical due to urgency.
- (c) **Approval:** Sole source purchases exceeding \$100,000 require City Commission approval.

## Section 19. Emergency Procurements

- (a) **Conditions for Use:** When an immediate threat to public health, safety, welfare, or critical City operations exists, the CPO or City Manager may authorize emergency procurements without formal competition.

(b) **Procedure:** Efforts should still be made to obtain competitive pricing if feasible. All emergency procurements must be documented with justification and reported as specified in the Procurement Manual.

## **Section 20. Cooperative Purchasing ("Piggybacking")**

The CPO may procure goods and services using existing contracts established by other governmental entities or approved cooperatives, provided the original contract was awarded through a competitive process and allows for such use, and it is determined to be in the City's best interest. The terms, conditions, and pricing must be equal to or better than the original contract.

## **Section 21. Exempt Procurements**

The following procurements may be exempt from the competitive solicitation requirements of this Ordinance, subject to procedures in the Procurement Manual and required approvals:

- (a) Professional services procured under CCNA (F.S. § 287.055).
- (b) Purchases from sole sources
- (c) Emergency purchases.
- (d) Cooperative purchases
- (e) Specific services like utilities, advertising, legal notices, postage, certain professional memberships, insurance procured through agent(s) of record, certain software maintenance/licenses, required warranty work, artistic/academic services, etc., as specifically listed and justified.
- (f) Purchases where the City Commission or City Manager (within their authority) makes specific written findings that competition is not in the City's best interest.

## **Section 22. Cancellation of Solicitations; Rejection of Bids or Proposals**

The City reserves the right to cancel any solicitation or reject any or all bids, proposals, or offers, in whole or in part, when it is determined to be in the best interest of the City. Reasons for rejection may include, but are not limited to, insufficient competition, inadequate funding, changes in requirements, or discovery of errors in the solicitation or responses.

### **Section 23. Responsibility and Responsiveness of Bidders and Offerors**

Contracts shall only be awarded to responsible bidders or offerors submitting responsive bids or proposals. The CPO shall make determinations of responsibility and responsiveness based on criteria outlined in this Ordinance and the solicitation documents. Factors considered for responsibility include financial stability, technical capability, experience, integrity, and compliance history. Responsiveness requires conformance to all material solicitation requirements.

### **Section 24. Best Value Procurement**

Where permitted by law and solicitation method (e.g., RFP, ITN) awards shall be based on the Best Value to the City. Evaluation criteria contributing to Best Value shall be clearly stated in the solicitation document and may include price, quality, technical merit, qualifications, experience, service, life-cycle costs, local preference (if applicable), and other relevant factors.

### **Section 25. Correction or Withdrawal of Bids/Proposals; Waiver of Irregularities**

(a) **Withdrawal:** Bids/proposals may be withdrawn prior to the opening time. After opening, withdrawal may be permitted only for documented, material mistakes under procedures outlined in the Procurement Manual.

(b) **Waiver:** The CPO may waive minor informalities or non-material irregularities in bids/proposals that do not affect price, quantity, quality, delivery, or contractual conditions, provided such waiver does not grant an unfair advantage. Obvious clerical errors may be corrected.

### **Section 26 Bid and Performance Security (Bonding)**

(a) **Bid Security:** May be required for formal solicitations, as specified in the solicitation documents, to ensure the successful bidder enters into the contract.

(b) **Payment and Performance Bonds:** Shall be required for construction contracts exceeding thresholds specified in F.S. § 255.05, unless specifically waived by the City Manager or City Commission as permitted by statute. Bonds may also be required for other types of contracts as determined necessary by the

CPO. Requirements for sureties shall comply with state law and Treasury Department listings.

### **Section 27. Prohibition Against Subdivision**

Procurements shall not be artificially divided or split into smaller components solely to circumvent the competitive solicitation requirements or approval thresholds established in this Ordinance.

### **Section 28. Public Notice and Solicitation Timeframes**

Formal competitive solicitations (estimated over \$100,000) shall be publicly advertised through appropriate means (e.g., City website, electronic procurement portal, newspaper). Solicitations shall allow adequate time for response, generally no less than 21 days from the posting date, unless a shorter timeframe is justified. Electronic posting is authorized.

### **Section 29. Bid Opening Procedures**

(a) **Sealed Submissions:** Bids/Proposals shall typically be submitted sealed (physically or electronically) to the designated office by the specified deadline. Late submissions shall not be accepted.

(b) **Public Opening:** For IFBs, bids shall be opened publicly at the time and place designated. Bidder names and amounts (where applicable) shall be read aloud and recorded. RFP/RFQ openings may only announce the names of respondents, with proposal contents remaining confidential during evaluation as permitted by public records law.

(c) **Electronic Submissions:** The City may utilize electronic systems for receiving and opening bids/proposals, as detailed in the Procurement Manual. Digital signatures may be accepted.

### **Section 30. Contract Award and Execution**

(a) **Recommendation & Approval:** Following evaluation, the CPO or Using Agency shall recommend award to the appropriate authority (CPO, City Manager, or City Commission) based on the established thresholds.

(b) **Award Basis:** Award shall be made to the responsive, responsible bidder/offeror providing the Best Value or lowest price, as applicable to the solicitation method. Tie bids shall be resolved according to procedures in the Procurement Manual.

(c) **Notice:** A notice of intent to award shall be publicly posted.

(d) **Negotiation:** Negotiations may be conducted following selection under RFP/ITN processes.

(e) **Execution:** Contracts shall be executed by authorized signatories only after all required approvals and legal review are complete.

### Section 31. Legal Review

All contracts shall be reviewed and approved as to form and legal sufficiency by the City Attorney or designee prior to execution by the City.

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## ARTICLE IV. CONTRACT ADMINISTRATION

### Section 32. Contract Management Responsibility

The Using Agency director or designee is primarily responsible for managing, monitoring, and administering awarded contracts to ensure compliance with terms, conditions, and performance standards, in coordination with Procurement Services.

### Section 33. Contract Amendments (Change Orders)

(a) **Definition:** A change order is a written amendment to an existing contract modifying its terms, scope, price, or duration.

(b) **Authority:**

(i) **City Manager Authority:** May approve change orders for contracts originally approved by the City Manager, provided the cumulative change does not exceed \$100,000 and does not materially alter the contract's character. May approve change orders for Commission-approved contracts if the cumulative increase is within 10% or \$250,000 (whichever is less) and

any time extension is within 120 days, provided the change does not materially alter the contract's character.

(ii) **City Commission Authority:** Required for all change orders exceeding the City Manager's authority. Contingency funds approved within the original contract may be used without further Commission approval if consistent with the contract terms.

(c) **Restrictions:** Change orders shall not be used to circumvent competitive procurement requirements, and logically connected work should be included in a single change order where possible.

### **Section 34. Contract Terminations, Extensions, and Renewals**

(a) **Termination:** The City Manager may terminate contracts for cause (breach/default). Termination without cause typically requires City Commission approval for contracts originally approved by the Commission. Appropriate notice procedures shall be followed.

(b) **Extensions:** The City Manager may grant short-term extensions (max 120 days) for Commission-approved contracts to allow for transition or re-solicitation. Further extensions require Commission approval.

(c) **Renewals:** Authority to approve contract renewals depends on the renewal's estimated cost and which renewal term it is (first, second, third, etc.), relative to the established approval thresholds (\$25k, \$250k in draft), as specified in the Procurement Manual or contract. Automatic renewals require Commission action *not* to renew.

(d) **Applicability:** Provisions generally apply to existing and future contracts unless conflicting terms exist. Excludes certain employment contracts.

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## **ARTICLE V. SPECIFICATIONS & PROPERTY MANAGEMENT**

### **Section 35. Specifications**

Specifications used in solicitations shall be drafted to promote competition and accurately reflect the City's needs without being unduly restrictive. Using Agencies shall cooperate

with Procurement Services in developing clear and appropriate specifications. Standardization shall be utilized where practicable.

### **Section 36. Management and Disposal of Surplus Property**

- (a) **Identification:** Using Agencies shall report surplus, obsolete, or unusable property to the CPO.
- (b) **Transfer/Reuse:** The CPO may transfer surplus property between City departments.
- (c) **Disposal:** The CPO has authority to sell, trade-in, or otherwise dispose of surplus property determined to be unsuitable for public use.
- (d) **Method:** Sales estimated over \$100,000 shall typically utilize competitive bidding or public auction. Electronic auctions are permitted. Appraisals may be required based on estimated value.
- (e) **Donation:** Property may be donated to eligible non-profit organizations if competitive sale efforts are unsuccessful, subject to value limits and approvals.

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## **ARTICLE VI. ETHICS & PREFERENCES**

### **Section 37. Ethics in Public Contracting**

All City officials, employees, and vendors involved in the procurement process shall adhere to the highest ethical standards, avoiding conflicts of interest, gratuities, kickbacks, and any activity that could compromise the integrity of the procurement process. Specific standards of conduct, conflict of interest rules, and gift policies shall be detailed in the City's Code of Ethics and/or the Procurement Manual, consistent with state law (e.g., F.S. Chapter 112, Part III). Violations may result in disciplinary action, contract termination, or debarment.

### **Section 38. Debarment and Suspension**

The CPO may debar or suspend vendors from participating in City procurements for cause, including violation of contract terms, ethical standards, criminal convictions related to business integrity, or other actions demonstrating non-responsibility. Procedures for

debarment, including notice and appeal rights, shall be detailed in the Procurement Manual and afford due process. Debarment shall be for a specified period, typically not exceeding two years.

### Section 39. Local Vendor Preference

(a) **Definition:** A "Local Vendor" shall be defined as a business meeting specific criteria regarding location, duration, operation, and taxation within City limits, as established by resolution or ordinance.

(b) **Application:** A local preference program (e.g., set-asides for certain services under \$100k, or percentage preference in bid evaluation) may be applied as detailed in a separate ordinance or the Procurement Manual, where legally permissible.

(c) **Exceptions:** Local preference shall not apply to procurements funded by grants prohibiting such preference, cooperative purchases, emergency purchases, sole source purchases, or where waived by the appropriate authority.

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## ARTICLE VII. LEGAL AND CONTRACTUAL REMEDIES

### Section 40. Bid Protests and Appeals

(a) **Right to Protest:** Actual or prospective bidders/offers aggrieved by a solicitation or pending contract award may file a formal written protest.

(b) **Filing Deadline:** Protests must be received by Procurement Services within five business days after the posting of the solicitation or notice of intent to award. Failure to file timely constitutes a waiver.

(c) **Content:** Protests must identify the protester, the solicitation, and provide a detailed factual summary of the grounds for protest. Challenges to evaluation criteria weighting are not permitted.

(d) **Security Deposit:** A protest bond or deposit in the amount of 1% of the amount of the pending award, or \$5,000, whichever is greater, is required, and refundable only if the protest is upheld.

(e) **Review Process:** Protests are reviewed initially for timeliness and sufficiency. Valid protests may be reviewed by the CPO, a Protest Committee, or other designated authority, potentially involving informal hearings. The City Attorney provides legal counsel.

(f) **Stay of Award:** A timely protest typically stays the contract award unless the City Manager determines immediate award is necessary to protect substantial City interests.

(g) **Decision:** A written decision resolving the protest shall be issued to the protester.

(h) **Procedures:** Detailed procedures shall be outlined in the Procurement Manual.

UNAUTHORIZED USE PROHIBITED