

1 **CITY OF STARKE, FLORIDA**

2 **ORDINANCE NUMBER 2023-05**

3 **AN ORDINANCE RELATING TO PROCUREMENT OF GOODS AND SERVICES;**
4 **PROVIDING DEFINITIONS; ESTABLISHING PROCEDURES FOR THE PROCUREMENT**
5 **OF GOODS AND SERVICES; ESTABLISHING MONETARY THRESHOLDS FOR THE**
6 **DETERMINATION OF THE APPLICABLE PROCUREMENT PROCEDURE;**
7 **ESTABLISHING ALTERNATIVE PROCEDURES FOR SOLICITATIONS FROM VENDORS;**
8 **PROVIDING FOR THE DEVELOPMENT OF ADMINISTRATIVE PROCEDURES;**
9 **PROVIDING FOR PROTEST PROCEDURES; PROVIDING DIRECTION FOR THE**
10 **CODIFICATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT;**
11 **PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

12 **WHEREAS**, Article V, Division 2 of the Code of Ordinances of the City of Starke provides for certain
13 procedures and preferences applicable to the City’s procurement of goods and services; and,

14 **WHEREAS**, the City annually spends significant amounts of City funds on the purchase of personal
15 property, materials, and contractual services and in constructing improvements to real property or to
16 existing structures; and

17 **WHEREAS**, to ensure public funds are spent in a manner that yields to best value to the City it is prudent
18 to establish and adopt sound procedures for the procurement of goods and services; and

19 **WHEREAS**, the City Commission desires to reform the provisions of the Code of Ordinances of the City of
20 Starke applicable to the procurement of goods and services; and,

21 **WHEREAS**, the City Commission, being fully advised of the facts and circumstances, hereby finds and
22 determines the following to be the appropriate procedures for the expenditure of public funds for the
23 acquisition of goods and services:

24 **NOW THEREFORE, BE IT ORDAINED BY THE PEOPLE OF STARKE, FLORIDA:**

25 **SECTION 1. CHAPTER 2, ARTICLE V, DIVISION 2 OF THE CODE OF ORDINANCES OF THE CITY OF STARKE**
26 **IS AMENDED AS FOLLOWS:**

27 **Sec. 2-321. - Definitions.**

28 The following words, terms and phrases, when used in this ~~¶~~Division 2 or in Division 3, shall
29 have the meanings ascribed to them in this section, except where the context clearly
30 indicates a different meaning:

31 City Operations Department means those functions of the executive branch of City
32 government not otherwise assigned by statute, charter, ordinance, or resolution to the
33 executive oversight, administration, and management of either the Chief of Police or the City
34 Clerk.

35 Commodities means all goods, services, and personal property necessary for the operation
36 of the city government and not used for the construction, maintenance and repair of real

37 property.

38 Executive Department means, as the case may be, either

39 (1) the City of Starke Police Department for which executive oversight, administration,
40 and management of its functions shall be performed by the Chief of Police,

41 (2) the Office of the City Clerk for which executive oversight, administration, and
42 management of its functions shall be performed by the City Clerk, or

43 (3) the City Operations Department for which executive oversight, administration, and
44 management of its functions shall be performed by the City Manager.

45 Executive Officer means

46 (1) the Chief of Police,

47 (2) the City Clerk, or

48 (3) the City Manager as such officer is defined in Chapter 2, Article III, Division 3 of this
49 Code of Ordinances.

50 Fixed asset means any tangible item purchased by the city at a cost of ~~\$3,000.00~~\$5,000.00
51 or greater.

52 Formal competitive bid means a written solicitation for competitive sealed bids. The term
53 "formal competitive bid" is used when the city is capable of specifically defining the scope
54 of work for which a contractual service is required or when the city is capable of establishing
55 precise specifications defining the actual commodities or contractual services required. The
56 term "invitation to bid" also includes re-advertising for competitive sealed bids.

57 Full time employee means an employee of an employer who is compensated by such
58 employer for an average of 36 hours or more per week for the calendar month immediately
59 preceding the date on which such representation and assessment of employment is made.

60 Full-time equivalent (FTE) means, for the 12-month period preceding the date of the
61 submission of the bid by the responding bidder, the number of total hours for which all
62 employees of such bidder who are residents of the city are compensated (inclusive of paid
63 time off) divided by 1,872.

64 Greater local area means the geographic boundaries of Bradford County.

65 Local business means a business domiciled within the City of Starke city limits that is in
66 compliance with all city licensing requirements and is current on all city taxes. Post office
67 boxes shall not be used for the purpose of establishing domicile. If in business for less than
68 one year, the owner of the business must provide evidence of previous business ownership
69 within the city within the previous three years. A business domiciled outside of the City of
70 Starke city limits shall be considered a local business if it (i) is domiciled in the greater local
71 area, and (ii) employs a minimum of ten full time equivalent (FTE) Starke residents or Starke
72 residents constitute 20 percent of the business's local workforce ("local workforce" defined

73 as employees residing in the greater local area), whichever is larger.

74 *Nonlocal business* means any vendor that does not meet the definition of a local business.

75 *Real property* means all buildings, lands, and interests therein possessed by the city,
76 including mortgages and leases on such properties.

77 *Request for proposals ("RFP")* means an evaluation based sealed competitive method used
78 to solicit proposals from prospective offerors for goods or services. An RFP is characterized by
79 description of the desired results (scope of work) and the evaluation of proposals based on a
80 predetermined set of evaluation criteria including price; however, price need not be the
81 primary factor. RFPs provide for the negotiation of all terms, including price, prior to contract
82 award and may include a provision for the negotiation of best and final offers from all
83 proposers. RFPs may be a single step or multi-step process.

84 *Request for qualifications ("RFQ")* means a sealed competitive method for selecting a pool of
85 pre-qualified vendors whereby all vendors are invited to submit statements of qualifications
86 and state their interest in performing a specific job or service. From these statements of
87 qualifications, the city evaluates based on a set of predetermined criteria and determines
88 which vendors shall be selected and pre-qualified for a subsequent invitation to bid or formal
89 quote process.

90 *Vendor* means a prospective vendor who submits a bid, a proposal, or a quotation for the
91 sale of a commodity or service to the city in response to a competitive solicitation/quote.

92 **Sec. 2-322. - Statutory authority; purpose.**

93 This division is adopted pursuant to Laws of Fla. ch. 13426(1927), as amended and
94 supplemented in the Municipal Home Rule Powers Act (F.S. § 166.011 et seq.). The purpose
95 of this division is to regulate bidding requirements for the city.

96 **Sec. 2-323. - ~~Contracts and purchases requiring purchase orders~~ Purchase Orders Required.**

97 (a) Except as otherwise set forth in paragraph (c) of this Section 2-323, all
98 made and contracts entered into on behalf of the city in an amount equal to or
99 exceeding \$500 for value less than \$1,000.00 shall be made by purchase order. All
100 purchase orders requested must be approved and issued prior to any purchase or
101 contract execution.

102 (b) The Executive Officer with oversight of the department or program for or by which the
103 expenditure is sought or such Executive Officer's city operations manager, city clerk, or
104 the clerk's designee shall review all purchase order requests prior to submitting such
105 purchase order requests to the City Clerk or the City Clerk's designee for approval of
106 such purchase order requests and issuing issuance of such purchase orders to cover
107 same. Such review and approval by the City Clerk or the City Clerk's designee shall
108 include assess the need for the product or service being purchased, the reasonableness
109 of the price, and the availability of funds to pay the purchase order for the product or

- 110 service requested.
- 111 (c) Subject to all other provisions of this Division 2, purchases of or payments for the
112 following products and services shall require approval by the Executive Officer with
113 oversight of the department or program for or by which the expenditure is sought or
114 such Executive Officer's designee, and the review and approval of the City Clerk or the
115 City Clerk's designee to assess the need for the product or service being purchased, the
116 reasonableness of the price, and the availability of funds to pay for the product or
117 service, but shall not otherwise require a purchase order:
- 118 (1) products and services for which the City has a contract with the vendor where
119 such contract provides a scope of work, detail of service, or specification of
120 product; a firm price or rate; and allocation of liability between the City and the
121 vendor of such product or service;
- 122 (2) payments by the City to a City employee for reimbursement of approved travel
123 and expenses incidental to travel;
- 124 (3) payments to or at the direction of other governmental entities, programs, or
125 retirement plans;
- 126 (4) payments made pursuant to court order;
- 127 (5) payments to retirement plans or otherwise pursuant to a City employee's written
128 payroll deduction request;
- 129 (6) payments for utility service;
- 130 (7) payments in support of employee training and development, including, but not
131 limited to classes, memberships, dues, subscriptions, books, and related
132 publications; and
- 133 (8) payments in satisfaction of debt obligations where the original term of
134 repayment of such debt is for a period of three (3) or more years.

- 135 **Sec. 2-324. - ~~Contracts and p~~Purchases requiring informal~~not requiring competitive bids.~~**
- 136 Competitive bids are not required for purchases of products or services where the value of
137 the product or service being procured is ten thousand dollars (\$10,000) or less.
- 138 ~~(a) Except as provided for by law or in section 2-325, all purchases made and contracts~~
139 ~~entered into on behalf of the city for value between \$1,000.00 and \$15,000.00 shall be~~
140 ~~made only after informal bids from at least three vendors have been received. Such bids~~
141 ~~may be received by telephone or any other mode of communication.~~
- 142 ~~(b) The city operations manager, city clerk, or the clerk's designee shall maintain a list of~~
143 ~~qualified vendors from whom quotations may be received. The clerk shall promulgate~~
144 ~~minimum qualification requirements to be met by any vendor desiring placement on~~
145 ~~the approved vendor list for the city. Such requirements shall be made public and~~

146 available for inspection and copying.

147 **Sec. 2-325. - Contracts and purchases requiring ~~formal~~ competitive bids.**

148 (a) Informal Bids

149 (1) Except as provided for by law or in paragraph (b) of this section 2-325, all
150 purchases made and contracts entered into on behalf of the city, the value of
151 which is greater than ~~for value between \$1,000.00~~10,000.00 and less than or
152 equal to ~~\$15,000.00~~40,000.00 shall be made only after informal bids from at least
153 three vendors have been received. Such bids may be received by telephone or
154 any other mode of communication.

155 (2) The ~~city operations manager, city clerk, or the clerk's designee~~ shall maintain a
156 list of qualified vendors from whom quotations may be received. The clerk shall
157 promulgate minimum qualification requirements to be met by any vendor
158 desiring placement on the approved vendor list for the city. Such requirements
159 shall be made public and available for inspection and copying.

160 (b) Formal Bids

161 ~~(a)~~(1) Competitive formal bids are required for all purchases made and contracts
162 internal entered into on behalf of the city for and purchases of commodities ~~for~~
163 the value of which is ~~totaling more than \$40,000.00~~15,000.00 or more.

164 ~~(b)~~(2) Competitive formal bids are required for all contracts for construction,
165 maintenance and repair, and the purchase or lease of real property, or renting of
166 materials and equipment therefore, if the contract or purchase price ~~equals or~~
167 exceeds ~~\$15,000.00~~is more than \$40,000.00.

168 **Sec. 2-326. - ~~Bidding p~~Development of Administrative Procedures.**

169 (a) *Procedural rules and requirements.* The city clerk shall establish and submit for approval
170 to the city commission procedural rules and requirements necessary to implement this
171 division. Such procedural rules shall include provisions for the following:

172 (1) Adequate notice to vendors of the city's ~~call for bids~~competitive solicitation of
173 goods and services.

174 (2) Minimum qualifications of vendors.

175 (3) Resolution in the event of a tie.

176 (4) Preference for local vendors.

177 (5) Procedure if no ~~bids~~submissions are received.

178 (6) Reservation of right to reject any and all ~~bids~~submissions received.

179 (7) How and the criteria upon which responses to solicitations will be evaluated to
180 determine the respondent with which the city will proceed to procure the good

-
- 181 or service. Low bid as winner unless substantial reason exists to reject the low
182 bidder's bid.
- 183 (8) Process for contesting award of bid the city's determination of the respondent
184 with which the city will proceed to procure the good or service.
- 185 (b) *Approval of city attorney.* The city clerk shall provide a copy of the procedural rules
186 proposed and established under subsection (a) to the city attorney for review and
187 recommendation prior to submittal to the commission. The city attorney shall review
188 such rules to ensure compliance with all state laws and shall make recommendations to
189 the commission.
- 190 (c) *Commission to approve changes to rules.* The city clerk may from time-to-time submit
191 proposed changes to the rules established pursuant to this section to the commission
192 for approval. Any such proposed changes shall first be submitted to the city attorney
193 for review pursuant to subsection (b) of this section.
- 194 (d) *Availability to public.* The city clerk shall make available to the public for inspection and
195 copying this division and the procedural rules adopted and approved by the commission
196 under this division. Copies of this division and the rules adopted under this division may
197 be provided by the city to those requesting same for a reasonable fee. Such fee shall be
198 sufficient to cover the costs of printing same.
- 199 (e) *Exemptions from bidding process.* The following purchasing activities shall be exempt
200 from any competitive bidding requirements:
- 201 (1) All purchases of services from a utility whose rates are determined and controlled
202 by the state public service commission or other governmental authority;
- 203 (2) All supplies, materials, equipment, or services purchased at a price established
204 by the state purchasing agency, or at a price equal to or less than the price
205 established by the state agency;
- 206 (3) All supplies, materials, equipment, construction, or services purchased through a
207 state contract;
- 208 (4) All supplies, materials, equipment, construction, or services purchased pursuant
209 to, or with the assistance of, the Florida Sheriff's Association;
- 210 (5) All supplies, materials, equipment, construction, or services purchased from the
211 general services administration schedule;
- 212 (6) All supplies, materials, or services purchased under an annual or other time
213 contract awarded by the city commission; and
- 214 (7) Purchases of supplies, materials, equipment and services under contract with
215 federal, state, or municipal governments, or any governmental agency or political
216 subdivision, provided that the vendor extends the same terms and conditions of
217 the contract to the city, and based on the determination by the purchasing

218 manager and director of administrative services that purchases through these
219 contracts are in the best interests of the city.

220 **Sec. 2-327. - Procurement policy for community development block grant funds.**

221 (a) The city clerk shall estimate and submit for approval to the city commission a separate
222 procurement policy for the expenditure of community development block grant funds
223 which meet the requirements of 24 CFR 570, 24 CFR 85.36, and F.A.C. ch. 9B-43.

224 (b) Such procurement rules and polices shall include provisions for the following:

225 (1) Procurement procedures with various threshold amounts.

226 (2) Informal bid procedures.

227 (3) Sealed bid procedures.

228 (4) Procedures for procuring performed services.

229 (5) Sole service purchase procedures.

230 (6) Emergency purchase procedures.

231 (7) Cooperative purchase procedures.

232 (8) Bid protests.

233 (9) Contract claims.

234 (10) Contract administration.

235 (11) Insurance requirements.

236 (12) Bonds and deposits.

237 (13) Authorization to debar and suspend vendors.

238 (14) Minority business participation.

239 (c) The city clerk may from time-to-time submit proposed changes to the rules established
240 pursuant to this section to the city commission for approval.

241 (d) The policies and procedures set forth in the procurement policy for the expenditure of
242 community development block grant funds shall take precedence over and supersede
243 any conflicting policies set forth in sections 2-321 through 2-326.

244 **Sec. 2-328. - Alternative Procedure for Competitive Procurement.**

245 (a) Notwithstanding sections 2-323, 2-324, and 2-325 of this Code, the ~~city commission may~~
246 ~~adopt a resolution authorizing Executive Officer with oversight of the department or~~
247 ~~program for or by which the expenditure is sought or such Executive Officer's designee~~
248 ~~the city manager, or in his absence the city operations director, to may~~ pursue the
249 negotiated acquisition of goods and/or services upon a specific written finding that the

-
- 250 competitive bidding is not in the city's best interest because such goods and/or services
251 cannot be reasonably acquired ~~by that process~~ based solely on price alone and factors
252 other than price, such as vendor qualifications and/or vendor creativity in developing a
253 solution to a problem faced by the city should be considered. ~~and that~~ In such case, the
254 Executive Officer with oversight of the department or program for or by which the
255 expenditure is sought or such Executive Officer's designee may procure such goods
256 and/or services by openly soliciting from any and all interested vendors ~~negotiated~~
257 ~~purchase submissions of proposals and/or qualifications of vendors via a Request for~~
258 Proposals or a Request for Qualifications. ~~will provide the most effective and efficient~~
259 ~~use of city funds. Such acquisition shall be pursued in accordance with this section.~~
- 260 (b) The city shall advertise any such solicitation pursuant to this section in the newspaper
261 of general circulation in the city at least 14 days prior to the deadline for submission of
262 ~~proposals responses to such solicitation in an announcement that the city is soliciting~~
263 ~~proposals responses for the authorized acquisition of goods and/or services and shall~~
264 otherwise give notice to prospective vendors in a manner that will encourage
265 competition.
- 266 (c) The city shall provide a request for proposal solicitation pursuant to this section to any
267 person desiring one and may charge a reasonable fee for the request. ~~The request for~~
268 ~~proposal~~ Such solicitation shall:
- 269 (1) set forth in reasonable detail the nature of the goods and/or services to be
270 acquired and the criteria that will be utilized in evaluating the proposals
271 submitted; ~~The request for proposal shall~~
- 272 (2) require the submission of detailed cost information; ~~The request for proposal~~
273 ~~shall~~
- 274 (3) give notice to persons submitting proposals that those persons negotiating on
275 behalf of the city are without authority to bind the city and that the city will
276 only be bound by the terms of a written contract that has been approved in a
277 public meeting of the city commission and executed by the mayor and city clerk
278 and approved by the city attorney in accordance with the charter and
279 ordinances.
- 280 The city commission reserves the right to modify or reject any contract for the
281 acquisition of goods and/or services submitted to it for consideration.
- 282 (d) The Executive Officer with oversight of the department or program for or by which the
283 expenditure is sought or such Executive Officer's designee city manager, or in his
284 absence the city operations director, and no fewer than three persons designated by
285 the city manager, or in his absence the city operations director, such Executive Officer
286 or Executive Officer's designee shall open and evaluate the proposals responses to the
287 solicitation and shall rank the proposals such responses in accordance with the
288 qualifications and ability of the vendor and the responsiveness of the vendor to the
289 criteria of the proposal solicitation.

- 290 (e) In accordance with the ranking Executive Officer with oversight of the department or
291 program for or by which the expenditure is sought or such Executive Officer's designee,
292 the city manager, or in his absence the city operations director, shall commence
293 negotiations with up to three vendors submitting the most highly ranked ~~proposals~~
294 responses in order to achieve a contract that meets or exceeds the needs of the city
295 and provides the cost of the goods and/or services that is fair, competitive, reasonable,
296 and the most efficient use of city funds.
- 297 (f) If the Executive Officer with oversight of the department or program for or by which
298 the expenditure is sought or such Executive Officer's designee~~city manager, or in his~~
299 ~~absence the city operations director,~~ is unable to negotiate a contract meeting the
300 established criteria, he may terminate negotiations with any of the selected ~~vendors~~
301 respondents and undertake negotiations in the same manner by selecting ~~vendors~~
302 respondents ranked immediately below those previously selected to fill the vacated
303 positions of those ~~vendors-respondents~~ for which negotiations have been terminated.
- 304 (g) Upon completion of satisfactory negotiations of a contract Executive Officer with
305 oversight of the department or program for or by which the expenditure is sought or
306 such Executive Officer's designee,~~the city manager, or in his absence the city operations~~
307 ~~director,~~ shall submit such contract to the city commission with ~~his a~~ recommendation.
308 If ~~the city manager, or in his absence the city operations director,~~ such Executive Officer
309 or Executive Officer's designee is unable to negotiate a satisfactory contract, ~~he it~~ shall
310 so be reported to the city commission.
- 311 (h) Upon the recommendation of the Executive Officer with oversight of the department
312 or program for or by which the expenditure is sought or such Executive Officer's
313 designee~~city manager, or in his absence the city operations director,~~ and the
314 certification of sufficiency of funds for the contract by the city clerk, the city commission
315 may approve, approve with modifications, or reject the contract.

316 **Sec. 2-329. – Protest Procedures.**

317 (a) Standing. Parties that are not actual bidders, proposers, or responders, including, but
318 not limited to, subcontractors, material and labor suppliers, manufacturers and their
319 representatives, shall not have standing to protest or appeal any determination made
320 pursuant to this section.

321 (b) Procedure.

322 (1) Protest of failure to qualify. Upon notification by the city that a bidder, proposer,
323 or responder is deemed non-responsive and/or non-responsible, the bidder,
324 proposer, or responder who is deemed non-responsive and/or non-responsible
325 may file a protest with the city clerk by close of business on the third business
326 day after notification (excluding the day of notification) or any right to protest is
327 forfeited. It shall be the sole responsibility of such bidder, proposer, or responder
328 to verify the operating hours of the office of the city clerk.

-
- 329 (2) Protest of award of agreement. After a notice of intent to award an agreement is
330 posted, any actual bidder, proposer, or responder who is aggrieved in connection
331 with the pending award of the agreement or any element of the process leading
332 to the award of the agreement may file a protest with the city clerk by close of
333 business on the third business day after posting (excluding the day of posting) or
334 any right to protest is forfeited. It shall be the sole responsibility of such bidder,
335 proposer or responder to verify the operating hours of the office of the city clerk.
- 336 (3) Content and filing. The protest shall be in writing, shall identify the name and
337 address of the protester, and shall include a factual summary of, and the basis
338 for, the protest. Filing shall be considered complete when the protest and the
339 protest bond are received by the city clerk. The time stamp clock located in the
340 office of the city clerk office shall govern when the protest was received.
- 341 (c) Protest fee. Any bidder, proposer, or respondent filing a protest shall simultaneously
342 provide a protest fee to the city in the form of a cashier's check or payment bond. The
343 protest fee will be based on the estimated contract amount. The estimated contract
344 amount shall be based upon the pending award amount submitted by the
345 recommended bidder/proposer. If no contract amount was submitted, the estimated
346 contract amount shall be the city's estimated contract price, in the city's sole opinion.
347 If the protest is decided in the protester's favor, the entire protest fee shall be returned
348 to the protester. If the protest is not decided in the protester's favor, the protest fee
349 shall be forfeited to the city. The amount of the protest fee shall be as follows:
- 350 (1) For term contracts that provide for an annual expenditure amount, the protest
351 fee shall be in the amount of:
- 352 a. \$1,000.00 for pending estimated contract awards in the annual amount of
353 \$100,000.00 or less, or
- 354 b. One percent of the annual amount of the pending award for estimated
355 contract amounts that exceed \$100,000.00 per year, with a maximum
356 deposit of \$10,000.00.
- 357 (2) For all other contracts, the protest fee shall be in the amount of:
- 358 a. \$1,000.00 for pending estimated contract awards in the amount of
359 \$250,000.00 or less, or
- 360 b. One percent of the total amount of the pending award for the estimated
361 contract amounts that exceed \$250,000.00, with a maximum deposit of
362 \$10,000.00.
- 363 (d) Protest committee. The protest committee shall review all protests. The Executive
364 Officer with oversight of the department or program for or by which the expenditure is
365 sought shall appoint the members of the protest committee. No member of the city
366 commission shall serve on the protest committee. The city attorney or designee shall
367 serve as counsel to the committee. The meeting of the protest committee shall be

368 opened to the public and all of the actual bidders, responders, or proposers shall be
369 notified of the date, time, and place of the meeting. If the protest committee
370 determines that the protest has merit, such Executive Officer or Executive Officer's
371 designee shall direct that all appropriate steps be taken. If the protest committee denies
372 the protest, the protester may appeal to the city commission. All of the actual bidders,
373 responders, or proposers shall be notified of the determination by the protest
374 committee. The protest committee shall terminate upon the award of the contract,
375 cancellation of the sealed competitive method, or such other time as determined by the
376 city commission.

377 (e) *Stay of award of agreement or sealed competitive method.* In the event of a timely
378 protest, the Executive Officer with oversight of the department or program for or by
379 which the expenditure is sought shall stay the award of the agreement or the sealed
380 competitive method unless such Executive Officer or Executive Officer's designee
381 determines that the award of the agreement without delay or the continuation of the
382 sealed competitive method is necessary to protect any substantial interest of the city.
383 The continuation of the sealed competitive method or award process under these
384 circumstances shall not preempt or otherwise affect the protest.

385 (f) *Appeals to city commission.* Any actual bidder, proposer, or responder who is aggrieved
386 by a determination of the protest committee may appeal the determination to the city
387 commission by filing an appeal with the city clerk by close of business on the third
388 business day after the protester has been notified (excluding the day of notification) of
389 the determination by the protest committee. The appeal shall be in writing and shall
390 include a factual summary of, and the basis for, the appeal. Filing of an appeal shall be
391 considered complete when the appeal is received by the city clerk.

392 (g) *Failure to file protest.* Any actual bidder, proposer, or responder that does not formally
393 protest or appeal in accordance with this section shall not have standing to challenge
394 the award recommendation or the city commission's award.

395 **SECTION 2. CODIFICATION**

396 It is the intention of the City Commission of the City of Starke that the provisions of this Ordinance shall
397 become and be made part of the Code of Ordinances of the City of Starke, Florida. The Sections of this
398 Ordinance may be renumbered, re-lettered and the word "Ordinance" may be changed to "Section",
399 "Article" or such other word or phrase in order to accomplish such intention. The correction of
400 typographical errors which do not affect the intent or substance of the ordinance may be authorized by
401 the City Clerk or the City Clerk's designee with the consent of the City Attorney without public hearing, by
402 filing a corrected or re-codified copy of the same with the City.

403 **SECTION 3. REPEAL OF ORDINANCES IN CONFLICT**

404 All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with
405 this Ordinance, repealed.

406 SECTION 4. PROVIDING FOR SEVERABILITY

407 It is the declared intent of the City Commission of the City of Starke that, if any section, sentence, clause,
408 phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or
409 inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality
410 shall not affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the
411 exclusion of such part or parts, shall be deemed to be valid.

412 SECTION 5. EFFECTIVE DATE

413 This Ordinance shall be effective immediately upon passage.

414 **APPROVED, UPON THE FIRST READING,** by the City Commission of the City of Starke at a regular meeting,
415 on the 16th day of May, 2023.

416 **PUBLICLY NOTICED,** in a newspaper of general circulation in the City of Starke, Florida, by the City
417 Clerk of the City of Starke, Florida on the 25th day of May, 2023.

418 **APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE,** by an affirmative vote of
419 a majority of a quorum present of the Starke City Commission, at a regularly scheduled meeting this 6th
420 day of June, 2023.

BY THE MAYOR OF THE CITY OF STARKE, FLORIDA

C. Scott Roberts, Mayor

ATTEST, BY THE CITY CLERK OF THE CITY OF STARKE:

Jimmy V. Crosby, Jr., City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney

421