

To: The Honorable Mayor and Council Members

From: Stephanie S. Thomas, Deputy City Clerk
Alberto Destrade, Purchasing Director

Date: August 23, 2016

RE: **AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7, ENTITLED "FINANCE", ARTICLE III, ENTITLED "PROCUREMENT CODE", DIVISION 3, ENTITLED "SOURCE SELECTION AND CONTRACT FORMATION", SPECIFICALLY AT SECTION 7-140, ENTITLED "OPENING PROCEDURE" OF THE NORTH MIAMI CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.**

RECOMMENDATION

Staff recommends that the Mayor and City Council approve the proposed Ordinance amending Section 7-140(b) of the City of North Miami Code of Ordinances (Code), entitled "Opening Procedures", authorizing the opening of bids, proposals and qualifications submitted in response to Solicitations issued by the City at a location other than the Office of the City Clerk, as designated in the public advertisement for each Solicitation.

BACKGROUND

The current language contained in Section 7-140(b) of the Code, requires that all bids, proposals and qualifications submitted in response to Solicitations issued by the City must be opened in the Office of the City Clerk and no other place. However, given the space constraints in the City Clerk's office and the fact that the opening of these proposals are open to the public, the current requirement has become operationally cumbersome and logistically difficult for both City staff and the vendors which attend these openings.

Therefore, staff recommends this change in the Ordinance which would authorize that the opening of these proposals can take place at a location clearly designated in the advertisement for each Solicitation. Nonetheless, it should be noted, that this change in the Ordinance would not affect the standing requirement that all such proposals must still continue to be delivered and received by the Office of the City Clerk. Likewise, the proposed amendment would not affect nor change the continuing requirement that such proposals will continue to be opened, witnessed and verified by a representative of the City Clerk's office, in conjunction with a member of the Purchasing Department.

The Office of the City Clerk and the Purchasing Department recommend and support the proposed amendment to this Ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7, ENTITLED “FINANCE”, ARTICLE III, ENTITLED “PROCUREMENT CODE”, DIVISION 3, ENTITLED “SOURCE SELECTION AND CONTRACT FORMATION”, SPECIFICALLY AT SECTION 7-140, ENTITLED “OPENING PROCEDURE” OF THE NORTH MIAMI CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, on October 23, 2007, the Mayor and City Council adopted Ordinance No. 1244 amending the City’s Procurement Ordinance; and

WHEREAS, the Mayor and City Council find that it is in the best interest of the City to amend Section 7-140 of the City’s Procurement Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. **Amendment to Chapter 7, Section 7-140.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 7, entitled “Finance”, Article III, entitled “Procurement Code”, Division 3, entitled “Source Selection and Contract Formation”, specifically at Section 7-140, entitled “Opening Procedure” of the North Miami Code of Ordinances, as follows:

* * * * *

Sec. 7-140. - Opening procedure.

- (a) All bids, proposals and qualifications shall be submitted within the time specified in the IFB, RFP, or RFQ, sealed to the city clerk and shall be identified as such on the outermost envelope or box used by the offeror or bidder in shipping.
- (b) All bids, proposals and qualifications shall be opened in the office of the city clerk or such other place as specified in the IFB, RFP, or RFQ at the time stated in the public notice or as soon thereafter as practicable, and shall be witnessed and certified.

(c) A tabulation of all bids, proposals and qualifications timely received shall be kept for public inspection in the purchasing department. Bids, proposals and qualifications received after the deadline shall be returned to sender unopened by the purchasing department.

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Section 2. **Conflicts.** In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 3. **Severability.** 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 by a court of competent jurisdiction, 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. **Codification.** It is the intention of the City Council of the City of North Miami and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word “ordinance” may be changed to “section,” “article” or any other appropriate word.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this _____ day of _____, 2016.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this _____ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: ADMINISTRATION

Moved by: _____

Sponsored by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilman Carol Keys, Esq.
Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.