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VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2015 - 06

**AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA;
ESTABLISHING PURCHASING PROCEDURES;
DESIGNATING A PURCHASING AGENT; PROVIDING FOR
LIMITATIONS ON PURCHASES; PROVIDING FOR
COMPETITIVE BIDDING; ESTABLISHING COMPETITIVE
BIDDING AND BID OPENING PROCEDURES; PROVIDING
FOR AWARDING OF BIDS; PROVIDING FOR WAIVER OF
COMPETITIVE BIDDING; PROVIDING FOR EXEMPTIONS
FROM COMPETITIVE BIDDING; PROVIDING FOR REPEAL
OF CONFLICTING PROVISIONS; PROVIDING FOR
SEVERABILITY, INCLUSION IN THE CODE AND AN
EFFECTIVE DATE.**

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

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

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

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

SECTION 1. PURCHASING AGENT.

The Village Manager or his/her designee shall be the chief purchasing agent of the Village. The purchasing agent shall contract for, purchase, store and distribute all supplies, materials and equipment required by any office, department or agency of the Village the purchasing agent shall establish and enforce specifications, inspect or supervise the inspection of all deliveries and have full and complete charge of, and be responsible for, all supplies, materials, and equipment purchased for or belonging to the Village.

SECTION 2. PURCHASING LIMITATIONS; COMPETITIVE BIDDING.

(A) Purchases less than \$10,000. Purchases of, or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where

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

51
52 (B) Purchases more than \$10,000 but less than \$50,000. Purchases of or contracts for
53 materials, supplies, and equipment, improvements or services for which funds are
54 provided in the budget, where the total amount to be expended is in excess of \$10,000 but
55 which do not exceed \$50,000 may be made or entered into by the Village Manager
56 without submittal to the Village Council, but shall require compliance with the
57 competitive bidding requirements set forth in Section 3 of this Ordinance. Single
58 purchases or contracts in excess of \$10,000 shall not be broken down to amounts less
59 than \$10,000 to avoid the requirements of this section.

60
61 (C) Purchases in excess of \$50,000. The Village Council shall approve all purchases
62 of or contracts for materials, supplies, equipment, public improvements or services where
63 the total amount to be expended is more than \$50,000.

64
65 (D) The Village Manager may not purchase or contract for any item or service which
66 exceeds any budget appropriation until such a time the Village Council amends the
67 budget to increase the appropriation to the applicable level.

68 **SECTION 3. COMPETITIVE BIDDING PROCEDURE.**

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

74
75 (B) The Village Manager shall solicit sealed bids from at least three persons or
76 entities engaged in the business of furnishing such materials, supplies, equipment and
77 public improvements or rendering such services.

78
79 (C) The Village Manager may publish a public invitation to bid.

80
81 (D) Bids shall be awarded to the lowest, most responsive, responsible bidder, as
82 determined by the Village Council and/or the Village Manager as the case may be,
83 subject to the right of the Village to reject any and all bids, to waive any irregularity in
84 the bids or bidding procedures and subject also to the right of the Village to award bids
85 and contracts to bidders other than the low bidder.

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

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88
89 (A) Sealed bids shall be opened by the Village Manager or his appointed
90 representative and recorded by the Village Manager or his representative on the date and
91 time specified in the bid proposal.

93 (B) Whenever required by the bid proposal, all bid bonds, cash, insurance, checks or
94 other security accompanying the bid shall be received and maintained for safekeeping by
95 the Village Manager. The Village Manager shall be responsible for the return of the bid
96 bonds, cash, insurance, checks or other security of unsuccessful bidders.
97

98 (C) Upon completion of the bid opening and reading, all bids received will be
99 deposited with the Village Manager for tabulation and/or recommendation to the Village
100 Council.
101

102 (D) Upon submission of the bid tabulation and recommendation to the Village
103 Manager or Village Council, as the case may be, the Village Manager or the Village
104 Council shall either accept, reject or refer for additional review the bid tabulation and
105 recommendation.
106

107 **SECTION 5. WAIVER OF COMPETITIVE BIDDING PROCEDURES.**
108

109 The Village Council may, by majority vote, waive the competitive bidding procedures outlined
110 in this ordinance if the Village Council determines that it is impractical to do so.
111

112 **SECTION 6. GOVERNMENTAL CONTRACTS.**
113

114 The Village Manager is hereby authorized to enter into bids or contracts entered into by other
115 governmental authorities provided that the governmental authority has followed a competitive
116 bidding procedure leading to the award of the bid or contract in question which is substantially
117 similar to the competitive bidding procedure outlined in this Ordinance.
118

119 **SECTION 7. EXEMPTIONS FROM COMPETITIVE BIDDING.**
120

121 The following shall be exempt from the competitive bidding procedures outlined in this
122 ordinance:
123

- 124 (A) Transactions described in Section 2(A) of this Ordinance.
- 125
- 126 (B) Contracts for professional services.
- 127
- 128 (C) Other contracts as provided by State Law.
- 129

130 **SECTION 8. REPEAL OF CONFLICTING PROVISIONS.**
131

132 All provisions of the Code of Lee County as made applicable to the Village by ~~Article _____,~~
133 ~~Section _____ of the Village Charter~~ which are in conflict with this Ordinance are hereby
134 repealed.
135
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137
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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.

146
147 **SECTION 10. INCLUSION IN THE CODE.**

148
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.

153
154 **SECTION 11. EFFECTIVE DATE.**

155
156 This Ordinance shall be effective upon adoption on second reading.

157
158 PASSED AND ADOPTED on first reading this 20th day of May, 2015.

159
160 PASSED AND ADOPTED on second reading this 3rd day of June, 2015.

161
162
163 Attest:

VILLAGE OF ESTERO, FLORIDA

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

164
165 By: Nicholas Batos
166 Nicholas Batos
167 Mayor

168
169 Reviewed for legal sufficiency:

170
171 By: Burt Saunders
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>	_____