

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ORDINANCE NO. 2015 - 06**

4  
5 **AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA;**  
6 **ESTABLISHING PURCHASING PROCEDURES;**  
7 **DESIGNATING A PURCHASING AGENT; PROVIDING FOR**  
8 **LIMITATIONS ON PURCHASES; PROVIDING FOR**  
9 **COMPETITIVE BIDDING; ESTABLISHING COMPETITIVE**  
10 **BIDDING AND BID OPENING PROCEDURES; PROVIDING**  
11 **FOR AWARDING OF BIDS; PROVIDING FOR WAIVER OF**  
12 **COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS**  
13 **FROM COMPETITIVE BIDDING; PROVIDING FOR REPEAL**  
14 **OF CONFLICTING PROVISIONS; PROVIDING FOR**  
15 **SEVERABILITY, INCLUSION IN THE CODE AND AN**  
16 **EFFECTIVE DATE.**

17  
18 **WHEREAS,** the Village Council has determined that purchasing guidelines and  
19 procedures are essential elements in the administration of the Village's day to day activities; and  
20

21 **WHEREAS,** the Village's Charter requires that contract for public improvements and  
22 purchases of supplies, materials, or services shall be awarded or made on the basis of  
23 specifications and competitive bids, except in cases where the Village Council specifically  
24 determines that it is impractical to do so; and  
25

26 **WHEREAS,** the Village Council hereby determines that it is impractical to purchase,  
27 through competitive bidding, materials, supplies, equipment, improvements or services for which  
28 funds are provided in the budget and for which the total amount to be expended is \$ 10,000 or  
29 less;  
30

31 **NOW, THEREFORE,** be it ordained by the Village Council of the Village of Estero,  
32 Florida, that the Village of Estero's Purchasing Procedures are as follows:  
33

34 **SECTION 1. PURCHASING AGENT.**  
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36 The Village Manager or his/her designee shall be the chief purchasing agent of the  
37 Village. The purchasing agent shall contract for, purchase, store and distribute all supplies,  
38 materials and equipment required by any office, department or agency of the Village the  
39 purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of  
40 all deliveries and have full and complete charge of, and be responsible for, all supplies,  
41 materials, and equipment purchased for or belonging to the Village.  
42

43 **SECTION 2. PURCHASING LIMITATIONS; COMPETITIVE BIDDING.**  
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45 (A) Purchases less than \$10,000. Purchases of, or contracts for materials, supplies,  
46 equipment, improvements or services for which funds are provided in the budget, where

the total amount to be expended is not in excess of \$10,000 may be made or entered into by the Village Manager without submittal to the Village Council and without competitive bidding. Single purchases or contracts in excess of \$10,000 shall not be broken down to amounts less than \$10,000 to avoid the requirements of this section.

(B) Purchases more than \$10,000 but less than \$50,000. Purchases of or contracts for materials, supplies, and equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is in excess of \$10,000 but which do not exceed \$50,000 may be made or entered into by the Village Manager without submittal to the Village Council, but shall require compliance with the competitive bidding requirements set forth in Section 3 of this Ordinance. Single purchases or contracts in excess of \$10,000 shall not be broken down to amounts less than \$10,000 to avoid the requirements of this section.

(C) Purchases in excess of \$50,000. The Village Council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than \$50,000.

(D) The Village Manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time the Village Council amends the budget to increase the appropriation to the applicable level.

### **SECTION 3. COMPETITIVE BIDDING PROCEDURE.**

(A) Whenever competitive bidding is required by this Ordinance, the Village Manager shall direct that bid proposals which provide specifications for the purchase or contract be prepared.

(B) The Village Manager shall solicit sealed bids from at least three persons or entities engaged in the business of furnishing such materials, supplies, equipment and public improvements or rendering such services.

(C) The Village Manager may publish a public invitation to bid.

(D) Bids shall be awarded to the lowest, most responsive, responsible bidder, as determined by the Village Council and/or the Village Manager as the case may be, subject to the right of the Village to reject any and all bids, to waive any irregularity in the bids or bidding procedures and subject also to the right of the Village to award bids and contracts to bidders other than the low bidder.

### **SECTION 4. BID OPENING PROCEDURE; AWARDING OF BIDS.**

(A) Sealed bids shall be opened by the Village Manager or his appointed representative and recorded by the Village Manager or his representative on the date and time specified in the bid proposal.

(B) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or other security accompanying the bid shall be received and maintained for safekeeping by the Village Manager. The Village Manager shall be responsible for the return of the bid bonds, cash, insurance, checks or other security of unsuccessful bidders.

(C) Upon completion of the bid opening and reading, all bids received will be deposited with the Village Manager for tabulation and/or recommendation to the Village Council.

(D) Upon submission of the bid tabulation and recommendation to the Village Manager or Village Council, as the case may be, the Village Manager or the Village Council shall either accept, reject or refer for additional review the bid tabulation and recommendation.

#### **SECTION 5. WAIVER OF COMPETITIVE BIDDING PROCEDURES.**

The Village Council may, by majority vote, waive the competitive bidding procedures outlined in this ordinance if the Village Council determines that it is impractical to do so.

#### **SECTION 6. GOVERNMENTAL CONTRACTS.**

The Village Manager is hereby authorized to enter into bids or contracts entered into by other governmental authorities provided that the governmental authority has followed a competitive bidding procedure leading to the award of the bid or contract in question which is substantially similar to the competitive bidding procedure outlined in this Ordinance.

#### **SECTION 7. EXEMPTIONS FROM COMPETITIVE BIDDING.**

The following shall be exempt from the competitive bidding procedures outlined in this ordinance:

(A) Transactions described in Section 2(A) of this Ordinance.

(B) Contracts for professional services.

(C) Other contracts as provided by State Law.

#### **SECTION 8. REPEAL OF CONFLICTING PROVISIONS.**

All provisions of the Code of Lee County as made applicable to the Village-which ~~are in~~ conflict-with this Ordinance are hereby repealed.

139                   **SECTION 9. SEVERABILITY.**  
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141       The provisions of this Ordinance are declared to be severable and if any section, sentence, clause  
142       or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such  
143       decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of  
144       this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance  
145       shall stand notwithstanding the invalidity of any part.  
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147                   **SECTION 10. INCLUSION IN THE CODE.**  
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149       It is the intention of the Village Council, and it is hereby ordained that the provisions of this  
150       Ordinance shall become and made a part of the Village of Estero Code; that the sections of this  
151       Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word  
152       “Ordinance” shall be changed to “Section” or other appropriate word.  
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154                   **SECTION 11. EFFECTIVE DATE.**  
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156       This Ordinance shall be effective upon adoption on second reading.  
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158       PASSED AND ADOPTED on first reading this 20<sup>th</sup> day of May, 2015.  
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160       PASSED AND ADOPTED on second reading this 3<sup>rd</sup> day of June, 2015.  
161

162       32  
163       Attest:

**VILLAGE OF ESTERO, FLORIDA**

164       By: Kathy Hall  
165               Kathy Hall, MMC  
166               Village Clerk  
167

164       By: Nicholas Batos  
165               Nicholas Batos  
166               Mayor  
167

168  
169       Reviewed for legal sufficiency:

170  
171       By: Burt Saunders, Esq.  
172               Burt Saunders, Esq.  
173               Village Attorney  
174

175       Vote:	AYE	NAY
176       Mayor Batos	<u>✓</u>	_____
177       Vice Mayor Levitan	<u>✓</u>	_____
178       Councilmember Boesch	<u>✓</u>	_____
179       Councilmember Brown	<u>✓</u>	_____
180       Councilmember Errington	<u>✓</u>	_____
181       Councilmember Ribble	<u>✓</u>	_____
182       Councilmember Wilson	<u>Excused Absence</u>	_____