VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council
Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

Village Manager
Genaro "Chip" Iglesias

DT: **February 12, 2008 Council Agenda**

TO: **Honorable Mayor and Members of the Village Council**

FR: **Genaro "Chip" Iglesias, Village Manager**

RE: **Ordinance Amending Village Code to Create Emergency Purchasing Procedures**

RECOMMENDATION

As authorized by the Village Council, and pursuant to my request, the Village Attorney has drafted the enclosed proposed ordinance in order to provide for procedures enabling certain emergency purchases.

Council approval of the Ordinance is recommended.

BACKGROUND

The enclosed ordinance would enable me to make certain limited purchases on an emergency basis without formal competitive bidding or prior Council authorization, under the circumstances specified in the ordinance and subject to a $25,000 limit.

If this emergency purchasing authority is used, a report will be made at the next council meeting, as required by the ordinance.

cc: Conchita H. Alvarez, CMC, Village Clerk
Stephen H. Helfman, Village Attorney
David M. Wolpin, Village Attorney

F:\100\103001\Memos.08\Mayor and Council From Manager Re Emergency Purchasing Procedures.doc

ORDINANCE NO. 2008-

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE FLORIDA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE IV "FINANCE", DIVISION 2 "PURCHASING",CREATING SECTION 2-90 "EMERGENCY PURCHASES" TO PROVIDE FOR EMERGENCY PURCHASING AUTHORITY AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Manager has recommended amendments to the purchasing provisions and procedures of the Village Code to address the matter of necessary emergency purchases when time constraints do not permit the use of routine competitive purchasing procedures ; and

WHEREAS, the Village Council finds that the proposed amendment of the purchasing requirements, as provided for herein, are in the best interest of the Village.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Village Code Amended.** That the Village Code of the Village of Key Biscayne is hereby amended by amending Chapter 2 "Administration," at Article IV "Finance", at Division 2 "Purchasing", by creating Section 2-90 "Emergency Purchases", to read as follows:[1]

Section 2-90. Emergency purchases.

(a) In case of an emergency which requires the purchase of supplies, materials,

---

[1]/ Proposed additions to existing Village Code text are indicated by underline; proposed deletions from existing Village Code text are indicated by strikethrough.

equipment, improvements or services under circumstances which the Village Manager finds do not enable the Village to comply with the purchasing limitations of this Division of the Village Code requiring the use of competitive bids or prior approval by the Village Council, unless otherwise prohibited by applicable law, the Village Manager shall be authorized, as herein set forth, at the best obtainable price, to purchase any supplies, materials, equipment, improvements or services for:

(i) the Village's solid waste service enterprise or the Village's stormwater utility; or

(ii) the furnishing of other Village services or the performance of other Village functions or responsibilities; or

(iii) the maintenance and repair of Village buildings , facilities and equipment ; without complying with the competitive purchasing and the advance Council approval requirements of this Division of the Village Code which would otherwise apply in the absence of this Section, subject to compliance with each of the following:

(1) Such purchasing action of the Village Manager shall be reported by the Village Manager at the next regular meeting of the Village Council for the formal receipt of information on such purchasing transaction by the Village Council, with a full written report of the circumstances of the emergency being filed by the Village Manager with the Office of the Mayor within two (2) days of the purchasing action of the Village Manager. Further, in those situations where a capital project authorizing resolution is required by Village Charter Section 3.07 (b), Village Council ratification via adoption of the

necessary resolution shall be requested by the Village Manager at the Council meeting at which the purchasing transaction is reported;

(2) The amount of the purchase price for the specific transaction shall not exceed the sum of Twenty Five Thousand ($25,000) Dollars;

(3) That if the emergency may be timely addressed by utilizing requests for quotations from vendors in lieu of formal sealed competitive bids, an informal request for quotations from two (2) or more vendors shall be utilized by the Village Manager;

(4) That the emergency purchase is found to be necessary by the Village Manager in order to prevent any of the following:

a. the waste of Village funds;

b. the loss of Village revenue;

c. damage to Village property;

d. disruption of Village services;

e. disruption of the use of Village facilities or equipment ;

f. the potential exposure of the Village to liability;

g. potential harm to the public health or safety.

Section 3. **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 4. **Inclusion in Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the Village of Key Biscayne; 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 5. **Effective Date.** That this Ordinance shall be effective immediately upon adoption on second reading.

PASSED AND ADOPTED on first reading this 12th day of February, 2008.

PASSED AND ADOPTED on second reading this 26th day of February, 2008.

_____
MAYOR ROBERT L. VERNON

ATTEST:

_____
CONCHITA H. ALVAREZ, CMC, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

_____
VILLAGE ATTORNEY

F:\100\103001\Ordinances\PURCHASING LIMITATIONS 2-5-08 (2).doc