

CITY OF HOMESTEAD, FLORIDA

ORDINANCE NO. 2025-10-31

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA; AMENDING ARTICLE VIII “CONTRACTS AND PURCHASING” OF CHAPTER 2 “ADMINISTRATION” OF THE CITY OF HOMESTEAD CODE OF ORDINANCES TO PROVIDE FOR GREATER EFFICIENCY IN THE CITY’S PROCUREMENT PROCESS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Homestead seeks to promote efficient, transparent, and cost-effective procurement practices that enable timely delivery of goods and services to support City operations and public services; and

WHEREAS, Article VIII “Contracts and Purchasing” of Chapter 2 “Administration” of the City Code of Ordinances governs the City’s procurement procedures, including thresholds for purchasing authority and competitive bidding requirements; and

WHEREAS, the City Council recognizes that the current purchasing thresholds may unnecessarily delay procurement of routine goods and services by requiring formal Council approval for purchases that are operational in nature and already contemplated in the adopted budget; and

WHEREAS, revising the City’s procurement thresholds to increase the City Manager’s purchasing authority will enable more efficient and responsive administrative operations, reduce procurement cycle times, and align the City’s practices with those of other Florida municipalities of comparable size and complexity; and

WHEREAS, the proposed revisions will retain all existing transparency and accountability mechanisms, including competitive solicitation requirements; and

WHEREAS, the City Council finds that the proposed amendments are in the best interest of public health, safety, and welfare and are consistent with sound fiscal and administrative practices; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOMESTEAD, FLORIDA; AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and are hereby adopted as legislative findings and intent.

Section 2. City Code Amended. That Article VIII “Contracts and Purchasing” of Chapter 2 “Administration” of the City of Homestead Code of Ordinances is hereby amended to read as follows:¹

***ARTICLE VIII. CONTRACTS
AND PURCHASING***

DIVISION 1. GENERALLY

Sec. 2-396. Purchasing agent.

The city manager or his designee shall be the chief purchasing agent of the city. The purchasing agent pursuant to rules and regulations established by ordinance shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the city government. He shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and

¹~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted double strikethrough and double underline.

complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the city.

Secs. 2-397—2-410. Reserved.

DIVISION 2. COMPETITIVE BIDS²

Sec. 2-411. Purchasing limitations Authority.

- (a) ~~Purchases of, or contracts for, supplies, materials, equipment, improvements or services, where the annual amount to be expended is greater than fifty thousand dollars (\$50,000.00) but not greater than sixty five thousand dollars (\$65,000.00) per transaction may be made by the procurement division by inviting a minimum of three (3) vendors to submit quotations for the purchasing of such supplies, materials, equipment, improvements or services, and then placing same before the city council for approval prior to the execution of said purchase order. Purchases of or contracts for supplies, materials, equipment, improvements or services where the annual amount to be expended is not greater than fifty thousand dollars (\$50,000.00) may be made or entered into directly by the city manager without submitting it to public quotations, bidding or other competitive process, unless otherwise provided for by ordinance. There shall be a fifteen (15) percent local preference given to local businesses who are holders of current city local business tax receipts for businesses which are physically located within the city limits of Homestead and have held such local business tax receipts for a minimum of one (1) year prior to asserting the local preference. Said fifteen (15) percent local preference must be asserted by the party seeking it at the time the competitive quotation, bid or proposal is made and shall be calculated by the purchasing department in rating competitive quotations, bids or proposals which are governed by this section of the Code of the city. The local preference shall not apply if the solicitation specifications of the city so state. Further, said local preference, as described above, shall only be applied in certain situations and shall be specifically governed by the below-described limitations:~~
- ~~(1) No local preference for competitive quotations, bids or requests for proposals shall be applied where prohibited by law, regulation or applicable agreement.~~
 - ~~(2) That when local preference has been used in computing award recommendations, either for the purchase of goods or for the purchase of services, the city council shall not reject the low bid solely based upon the locale of the said business. Under a competitive process solicitation, when a responsive, responsible non-local business submits the lowest price offered, and the offer submitted by one (1) or more responsive, responsible local businesses~~

~~is within fifteen (15) percent of the price submitted by the non-local business, each of the aforementioned responsive, responsible local businesses shall have the opportunity to submit, within five (5) working days of notice of intent to award, a best and final offer equal to or lower than the amount of the low offer previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid, quote or proposal. In the case of a tie in the best and final bid, quote or proposal between a local business and a non-local business, contract award shall be made to the local business. In the case of a tie in the best and final bid, quote or proposal between two (2) or more local businesses, the contract shall be awarded in accordance with procedures established by the city manager.~~

~~(b) Where the total cost of supplies, materials, equipment, improvements or services is in excess of sixty five thousand dollars (\$65,000.00), bids therefore shall be invited from at least three (3) vendors engaged in the business of furnishing such materials, supplies, equipment and improvements, or rendering such services. The council, upon written recommendation of the manager, may, by resolution adopted by two thirds (2/3) favorable vote of the council members present, waive competitive bidding when it finds this to be in the best interest of the city.~~

(a) Purchases not greater than \$35,000.00. Purchases of, or contracts for, materials, supplies, equipment, improvements, or services where the total amount expended is not greater than \$35,000.00 may be made or entered into by the City Manager or designee without competitive bidding and without City Council approval.

(1) Procurement Cards. The City Manager or designee shall have the authority to issue city procurement cards to employees at the request of the department director. The City Manager or designee shall develop operational policies and procedures for the use of the procurement cards, which shall be adopted as an administrative policy.

(b) Purchases of more than \$35,000.00 but no more than \$100,000.00. Purchases of, or contracts for, materials, supplies, equipment, improvements or services where the total amount expended is in excess of \$35,000.00 but which is no more than \$100,000.00 may be made or entered into by the City Manager or designee without City Council approval, provided that three quotations are sought from individual vendors, where reasonably feasible. Single purchases and contracts of greater than \$100,000.00 shall not be artificially divided into multiple segments to bypass the informal competitive bidding requirements of this division.

(c) Purchases of more than \$100,000.00. Purchases of, or contracts for, materials, supplies, equipment, improvements, or services where the total amount expended is more than \$100,000.00 shall be awarded by the City Council after formal competitive bidding unless otherwise authorized in this Article.

(d) Local preference in competitive solicitations. There shall be a fifteen (15) percent local preference given to local businesses who are holders of current city local business tax receipts for businesses which are physically located within the city limits of Homestead and have held such local business tax receipts for a minimum of one (1)

year prior to asserting the local preference. Said fifteen (15) percent local preference must be asserted by the party seeking it at the time the competitive quotation, bid or proposal is made and shall be calculated by the procurement department in rating competitive quotations, bids or proposals which are governed by this section of the Code. The local preference shall not apply if the solicitation specifications of the city so state. Further, said local preference, as described above, shall only be applied in certain situations and shall be specifically governed by the below-described limitations:

(1) No local preference for competitive quotations, bids or requests for proposals shall be applied where prohibited by law, regulation, or applicable agreement.

(2) That when local preference has been used in computing award recommendations, either for the purchase of goods or for the purchase of services, the city council shall not reject the low bid solely based upon the locale of the said business. Under a competitive process solicitation, when a responsive, responsible non-local business submits the lowest price offered, and the offer submitted by one (1) or more responsive, responsible local businesses is within fifteen (15) percent of the price submitted by the non-local business, each of the aforementioned responsive, responsible local businesses shall have the opportunity to submit, within five (5) working days of notice of intent to award, a best and final offer equal to or lower than the amount of the low offer previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest and best and final bid, quote, or proposal. In the case of a tie in the best and final bid, quote or proposal between a local business and a non-local business, contract award shall be made to the local business. In the case of a tie in the best and final bid, quote, or proposal between two (2) or more local businesses, the contract shall be awarded in accordance with procedures established by the city manager.

(e) Waiver of Competitive Bidding Requirements. Notwithstanding any other provision of this Section, the City Council may, unless prohibited a superseding law applicable to a particular procurement, waive the competitive bidding requirements of this section through the adoption of a Resolution by a 2/3 majority vote deeming such waiver to be in the best interest of the City.

(f) Emergency Purchases. Notwithstanding any other provision of this Code, the City Manager or designee may make or authorize others to make emergency purchases, where necessary to purchase an operating or capital item immediately. An emergency shall exist when there is a threat to life, public health or safety, improved property, or some other form of dangerous situation that requires immediate action to alleviate the threat. The City Manager is authorized to determine if an emergency exists for purposes of emergency purchases and procurements. If an emergency does exist, the City Manager shall authorize emergency expenditures for the procurement or temporary acquisition of supplies, equipment and services necessary to meet the city's needs as a result of the emergency, and may delegate authority for

a department head or other designee to secure emergency proposals, if practical. Any emergency procurement exceeding threshold as defined in subsection 2-411(c) shall be reported to the City Council at its next regularly scheduled meeting.

Sec. 2-411.1. Exemptions from competitive bidding.

- (a) ~~The following shall be exempt from the purchasing limitations of section 2-411 and/or section 2-412 of the City Code which otherwise require the invitation of quotations from vendors or the use of competitive bids:~~
- ~~(1) Emergency purchases which are authorized by section 2-413;~~
 - ~~(2) Contracts for professional services. Such contracts where the expenditure by the city is estimated to be greater than fifty thousand dollars (\$50,000.00) per year shall be subject to approval by the city council;~~
 - ~~(3) Contracts for engineering and other consulting services or for design/build services, which are governed by section F.S. § 287.055, the Consultants' Competitive Negotiation Act ("CCNA");~~
 - ~~(4) Other contracts for which the selection process is provided by state law;~~
 - ~~(5) Contracts which utilize a bid or proposal which has been secured by other governmental entities, including, but not limited to, federal, State of Florida, Florida County, municipality or special district, another state, county or municipality within the United States, or the Florida Sheriffs' Association, Florida Municipal Power Association, cooperative purchasing groups which are affiliated with governmental entities, and Florida municipal utilities operating under an intergovernmental agreement or interlocal agreement;~~
 - ~~(6) Contracts made under cooperative bids by the city jointly with other governmental agencies;~~
 - ~~(7) Contracts for supplies, equipment or services which are available from a sole source only, may be exempted from the bidding requirements of this division by the city manager upon the filing of a written request for such exemption by a city department head to the city manager outlining the conditions and circumstances involved.~~
 - ~~(8) Utilities, including, but not limited to, water, sewer, gas, electrical, and other utility services may be acquired without utilizing the invitation of quotations or competitive bids methods without city council approval.~~
- (b) ~~Further, in any event, the council may by resolution, waive competitive bidding for a specific transaction, as provided by section 2-411(b) of the City Code.~~

The following types of purchases shall be exempt from the competitive procurement procedures outlined in this article but must be approved in accordance with the authorized individual thresholds as established in section 2-411:

- (1) Sole or single source availability. Supplies, equipment, or services available from a sole or single source may only be exempted from the bidding requirements of this division by the City Manager or designee upon the filing of a written request by a department head to the City Manager outlining the conditions and circumstances involved.

 - a. All sole or single source procurements where the cost of the commodities or contractual services exceeds the threshold as defined in subsection 2-411(c) shall be authorized by the City Council.
- (2) Purchases made under contracts procured by government agencies. The City may enter into agreements for good or services under the terms and conditions of agreements that have been competitively procured by:

 - a. Federal, State, County, Municipal or other governmental agencies ; or
 - b. Joint Solicitations; Purchasing Cooperatives.; or
 - c. Work Orders or Task Orders awarded under a Continuing Contract as defined in Section 287.055; F.S.
- (3) Professional services. Except as otherwise provided for in herein or under Florida Law, contracts for professional services may be made or entered into by the City Manager without utilizing a sealed competitive method or the written quotations method. Acquisitions of professional services where the expenditure by the City is estimated to be \$100,000 (not including renewal periods) or greater shall be subject to approval by the City Council.
- (4) Exigent Circumstances. Purchases arising out of or because of exigent circumstances shall be exempt from the competitive bid requirements. Exigent circumstances exist when there is a need to avoid, prevent, or alleviate serious harm or injury, financial or otherwise, to the city, and use of competitive procurements would prevent the urgent action required to address the situation.

 - (a) The City Council may, by majority vote, determine:

 - (1) That exigent circumstances exist, which makes it necessary to enter into such contract immediately, and that it is against the public interest to incur the delay caused by such advertising; or
 - (2) That from the nature of the supplies, materials, equipment, improvements or services, that it is impractical to invite public bidding thereon, then in such cases, the restrictions of this division shall not apply.
- (5) Training, academic programs, lectures, educational services, seminars, specialized services, and recreational instructors.
- (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.
- (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) Insurance. Purchases of insurance through the city's agent of record are exempt from the competitive bid and competitive proposal requirements.
- (13) Memberships and associated fees.
- (14) Subscriptions, books, and publications.
- (15) Travel (hotel, registration, transportation).
- (16) Regulatory or government licenses and permits.
- (17) Notary services.
- (18) Recording fees.
- (19) Title insurance, and title searches.
- (20) Court reporting services.
- (21) Software modification services by the copyright holder, maintenance agreements, and related software enhancements to install software purchased through competitive means.
- (22) Shipping services, including postage, overnight delivery, courier services, and mailing costs.
- (23) 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.
- (24) 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).
- (25) Real property (land or buildings) purchase, lease, or rental.

(26) Advertisements, radio, newspapers, magazines, professional organizations, trade shows, television, and any other related media.

(27) Impracticability. Under circumstances where competitive bidding is impracticable, including but not limited to situations where time constraints do not permit the preparation of clearly drawn specifications or situations where, after competitive bidding, no bids meeting bid requirements are received, all compliant bids received are too high, or all bids are rejected for failure to meet bid requirements (i.e., bids are noncompliant), such purchases shall be exempt from the competitive bid requirements.

(28) Utility Inventory Purchases. The City Manager is hereby authorized to provide for the purchase of all parts, supplies and materials which may be needed in order to establish and maintain a parts, supplies and materials inventory for the maintenance, repair and improvement of city equipment and facilities which are used by the city for the purpose of providing service by the city's water, sewer, storm drainage, and electric utility departments, without the need for council approval of the purchase or for the use of competitive bids or other competitive purchasing processes, so long as consistent with the city's annual budget appropriations.

Sec. 2-411.2. Cone of silence.

- (a) *Definition.* "Cone of silence", as used herein, means a prohibition on any communication regarding a particular request for proposal ("RFP"), request for qualification ("RFQ") or bid, between:
- (1) A potential vendor, service provider, proposer, bidder, lobbyist, or consultant, and;
 - (2) The city councilmembers, city's professional staff including, but not limited to, the city manager and his or her staff, any member of the city's selection or evaluation committee.
- (b) *Restriction; notice.* A cone of silence shall be imposed upon each RFP, RFQ and bid after the advertisement of said RFP, RFQ or bid. At the time of imposition of the cone of silence, the city manager or his or her designee shall provide for public notice of the cone of silence by posting a notice at the city hall and/or electronically. The city manager shall issue a written notice thereof to the affected departments, file a copy of such notice with the city clerk, with a copy thereof to each city councilmember, and shall include in any public solicitation for goods or services a statement disclosing the requirements of this section.
- (c) *Termination of cone of silence.* The cone of silence shall terminate at the beginning of the city council meeting (whether regular, special or committee of the whole meeting) at which the city manager makes his or her written recommendation to the city council. However, if the city council refers the manager's recommendation back to the manager or staff for further review, the cone of silence shall be reimposed until such time as the manager makes a subsequent written recommendation.
- (d) *Exceptions to applicability.* The provisions of this section shall not apply to:

- (1) Oral communications at pre-bid conferences;
 - (2) Oral presentations before selection or evaluation committees;
 - (3) Public presentations made to the city councilmembers during any duly noticed public meeting;
 - (4) Communications in writing at any time with any city employee, unless specifically prohibited by the applicable RFP, RFQ or bid documents. The bidder or proposer shall file a copy of any written communication with the city clerk. The city clerk shall make copies available to any person upon request;
 - (5) Communications regarding a particular RFP, RFQ or bid between a potential vendor, service provider, proposer, bidder, lobbyist or consultant and the city's purchasing agent or city employee designated responsible for administering the procurement process for such RFP, RFQ or bid, provided the communication is limited strictly to matters of process or procedure already contained in the corresponding solicitation document;
 - (6) Communications with the city attorney and his or her staff;
 - (7) Duly noticed site visits to determine the competency of bidders regarding a particular bid during the time period between the opening of bids and the time the city manager makes his or her written recommendation;
 - (8) Any emergency procurement of goods or services pursuant to City Code;
 - (9) Responses to the city's request for clarification or additional information;
 - (10) Contract negotiations during any duly noticed public meeting;
 - (11) Communications to enable city staff to seek and obtain industry comment or perform market research, provided all communications related thereto between a potential vendor, service provider, proposer, bidder, lobbyist, or consultant and any member of the city's professional staff including, but not limited to, the city manager and his or her staff are in writing or are made at a duly noticed public meeting.
 - (12) Contract negotiations between city staff and individuals or representatives of entities that have proposed to enter into a public-private partnership with the city in accordance with F.S. § 255.065, as amended from time to time.
- (e) *Penalties.* Violation of this section by a particular bidder or proposer shall render any RFP award, RFQ award or bid award to said bidder or proposer voidable by the city council or city manager. Any person who violates a provision of this section may be prohibited from serving on a city selection or evaluation committee. In addition to any other penalty provided herein, violation of any provision of this section by a city employee may subject said employee to disciplinary action.
- (f) *Opt out invoked.* It is hereby provided that the provisions of section 2-11.1(t) "Cone of silence," of the Miami-Dade County Code shall not apply to the City of Homestead. This opt out provision shall prevail over any conflicting city ordinance.

Sec. 2-411.3. Electronic bidding.

City staff is expressly authorized to utilize electronic bidding, which shall be described in the applicable solicitation specifications.

~~Sec. 2-411.4. Utility inventory purchasing limitations.~~

- ~~(a) The city manager is hereby authorized to provide for the purchase of all parts, supplies and materials which may be needed in order to establish and maintain a parts, supplies and materials inventory for the maintenance, repair and improvement of city equipment and facilities which are used by the city for the purpose of providing service by the city's water, sewer, storm drainage, and electric utility departments, without the need for council approval of the purchase or for the use of competitive bids or other competitive purchasing processes, so long as consistent with the city's annual budget appropriations.~~
- ~~(b) This section 2-411.4 shall prevail over any conflicting provision of division 2 of article VIII of chapter 2 of the City Code.~~

Sec. 2-412. Notice of bid.

Where the total sum to be paid for the purchase of such supplies, materials, equipment or improvements or services is in excess of sixty-five thousand dollars (~~\$65,000.00~~100,000.00), no contract shall be entered into until public invitation to bid shall have been published one (1) time, either electronically, in accordance with applicable law, or in a newspaper published in Miami-Dade County and of general circulation in the city. The notice shall be published as required by law. In all cases, such bids shall be awarded to the lowest and most responsible bidder, subject to the right of the city to reject any and all bids which shall be specifically reserved in such advertisements, and subject also to the right of the city to award bids and contracts to such of the bidders as the city council may desire, notwithstanding that the award is to a bidder other than the low bidder. Notice may also be posted electronically.

~~Sec. 2-413. Emergency purchases.~~

- ~~(a) The city council may, by majority vote of the city council, determine:
 - ~~(1) That an emergency exists, which makes it necessary to enter into such contract immediately, and that it is against the public interest to incur the delay occasioned by such advertising; or~~
 - ~~(2) That from the nature of the supplies, materials, equipment, improvements or services, that it is impractical to invite public bidding thereon, then in such cases, the restrictions of this division shall not apply, nor shall any mandatory competitive purchasing provisions of this division apply in any case where the services sought to be obtained are of a professional nature.~~~~
- ~~(b) In case of an emergency which requires the purchase of supplies, materials, equipment, improvements or services concerning the city's solid waste service enterprise or the city's water, sewer or electric utilities or for other purposes as specified below, under circumstances which the city manager finds do not enable the~~

city to comply with the purchasing limitations of section 2-411 and/or section 2-412 of the City Code requiring the invitation of quotations from vendors or the use of competitive bids or prior approval by the city council, unless otherwise prohibited by applicable law, the city manager shall be authorized, as herein set forth, at the best obtainable price, to purchase any supplies, materials, equipment, improvements or services for:

- (1) ~~The city's solid waste service enterprise or the city's water, sewer or electric utilities;~~
- (2) ~~The furnishing of other city services or the performance of other city functions or responsibilities; without complying with section 2-411 or section 2-412 of the City Code, subject to compliance with each of the following:~~
 - a. ~~Such purchasing action of the city manager shall be reported by the city manager at the next regular meeting of the city council or of the committee of the whole of the city council, whichever occurs first, with a full written report of the circumstances of the emergency being placed in the file of the purchasing manager and filed with the office of the mayor within two (2) days of the action;~~
 - b. ~~The amount of the purchase price shall not exceed the sum of one hundred fifty thousand dollars (\$150,000.00) for any item under paragraph (b)(1) above and the sum of fifty thousand dollars (\$50,000.00) for any item under paragraph (b)(2) above.~~
 - c. ~~That if the emergency can be timely addressed by utilizing requests for quotations from vendors in lieu of sealed competitive bids, a request for quotations from vendors, as described in subsection 2-411 of the City Code shall be utilized;~~
 - d. ~~That the emergency purchase is found to be necessary by the city manager in order to prevent any of the following:~~
 1. ~~The waste of city funds;~~
 2. ~~The loss of city revenue;~~
 3. ~~Damage to city property;~~
 4. ~~Disruption of city services;~~
 5. ~~The potential exposure of the city to liability.~~

Sec. 2-414. Intent of division.

The intent of this division is to provide an effective means whereby sealed bids for the purchase of equipment, materials and services by the city may be opened prior to a council meeting, thereby reducing the time consumed at council meetings for this purpose.

Sec. 2-415. Bid opening.

Bids shall be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the procurement and contracts director deems appropriate, together with the name of each bidder shall be recorded.

Sec. 2-416. Bid opening procedure, time for opening and public reading.

All sealed bids advertised to be received by the city shall be opened and publicly read on any Tuesday or other day specified by the bid advertisement.

Sec. 2-417. Time for presentation of the bid to designated city staff.

All bids to be opened shall be submitted as specified in the bid advertisement on or prior to 2:00 p.m. Eastern Standard Time or Daylight Saving Time, whichever is in use at the time of the bid openings, on the Tuesday of the month specified in the bid advertisement or on such other time or date specified therein. All bids received after that time will be rejected, and if submitted (not through electronic submission) returned unopened to the bidder submitting same.

Sec. 2-418. Procurement agent or designee to open bids.

All bids shall be opened by the procurement agent or his or her appointed representative and a summary read into the record.

Sec. 2-419. Finance director to receive, maintain, etc., bid bonds, cash and insurance.

All bid bonds, letters of credit, cash, insurance, etc., accompanying the bid shall be received and maintained for safekeeping by the finance director. The finance director shall be responsible for the return of bid bonds, insurance or cash of the unsuccessful bidders.

Sec. 2-420. Tabulation and recommendation.

Upon completion of the bid openings and reading, all bids received will be deposited with the procurement department for tabulation and recommendation to be presented at a subsequent city council meeting following the bid opening.

Sec. 2-421. Action by council.

Upon submission of the bid tabulation and recommendation to the city manager or the city council, the city manager or city council shall either accept, reject or refer for additional review the bid tabulation and recommendation.

Sec. 2-422. Conflict of interest.

The applicable conflict of interest and gift law provisions of Part III of Chapter 112, Florida Statutes, including, but not limited to F.S. § 112.313 and § 112.3148, as amended from time to time by the Florida Legislature, and the applicable conflict of interest and gift law provisions of section 2-11.1 of the Miami-Dade County Code are hereby incorporated by reference and shall be applied in the administration of this chapter.

Section 3. Inclusion in the Code. That it is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Homestead; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 4. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED first reading, approving and adopting the tentative budget, this 24th day of September, 2025.

PASSED AND ADOPTED on second reading, approving and adopting the final budget, this 7th day of October, 2025.

STEVEN D. LOSNER,
Mayor

SPONSORED BY: VICE MAYOR SEAN L. FLETCHER

ATTEST

ELIZABETH SEWELL, MPA, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN COLE & BIERMANN, P.L.
CITY ATTORNEY

Motion to adopt by Councilman Canabal, seconded by Councilman Davis.

FINAL VOTE AT ADOPTION

<i>Mayor Steven D. Losner</i>	<u>YES</u>
<i>Vice Mayor Sean L. Fletcher</i>	<u>ABSENT</u>
<i>Councilwoman Erica G. Ávila</i>	<u>YES</u>
<i>Councilwoman Jenifer N. Bailey</i>	<u>YES</u>
<i>Councilman Clemente Canabal</i>	<u>YES</u>
<i>Councilman Thomas Davis</i>	<u>YES</u>
<i>Councilman Larry Roth</i>	<u>YES</u>