

City of
PINELLAS PARK

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June 23, 2020

Mr. Gary Moskaluk
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: Proposed Ordinance Amendment Section 2-602

Dear Mr. Moskaluk:

Our office met with you, Debbie Cason and the City Manager prior to the Covid-19 pandemic. At that meeting we discussed amending the City's Purchasing Ordinance to apply not only to Bids, but also Requests for Proposals and Invitations to Negotiate. Additionally, it was the City's desire to amend the Ordinance to allow for the piggybacking of any proposal or contract procured by a government entity, including our own. Finally, it was suggested that some additional language be added to paragraph G for consistency, and that the final two sentences of such paragraph be deleted.

I have prepared the attached proposed Ordinance for your review. If you have any questions, or would like to discuss any additional changes, please do not hesitate to contact our office.

Very truly yours,

James W. Denhardt
City Attorney

Attachment

cc: Doug Lewis, City Manager
Diane M. Corna, MMC, City Clerk
Patrick Murphy, Deputy City Manager

JWD/dh

590008232020.Proposed Ordinance Amending Sec 2-602.wpd



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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 2 (ADMINISTRATION), ARTICLE 6 (CITY PURCHASES) OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA; BY AMENDING SECTION 2-602 PERTAINING TO BIDS AND ADVERTISING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA:

SECTION ONE: That Section 2-602 of the "Code of Ordinances" of the City of Pinellas Park, Florida, is hereby amended to read as follows:

Sec. 2-602. ~~Bids and advertising required~~ Procurement requirements for certain purchases; emergency purchases; exceptions.

(A) When the cost or purchase price is in excess of Thirty-Five Thousand Dollars (\$35,000.00), no purchase shall be made unless bids are received after advertising in accordance with the requirements contained in F.S. §§ 255.0525(2), 287.012(16) and 287.057(1)(a), as may be amended, provided, however, that if the City Manager, with the consent of the Mayor, shall determine that a real emergency exists in regard to contracting for work or services or for the purchase of any commodities so that the delay incidental to giving opportunity for bidding would be detrimental to the interest of the City, and affect the carrying out of necessary City functions, or in the event of a local disaster or catastrophe then, and in such event, the provisions herein for bidding shall not apply and the City Manager, after first securing written Mayoral approval, may enter into such contracts for work or services or authorize and make purchases of such commodities, with the Council being notified of such action as soon as possible, but not later than the next regular Council Meeting.

(B) There is excepted from bid requirements, items which are only available from one (1) source, but, in such instances, a written certification by the Purchasing Director is required; however, such acceptance shall be subject to the City Council approval as provided in Section 2-601 above.

(C) There is also excepted from the above bid requirement purchases of all types of insurance coverage to the extent that the same is procured by or through a duly licensed insurance consultant under contract with the City to implement and manage its insurance protection program at the direction of City Council or procured by the City's Risk Management Director. Any insurance coverage purchased other than through such consultant or Risk Management Director shall be subject to the above bid requirements.

(D) There is also excepted from the above bid requirement the procurement of live entertainment performances for City functions.

(E) 1. There is also excepted from the above bid requirement labor, services, and/or materials up to a maximum amount of Fifty Thousand Dollars (\$50,000.00) for the repair, renovation, or improvement of City-owned real estate which is controlled under a real estate management contract, where the delay incidental to the formal bidding process would be detrimental to the interests of the City. The City Manager, after first securing as many quotations therefor as may be reasonably available under the circumstances, may enter into contracts for such labor, services, and/or materials, with City Council being notified of such action as soon as possible, but not later than the next regular City Council meeting.

2. There is also excepted from the above bid requirements commissions or similar fees payable to a real estate manager engaged in the management of city-owned real estate under a real estate management contract which has been previously approved by City Council. The City Manager shall make such payments in accordance with the requirements of such contract, and shall notify City Council of the amounts of such payments as soon as possible, but not later than the next regular City Council meeting.

(F) Notwithstanding the other provisions of this Article VI, the City may, in lieu of the competitive bidding procedures specifically provided for herein, accept a bid, proposal or contract which has been ~~secured~~ procured by any ~~other~~ governmental entity, or agency thereof, ~~procured~~ through a competitive bidding process which is equal to or more stringent than the competitive bidding process required by this Section 2-602; provided, however, such acceptance shall be subject to City Council approval as provided in Section 2-601 above.

(G) There is also excepted from the above bid requirements any City improvement project, or the initial phase of any such project, if the same is critically time sensitive, or offers financial savings to the City, but does not qualify as an emergency as defined in Subsection 2-602(A); provided, however, such acceptance shall be subject to City Council approval as provided in Section 2-601 above. ~~With the approval of the City Manager, an Agenda Item for the excepted project, or the excepted initial phase of a project, will be prepared and presented for City Council approval. If approved by City Council, a minimum of three (3) competitive price quotations shall be obtained, and the project shall thereafter be awarded by City Council, subject to the provisions of Section 2-605. If the approval is for the excepted initial phase of a project only, then the remainder of that project shall be bid in accordance with the requirements of this Article VI.~~

(H) There is also excepted from the above bid requirements any grant, award or purchase for which State or Federal funds are received and which by the terms of such grant, award or purchase require the utilization of a State or Federal bid process, provided the required State or Federal bid process is utilized and the utilization of such process has been approved by City Council.

(I) There is also excepted from the above bid requirements any contract with a vendor that is either an extension or a renewal of an existing contract, with or without modifications, or which serves as a novation or a new contract with an existing vendor for substantially the same or similar services, when such original contract with the vendor was awarded based upon competitive bidding; which term for the purpose of this ordinance shall include obtaining requests for proposals, requests for quotes, or other competitive solicitations of possible contracts. However, such extension or renewal shall be subject to City Council approval as provided in Section 2-601 above.

(J) The City Manager shall be authorized to approve any modifications or change orders of any contracts, as long as the total value of such modifications or change orders for any contract does not exceed Thirty-Five Thousand Dollars (\$35,000.00).

SECTION TWO: In all other respects, the provisions of Chapter 2 of the "Code of the City of Pinellas Park" not hereby amended or modified, shall remain in full force and effect.

SECTION THREE: The provisions of this ordinance shall be deemed severable, and should any court of competent jurisdiction declare any part of this ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

SECTION FOUR: This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

FIRST READING THE _____ DAY OF _____, 2020.

PUBLISHED THE _____ DAY OF _____, 2020.

PUBLIC HEARING THE _____ DAY OF _____, 2020.

PASSED THIS _____ DAY OF _____, 2020.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2020.

Sandra L. Bradbury
MAYOR

ATTEST:

Diane M. Corna, MMC
CITY CLERK