

ORDINANCE NO. O-7-20

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, AMENDING CHAPTER 28. FINANCE. AT SECTION 28-32. EXEMPTIONS FROM THE COMPETITIVE PROCUREMENT REQUIREMENT. TO CLARIFY THAT PURCHASES OF GOODS AND SERVICES UNDER CONTRACTS OF THE FEDERAL GOVERNMENT, THE STATE OF FLORIDA AND/OR ITS POLITICAL SUBDIVISION (I.E., PIGGYBACKED CONTRACTS) AND PURCHASES OF EXEMPT CONTRACTUAL GOODS AND SERVICES ARE NOT SUBJECT TO THE QUOTATION REQUIREMENTS OF SECTION 28-29; PROVIDING THAT EACH AND EVERY OTHER SECTION AND SUBSECTION OF CHAPTER 28. FINANCE. SHALL REMAIN IN FULL FORCE AND EFFECT AS PREVIOUSLY ADOPTED; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Chapter 28 of the Town Code of Ordinances currently provides the purchasing guidelines for all Town purchases; and

WHEREAS, the Town Commission of the Town of Palm Beach Shores desires to revise its regulations to clarify the application of the quotation requirements section to purchases made using piggyback contracting and purchases otherwise exempt from the competitive procurement requirements; and

WHEREAS, the Town Commission believes these revisions to its Code of Ordinances to be in the best interests of the health, safety, and welfare of the citizens of Palm Beach Shores.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF PALM BEACH SHORES, FLORIDA, THAT:

Section 1: Section 28-32. Exemptions from the competitive procurement requirement. of the Code of Ordinances of the Town of Palm Beach Shores is hereby amended to clarify that purchases of goods and services under contracts of the federal government, the State of Florida and/or its political subdivision (i.e., piggybacked contracts) and purchases of exempt contractual goods and services are not subject to the quotation requirements of Section 28-29; providing that Section 28-32. Exemptions from the competitive procurement requirement. shall hereafter read as follows:

Sec. 28-32. - Exemptions from the competitive procurement requirement.

The following are exempt from the requirements of formal competitive procurement:

- (1) Sole source procurement; however, all sole source procurements where the cost of the commodity or contractual service exceeds \$25,000.00 shall be authorized by the town commission.
- (2) Non-emergency exemptions to this process must be approved by the town commission if over \$25,000.00.
- (3) Emergency procurements. The town manager, the mayor or the mayor's designee may make or authorize emergency procurements of commodities or services when there exists a clear and present threat to public health, property, welfare, safety or other substantial loss to the town. The town clerk will notify the town commission immediately of all emergency expenditures over \$25,000.00.
- (4) Purchases under contracts of the federal government, the State of Florida and/or its political subdivisions. All purchases of commodities or contractual services under the provisions of local, state and federal purchasing contracts shall be exempt from the quotation and competitive procurement requirements, however such contracts must be approved by the town commission if over \$25,000.00.
- (5) Exempt contractual goods and services not subject to the quotation and competitive procurement requirement. This category shall include services involving special skill, ability, training or expertise which are in their nature, unique, original or creative, in accordance with F.S. § 287.057(5)(f).

Section 2: Each and every other section and subsection of Chapter 28. Finance. of the Code of Ordinances of the Town of Palm Beach Shores, shall remain in full force and effect as previously adopted.

Section 3: All ordinances or parts of ordinances in conflict be and the same are hereby repealed.

Section 4: Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence or word be declared by a Court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

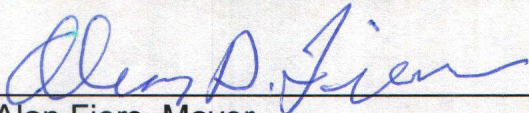
Section 5: Specific authority is hereby granted to codify this Ordinance.

Section 6: This Ordinance shall take effect immediately upon adoption.

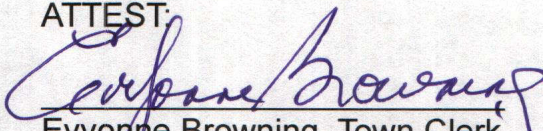
FIRST READING this 21st day of December 2020.

SECOND AND FINAL READING this 25th day of January 2021.

TOWN OF PALM BEACH SHORES


Alan Fiers, Mayor

ATTEST:


Evyonne Browning, Town Clerk

(Seal)

Approved as to form and legal sufficiency.


Keith Davis, Town Attorney

