

ORDINANCE NO. 19-05

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 24-43 OF THE TOWN CODE, "PURCHASES OF MORE THAN \$5,000.00 BUT LESS THAN \$25,000.00;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Cutler Bay (the "Town") maintains purchasing guidelines that are codified in Chapter 24 of the Town's Code; and

WHEREAS, Section 24-43 of the Town Code currently authorizes the Town Manager to purchase or contract, without Town Council approval, for materials, supplies, equipment, improvements or services where the total amount expended is in excess of \$5,000.00, but which is less than \$25,000.00, provided that three competitive quotations are obtained; and

WHEREAS, when there is a sole-source purchase or it is impractical to comply with the requirements of Section 24-43 of the Town Code, the Town seeks to authorize the Town Manager to waive the requirements of Section 24-43 to obtain three price quotes and immediately notify the Town Council via email of the conditions and circumstances involved; and

WHEREAS, the Town Council finds that this Ordinance is in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY AS FOLLOWS: ¹

Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Amending Chapter 24 of the Town Code. The Town Council of the Town of Cutler Bay hereby amends Section 24-43 of the Town's Code as follows:

Sec. 24-43. – Purchases of more than \$5,000.00 but less than \$25,000.00. Purchases of or contracts for materials, supplies, equipment, improvements or services where the total amount expended is in excess of \$5,000.00, but which is less than \$25,000.00, may be made or entered into by the

¹ Coding: ~~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 **highlight**.

town manager without town council approval provided that three competitive quotations are obtained from individual vendors. In all such cases the town manager shall retain records of the price quotations received. Single purchases and contracts of greater than \$25,000.00 shall not be broken down into smaller purchase or contract amounts in order to avoid the competitive bidding requirements of this division. The town manager may waive the requirements of this section where the town manager has made a written recommendation that, based on specific circumstances, there is sole-source availability or it is impractical to comply with the requirements of this section for a specific purchase. The town manager will forward the written recommendation to the town attorney for confirmation. Where the town manager and town attorney confirms waiving the requirements of this section, the town manager shall immediately notify the town council via email of the conditions and circumstances involved.

Section 3. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict. All Sections or parts of Sections of the Code of Ordinances, all ordinances or parts of ordinances, and all Resolutions, or parts of Resolutions, in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Inclusion in the Code. It is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Town of Cutler Bay; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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


PASSED on first reading this 20th day of February, 2019.

PASSED AND ADOPTED on second reading this 17th day of April, 2019.



TIM MEERBOTT
Mayor

Attest:



DEBRA E. EASTMAN, MMC
Town Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:



WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
Town Attorney

First Reading

Moved By: Vice Mayor Loyzelle

Seconded By: Council Member Coriat

Second Reading

Moved By: Vice Mayor Loyzelle

Seconded By: Council Member Duncan

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	YES
Vice Mayor Sue Ellen Loyzelle	YES
Council Member Robert "BJ" Duncan	YES
Council Member Michael P. Callahan	YES
Council Member Roger Coriat	YES