CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139

OFFICE OF THE CITY MANAGER

CITY HALL
1700 CONVENTION CENTER DRIVE
TELEPHONE: 673-7010

COMMISSION MEMORANDUM #374-88

TO: MAYOR ALEX DAOUD and MEMBERS OF THE CITY COMMISSION

DATE: July 13, 1988

FROM: ROB W. PARKINS
CITY MANAGER

RE: **AMENDMENT TO CHAPTER 31A, SECTION 31A-10 OF THE MIAMI BEACH CITY CODE**

At the request of the Administration the Legal Department has drafted some changes and additions to the City's Purchasing Ordinance.

Subsection 31A-10(d) of Chapter 31A of the Miami Beach City Code, the Purchasing Ordinance, presently authorizes the City Manager on "major municipal projects" to negotiate with the lowest and best bidder where the bid exceeds the budget. The attached ordinance changes the definition of "major municipal projects" from projects whose costs exceed "fifteen" million dollars, to projects whose costs exceed "five" million, deletes the word "competitively" before the word "negotiate", clarifies the negotiation procedure, and makes some technical changes.

The attached ordinance also adds a new subsection (e) to section 31A-10 which will give the City Commission the power, upon written recommendation of the City Manager, by five-sevenths vote of the members of the Commission, to waive competitive bidding when the Commission finds such waiver to be in the best interest of the City. The Commission can then authorize execution of a negotiated contract.

The ordinance also adds a clarification in subsection (c) of section 31A-10 that action taken under subsection (c) may be by a "simple majority vote of the City Commission".

RWP/AMW/PNB/lg

COMMISSION MEETING

JUL 27 1988

CITY OF MIAMI BEACH

7

AGENDA ITEM R-3-C

DATE 7-27-88

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 31A, SECTION 31A-10 OF THE MIAMI BEACH CITY CODE ENTITLED "REJECTION OF BIDS; NEGOTIATION," BY ADDING A CLARIFICATION IN SUBSECTION (C) THAT A VOTE THEREIN SHALL BE BY "SIMPLE MAJORITY VOTE OF THE CITY COMMISSION", AND CONFORMING SAID SUBSECTION TO THE EXPENDITURE LIMITATIONS CONTAINED IN SUBSECTION (A) OF SECTION 31A; AMENDING SUBSECTION (D) BY CHANGING THE DEFINITION OF "MAJOR MUNICIPAL PROJECT" FROM PROJECT COST OF FIFTEEN MILLION TO FIVE MILLION DOLLARS DELETING THE WORD "COMPETITIVELY" AND CLARIFYING THE NEGOTIATION PROCEDURE, AND ADDING SUBSECTION (E) TO PROVIDE FOR WAIVER OF COMPETITIVE BIDDING, UPON WRITTEN RECOMMENDATION OF THE CITY MANAGER, BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION WHEN THE COMMISSION FINDS IT TO BE IN THE BEST INTEREST OF THE CITY; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1.

That Chapter 31-A, Section 31-A10 of the Miami Beach City Code entitled "Rejection of bids; negotiation." is hereby amended to read as follows:

* * *

Sec. 31A-10. Rejection of bids; negotiation; waiver of competitive bidding.

(a) If the bid is ten thousand dollars or less, the city manager shall have the authority to reject any and all bids. If the bid is in excess of ten thousand dollars, the city commission shall have the authority to reject any and all bids.

(b) If the lowest and best bid exceeds the budgeted amount and the city commission does not make additional funds available, the appropriate authority designated in subsection (a) shall have the power to readvertise the items for bidding after making substantial changes in the project plans to bring the cost within the limit of the money available.

(c) The purchasing agent, with approval of the city manager, for contracts of ten thousand dollars or less, or the commission, by simple majority vote of the city commission,

COMMISSION MEETING
JUL 27 1988
CITY OF MIAMI BEACH

AGENDA ITEM R-3-C
DATE 7-27-88

~~dependent on the total expenditure involved~~ for contracts in excess of ten thousand dollars, shall have the power to negotiate those contracts and purchases where only one bid response is received and/or where only one source for the product or service is evident.

(d) If the lowest and best bid~~(s)~~ exceeds~~(s)~~ the budgeted amount allocated towards the construction cost of the work which has been competitively bid in major municipal projects, the city manager or his designee with approval of the city commission shall have the power to ~~competitively~~ negotiate an agreement with the lowest and best bidder~~(s)~~ exceeding the budgeted amount of the work. For purposes of this subsection, major municipal projects shall mean those projects whose project costs exceed ~~fifteen~~ five (5) million dollars. In the event the city manager is unable to successfully negotiate an agreement with the lowest and best bidder, the city manager may terminate negotiations with such bidder and commence negotiations with the second lowest and best bidder. In the event the city manager is unable to successfully negotiate an agreement with the second lowest and best bidder, the city manager may terminate negotiations with the second bidder and commence negotiations with the third lowest and best bidder.

(e) The city commission, upon written recommendation of the city manager, may by resolution adopted by a five-sevenths vote of the city commission waive competitive bidding when the city commission finds such waiver to be in the best interest of the city. In the event of such a waiver the city commission may authorize the execution of a negotiated contract.

SECTION 2. REPEALER

COMMISSION MEETING JUL 27 1998

All Ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. **EFFECTIVE DATE**

This ordinance shall take effect ten (10) days after its adoption, on _____, 1988.

PASSED AND ADOPTED this ____ day of _____, 1988.

_____
MAYOR

ATTEST:

_____
CITY CLERK

1st Reading - July 13, 1988

PNB/lg

FORM APPROVED
LEGAL DEPT.
By Patricia M. Brown
Date 7/1/88

COMMISSION
MEETING
JUL 5 1988
CITY OF MIAMI BEACH

OFFICE OF THE CITY CLERK
CITY OF MIAMI BEACH

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that public hearings will be held by the City Commission of the City of Miami Beach, Florida, in the Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, **Wednesday, July 27, 1988** commencing at 11:30 a.m. to consider the adoption of the following described ordinances, which were given first reading on July 13, 1988.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING ARTICLE I AND II OF CHAPTER 20 OF THE CODE OF THE CITY OF MIAMI BEACH, PROVIDING FOR AN INCREASE IN BUSINESS LICENSE FEES, PROVIDING FOR TRANSFERABILITY OF BUSINESS LICENSES FOR INDIVIDUAL BUSINESSES WITHIN FIFTEEN DAYS OF BONAFIDE SALE OR TRANSFER OF INDIVIDUAL BUSINESSES, PROVIDING FOR GROUNDS FOR DENIAL OF BUSINESS LICENSE UPON FAILURE OF APPLICANT TO OBTAIN THE REQUIRED BOND AND INSURANCE, DELETING THOSE PORTIONS OF SECTION 20-15 REGARDING THE SALE AND REGULATIONS OF FIREARMS WHICH DO NOT COMPLY WITH THE APPLICABLE STATE LAW, PROVIDING THAT ALL MEDICAL PERSONNEL PROFESSIONALLY AFFILIATED WITH ANY HOSPITALS, NURSING HOMES, ACLF'S, CLINICS AND OTHER BUSINESS ESTABLISHMENTS OR WHO ARE ON PRIVATE DUTY SHALL OBTAIN AN OCCUPATIONAL LICENSE; DELETING CERTAIN PHYSICAL, STRUCTURAL, MAINTENANCE AND LANDSCAPING REQUIREMENTS FOR PARKING LOTS AS OUTLINED IN SECTION 20-19, PROVIDING THAT ALL LICENSE FEES ARE DUE AND PAYABLE ON OCTOBER 1ST OF EACH YEAR, PROVIDING FOR A DELINQUENCY PENALTY OF TEN PERCENT FOR THE MONTH OF OCTOBER AND AN ADDITIONAL FIVE PERCENT FOR EACH ADDITIONAL MONTH OF DELINQUENCY, PROVIDING FOR AN AUTOMATIC REVOCATION DUE TO LAPSE OF THE REQUIRED INSURANCE, PROVIDING FOR AUTOMATIC REVOCATION DUE TO CANCELLATION OF THE REQUIRED BOND, PROVIDING FOR IMPOSITION OF A LIEN FOR PAST DUE BUSINESS LICENSE FEES AND PENALTIES FOR THE OPERATION OF RESIDENTIAL COMMERCIAL PROPERTIES, PROVIDING FOR ADDITIONAL GROUNDS FOR SUSPENSION OR REVOCATION OF LICENSES AND PERMITS.

INQUIRIES concerning this item should be directed the the Code Enforcement Department at 673-7555.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 31A, SECTION 31A-10 OF THE MIAMI BEACH CITY CODE ENTITLED "REJECTION OF BIDS; NEGOTIATION," BY ADDING A CLARIFICATION IN SUBSECTION (C) THAT A VOTE THEREIN SHALL BE BY "SIMPLE MAJORITY VOTE OF THE CITY COMMISSION", AND CONFORMING SAID SUBSECTION TO THE EXPENDITURE LIMITATIONS CONTAINED IN SUBSECTION (A) OF SECTION 31A; AMENDING SUBSECTION (D) BY CHANGING THE DEFINITION OF "MAJOR MUNICIPAL PROJECT" FROM PROJECT COST OF FIFTEEN MILLION TO FIVE MILLION DOLLARS DELETING THE WORD "COMPETITIVELY" AND CLARIFYING THE NEGOTIATION PROCEDURE, AND ADDING SUBSECTION (E) TO PROVIDE FOR WAIVER OF COMPETITIVE BIDDING, UPON WRITTEN RECOMMENDATION OF THE CITY MANAGER, BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION WHEN THE COMMISSION FINDS IT TO BE IN THE BEST INTEREST OF THE CITY.

INQUIRIES concerning this item should be directed to the Purchasing Department at 673-7490.

SAID ORDINANCES are on file in the Office of the City Clerk, 1700 Convention Center Drive, Miami Beach, Florida, for examination by the public during normal business hours.

COMMISSION MEETING

ALL INTERESTED PARTIES are invited to attend and will be heard.

Elaine M. Baker
City Clerk
City of Miami Beach

JUL 27 1988

CITY OF MIAMI BEACH

"Pursuant to Fla. Stat. 286.0105, the City hereby advises the Public that: If a person decides to appeal any decision made by this board, agency or commission with respect to any matter considered at its meeting or hearing, he will need a record of the proceedings, and that for such purpose, affected persons may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law."

11

AGENDA ITEM R-3-C-1

DATE 7-27-88

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 31A, SECTION 31A-10 OF THE MIAMI BEACH CITY CODE ENTITLED "REJECTION OF BIDS; NEGOTIATION," BY ADDING A CLARIFICATION IN SUBSECTION (C) THAT A VOTE THEREIN SHALL BE BY "SIMPLE MAJORITY VOTE OF THE CITY COMMISSION", AND CONFORMING SAID SUBSECTION TO THE EXPENDITURE LIMITATIONS CONTAINED IN SUBSECTION (A) OF SECTION 31A; AMENDING SUBSECTION (D) BY CHANGING THE DEFINITION OF "MAJOR MUNICIPAL PROJECT" FROM PROJECT COST OF FIFTEEN MILLION TO FIVE MILLION DOLLARS DELETING THE WORD "COMPETITIVELY" AND CLARIFYING THE NEGOTIATION PROCEDURE, AND ADDING SUBSECTION (E) TO PROVIDE FOR WAIVER OF COMPETITIVE BIDDING, UPON WRITTEN RECOMMENDATION OF THE CITY MANAGER, BY A FIVE-SEVENTHS VOTE OF THE CITY COMMISSION WHEN THE COMMISSION FINDS IT TO BE IN THE BEST INTEREST OF THE CITY; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1.

That Chapter 31-A, Section 31-A10 of the Miami Beach City Code entitled "Rejection of bids; negotiation." is hereby amended to read as follows:

* * *

Sec. 31A-10. Rejection of bids; negotiation; waiver of competitive bidding.

(a) If the bid is ten thousand dollars or less, the city manager shall have the authority to reject any and all bids. If the bid is in excess of ten thousand dollars, the city commission shall have the authority to reject any and all bids.

(b) If the lowest and best bid exceeds the budgeted amount and the city commission does not make additional funds available, the appropriate authority designated in subsection (a) shall have the power to readvertise the items for bidding after making substantial changes in the project plans to bring the cost within the limit of the money available.

(c) The purchasing agent, with approval of the city manager, for contracts of ten thousand dollars or less, or the commission, by simple majority vote of the city commission,

COMMISSION MEETING
JUL 27 1988
CITY OF MIAMI BEACH

AGENDA ITEM R-5-B
DATE 7-13-88

~~dependent on the total expenditure involved~~ for contracts in excess of ten thousand dollars, shall have the power to negotiate those contracts and purchases where only one bid response is received and/or where only one source for the product or service is evident.

(d) If the lowest and best bid~~(s)~~ exceeds~~(s)~~ the budgeted amount allocated towards the construction cost of the work which has been competitively bid in major municipal projects, the city manager or his designee with approval of the city commission shall have the power to ~~competitively~~ negotiate an agreement with the lowest and best bidder~~(s)~~ exceeding the budgeted amount of the work. For purposes of this subsection, major municipal projects shall mean those projects whose project costs exceed ~~fifteen~~ five (5) million dollars. In the event the city manager is unable to successfully negotiate an agreement with the lowest and best bidder, the city manager may terminate negotiations with such bidder and commence negotiations with the second lowest and best bidder. In the event the city manager is unable to successfully negotiate an agreement with the second lowest and best bidder, the city manager may terminate negotiations with the second bidder and commence negotiations with the third lowest and best bidder.

(e) The city commission, upon written recommendation of the city manager, may by resolution adopted by a five-sevenths vote of the city commission waive competitive bidding when the city commission finds such waiver to be in the best interest of the city. In the event of such a waiver the city commission may authorize the execution of a negotiated contract.

COMMISSION MEETING

SECTION 2. REPEALER

All Ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

CITY OF MIAMI BEACH

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect ten (10) days after its adoption, on _____, 1988.

PASSED AND ADOPTED this ____ day of _____, 1988.

_____
MAYOR

ATTEST:

_____
CITY CLERK

PNB/lg

FORM APPROVED
LEGAL DEPT.
By Patricia N. Brown
Date 7/1/88

COMMISSION
MEETING
JUL 27 1988
CITY OF MIAMI BEACH