

Sec. 2-38. Vacation of seat by repeated absence.

Absence from four consecutive regular meetings of the city commission shall operate to vacate the seat of the member, unless such absence shall be excused by the city commission by resolution setting forth the fact of such excuse, duly entered upon the minutes.

(Laws of Fla. ch. 28955(1953), § 20)

Sec. 2-39. Compensation.

(a) Each City Commissioner of the City of Bunnell shall be entitled to the sum of \$800.00 per month to defray the costs and expenses of that office.

(b) The Mayor of the City of Bunnell shall be entitled to the sum of \$1,000.00 per month to defray the costs and expenses of that office.

(c) The resolution shall take effect in March 3, 2010.
(Ord. No. 2002, §§ 1—3, 2-19-02; Res. No. 2009-10, 4-21-09)

Secs. 2-40—2-70. Reserved.**ARTICLE III. OFFICERS AND EMPLOYEES*****Sec. 2-71. Oath or affirmation.**

Every officer of the city, before entering upon the duties of his office, shall take and subscribe to an oath or affirmation, to be filed with the city clerk, which oath shall be in the form prescribed for state officers under the constitution of the state.

(Laws of Fla. ch. 28955(1953), § 23)

Secs. 2-72—2-105. Reserved.**ARTICLE IV. FINANCE†****Sec. 2-106. Fiscal year of city.**

The fiscal year of the city shall begin on October 1 and end on September 30 of each year.
(Ord. No. 2012-07, § 1, 3-12-12)

***Cross reference**—Any ordinance providing for salaries or other employee benefits not codified in this Code saved from repeal, § 1-12(a)(5).

State law reference—Public officers and employees generally, F.S. ch. 112.

†Editor's note—Section 1 of Ord. No. 2012-07, adopted March 12, 2012, amended art. IV in its entirety to read as herein set out. Former art. IV §§ 2-106—2-125, pertained to similar subject matter, and derived from Ord. No. 2009-40, § 1, adopted Jan. 11, 2010. See the Code Comparative Table for a complete derivation.

Cross references—Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, § 1-12(a)(1); any ordinance authorizing or approving any contract, deed or agreement saved

State law reference—Fiscal year, F.S. § 166.241(2).

Sec. 2-107. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agreement means the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing, usage of trade, or course of performance. Whether an agreement has legal consequences is determined by the provisions of the Uniform Commercial Code of Florida, if applicable, otherwise by the law of contracts.

Amendment means a modification, deletion, or addition to an executed contract by means of a formally executed document signed by both parties.

Bid, proposal and quotation means any offer specifically given to the city in response to a solicitation in order to supply goods or services or to undertake a task, at a specific price and within a specific timeframe.

Bidder means any business submitting an offer to the city. Also referred as offeror or quoter.

Board means the Board of City Commissioners of Bunnell, Florida.

Business means any corporation; partnership, individual, sole proprietorship, joint venture, joint stock company or any other legal entity.

Capital improvement project means any public improvement which the city undertakes, including the construction or reconstruction in whole or in part, of any building, road, highway, street improvements, structure or facility necessary in carrying out the functions of city government.

Capital equipment means any tangible personal property with a value of more than \$1,000.00 and has a normal expected life of one year or more which is not fixed in place and not part of a structure or facility and which is not consumed in use.

Certificate of insurance means a document which is provided by the contractor to show proof of insurance according to city requirements.

Change order means a written modification to a contract or purchase order, which normally revises the quantities or scope of services, and may include an extension of time to complete the contract.

City means [the] City of Bunnell, its board of city commissioners and persons duly authorized to act on behalf of the board.

from repeal, § 1-12(a)(2); any ordinance making or approving any appropriation or budgets saved from repeal, § 1-12(a)(4); any ordinance levying, imposing or otherwise relating to taxes not codified in this Code saved from repeal, § 1-12(a)(6); any ordinance levying or imposing any special assessment saved from repeal, § 1-12(a)(11); fees, ch. 30; taxation, ch. 58.

State law references—Municipal finance, F.S. § 166.201 et seq.; local government finance generally, F.S. ch. 218.

City manager means the chief administrative officer of the city.

Contract means all voluntary, deliberate, and legally binding city agreements, regardless of what they may be called, for the procurement or disposal of materials, supplies and equipment, and professional and contractual services.

Contract management means the negotiations to arrive at an agreement, preparation of contract documents and the servicing of that agreement during its performance as applicable to the services of architects, engineers, land surveyors, construction contractors, construction managers, design-build contractors, maintenance contractors, other technically related service providers and the acquisition of right-of-way or other real property directly related to capital improvement projects.

Contractor means any business which provides goods or services under terms specified in a contract with the city.

Contractual services means and includes all utilities (gas, water, electric, etc.), construction and services which include labor, time or effort.

Custodian means the city clerk who is the custodian for all original executed contracts, bids and proposals.

Debarment means the exclusion, for cause, of a vendor or contractor from bidding and/or receiving a contract to do business with the city.

Employee means a person employed by the city who is drawing a salary or wages directly from the city.

Invitation to bid, (ITB) means and includes all documents, whether attached or incorporated by reference, used for soliciting sealed bids for the procurement of construction, goods and/or services. ITB is only a solicitation and does not qualify as an offer.

Letter of renewal means a document generated by the city and approved by the other party to renew or extend the contract in accordance with the terms of the contract.

Local bidder means a bidder whose headquarters is located in the City of Bunnell and possesses a current City of Bunnell Local Business Tax Receipt to verify the business location.

Professional services means services as provided by architects, engineers, surveyors and other professionals as designated by the purchasing agent, excluding attorneys and expert witnesses.

Purchasing means buying, renting, leasing or otherwise acquiring any supplies, materials and equipment and professional or contractual services, or construction. It also includes all functions that pertain to obtaining any supplies, materials and equipment, and professional or contractual services, or construction, including description of requirements, in conjunction with the using agency, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration, but not including contract management. Also referred as procurement.

Purchasing agent means the administrator of the city who assists in the selection and purchase of goods and services by collecting information about products, prices and suppliers. Unless and until the position of purchasing agent is created, the city manager shall have all of the powers and duties of purchasing agent under this article. The city manager may delegate such powers and duties to any employee of the city.

Request for proposals (RFP) means a written solicitation used in sealed-bid procurement procedures through which the city advises the potential vendors of one or more of the following directives: (1) statement and scope of work, (2) specifications, (3) schedules or timelines, (4) contract type, (5) data requirements, (6) terms and conditions, (7) description of goods and/or services to be procured, (8) general criteria used in evaluation procedure, (9) special contractual requirements, (10) technical goals, (11) instructions for preparation of technical, management, and/or cost proposals. RFPs are publicly advertised and suppliers respond with a detailed proposal, not with only a price quotation. They provide for negotiations after sealed proposals are opened, and the award of contract may not necessarily go to the lowest bidder. A written solicitation includes a solicitation that is electronically posted.

Request for qualifications (RFQ) means the document issued by the city in phase I of the two-phased selection process. It typically describes the project and/or scope of work in enough detail to let potential offerors determine if they wish to compete and forms the basis for requesting qualifications submissions from which the most highly qualified offerors can be identified.

Responsible means a business which has submitted a bid, offer, proposal, quotation or response, having the capability, as determined by the city, in all respects to perform fully the contract requirements and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment and credit which will ensure good-faith performance.

Responsive means a business which has submitted a bid, offer, proposal, quotation or response which, as determined by the city, conforms in all material respects to the requirements and criteria set forth in the invitation to bid.

Short listing means the narrowing of the field of offerors through the selection of the most qualified offerors who have responded to an RFQ.

Single-phase selection process means a procurement process where price and/or technical proposals are submitted in response to an RFP. Short listing is not used in this process.

Supplier means any external entity that supplies relatively common, off the shelf, or standard goods or services, as opposed to a contractor or subcontractor who commonly adds specialized input to deliverables.

Supplies means and includes all supplies, materials and equipment.

Two-phase selection process means a procurement process in which the first phase consists of short listing (based on qualifications submitted in response to an RFQ) and the second phase consists of the submission of price and technical proposals in response to an RFP.

Using department means any department, division, agency, commission, board, committee, authority or other unit in the city government procuring supplies, materials or equipment or contractual, professional or construction services as provided for in this article.

Vendor means an actual or potential supplier that will be or has been awarded a contract by the city.

Vendor list means the compilation of the names and addresses of those appropriate suppliers of goods and/or services who have completed the registration process in order to do business with the city.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-108. Purpose.

The purpose of this article is to prescribe the manner in which the city shall control the purchase of materials, supplies, equipment, and professional and contractual services of the city and to maintain a high ethical standard for all officers and employees of the city in connection therewith.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-109. Scope of purchasing authority of purchasing agent.

(a) The purchasing agent shall have the power, and it shall be his/her duty, to perform the duties specified in this article in connection with the purchase of or contracting for all supplies and professional and contractual services needed by any department which derives its support wholly or in part from the city in accordance with procedures prescribed by this article and such rules and regulations as may be adopted for the internal management of purchasing operations.

(b) The authority of the purchasing agent to negotiate all purchases and contracts for all departments shall not be abridged, except as required by law, or as otherwise designated by the city commission or city manager.

(c) Certain contractual and professional services for which there is not a purchasing function are excluded from the provisions of this article. This would include purchased by public or private agencies funded in part by the city but over which the city does not have jurisdictional control.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-110. Specific powers and duties of purchasing agent; delegation of authority.

(a) In addition to any other powers and duties conferred by this article, the purchasing agent shall:

- (1) Procure for the city the best value in supplies and contractual and professional services;
- (2) Encourage competition, discourage uniform bidding and endeavor to obtain as full and as open competition as possible on all purchases and sales;

- (3) Keep informed of current developments in the field of purchasing, prices, market conditions and new products, and secure for the city the benefits of research conducted in the field of purchasing by other governmental jurisdictions, technical societies, trade associations, and private businesses and organizations;
- (4) Prescribe and maintain a standard purchasing manual for all departments;
- (5) Prescribe and maintain such forms necessary to the performance of this article;
- (6) Prepare and adopt standard purchasing nomenclature for departments and suppliers;
- (7) Exploit the possibilities of buying in bulk to take full advantage of discounts;
- (8) Obtain for the city all tax exemptions to which it is entitled;
- (9) Have the authority to debar a bidder or vendor from receiving any business from the city for a stated period of time for noncompliance with this article or any other applicable laws, rules or regulations; and
- (10) Maintain a current vendor list of possible sources of supply for all goods and services purchased by the city.
 - a. Such vendor list shall be maintained so as to ensure that every qualified business, which has completed the registration process to be placed on the list, is included and that the widest practicable vendor coverage is provided;
 - b. A vendor's name may be removed from the vendor list for failing to respond to two consecutive invitations for bid and/or request for proposal. After such removal, the vendor may be considered for reinstatement upon written request of the vendor.

(b) The purchasing agent may delegate authority to designees or to any department, agency or official and shall be responsible for their actions.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-111. Additional regulation and procedures.

The purchasing agent is hereby authorized and directed to adopt such written regulations and procedures as may be necessary for the implementation of this article. Such regulations and procedures shall become effective when approved in writing by the city manager. Copies of the regulations shall be on file in the office of the purchasing agent and shall be made available for public inspection during normal business hours.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-112. Small purchase procedures.

(a) *Generally.* All purchases of supplies and professional and contractual services with a total estimated value of \$15,000.00 or less may be made without observing the procedures prescribed by this article for formal bidding.

(b) *Minimum number of bids.* All small purchases with a total estimated value of \$1,000.00 or less may be awarded on the basis of a single verbal quote. All small purchases with a total estimated value of more than \$1,000.00 shall, whenever possible, be based on at least three competitive written quotes and shall be awarded to the business offering the lowest acceptable quotation in accordance with the standards set forth in this article.

(c) *Field purchase orders.* Field purchase orders for certain purchases, with the approval of the purchasing agent, may be used by the departments for immediately needed supplies and contractual services not to exceed the maximum value of \$2,000.00.

(d) *Invitation for quotes.* The purchasing agent shall solicit either verbal or written quotes for small purchases and shall use all reasonably available bidders' lists. All quotes in excess of \$1,000.00 shall be confirmed in writing.

(e) *Public record of quotes.* The purchasing agent, or its designee, shall maintain a record of all quotes received, and such records shall be open to public inspection after award is made. (Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-113. Formal bidding procedures.

(a) *Bidding required for certain purchases.* Except as otherwise provided in this article, when the estimated cost shall exceed \$15,000.00, all supplies and professional and contractual services shall be purchased by formal, written contract (purchase order) from the lowest responsible and responsive bidder after due public notice inviting sealed written proposals; provided, however, the city commission shall have the authority to waive execution of the formal bidding process in cases where it deems it advisable to do so.

(b) *Notice inviting bids.*

(1) *Publication.* Notice inviting bids shall be published once in at least one official newspaper having general circulation in the city and at least five working days preceding the day set for the receipt of bids.

(2) *Scope.* The newspaper notice required in this subsection shall include a general description of the supplies or professional or contractual services to be purchased, shall state where bid forms and specifications may be secured, and shall state the time and place for opening bids.

(c) *Bid deposits.* When deemed necessary by the purchasing agent, bid deposits shall be prescribed in the public notices inviting bids. Unsuccessful bidders shall be entitled to a return of their deposit where the purchasing agent has required such. A successful bidder shall forfeit any deposit required by the purchasing agent upon failure on his part to enter into a contract within ten days after the award.

(d) *Sealed bids.* Bids shall be submitted sealed to the purchasing agent and shall be identified on the outside of the envelope as a sealed bid. Bids must be received no later than the time and date and at the location specified for bid opening in the invitation for bid. No bids shall be accepted after such time and date or at any other location than specified; any bids

received later or at any other location than specified shall be returned unopened to the bidder. It shall be the bidders' sole responsibility to ensure that their bids reach the specified time and place for receipt of bids. Bidders shall be allowed to withdraw their bids at any time prior to bid opening.

(e) *Opening of bids.* Bids shall be opened in public at the time and place stated in the invitation to bid by one representative from purchasing and shall be witnessed by at least one or more persons from city staff. The record (Bid Submitter Listing) and each bid shall be open to public inspection.

(f) *Tabulation of bids.* A tabulation of all bids received shall be made by a committee of at least 3 city staff and shall be available for public inspection after award is made.

(g) *Correction of bids.* Withdrawal of inadvertently erroneous bids before or after award and cancellation of awards or contracts based upon such bid mistakes shall be permitted in accordance with administrative policies promulgated by the purchasing agent. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the city or fair competition shall be permitted. Except as otherwise provided by administrative policy, all decisions to permit correction or withdrawal of bids or to cancel awards or contracts based upon bid mistakes shall be supported by a written determination by the purchasing agent.

(h) *Bid cancellation or postponement.* The purchasing agent may, prior to bid opening, elect to cancel an invitation for bid or postpone the date and/or time of bid opening. An invitation for bid may be canceled at any time prior to award when such action is considered by the purchasing agent to be in the best interest of the city.

(i) *Bid protest.* Any actual prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of contract may protest to the city commission. Protestors shall seek resolution of their complaints initially with the city manager prior to protesting to the city commission.

(j) *Local agency program projects.* In the event the proposed purchase is part of a local agency program project, the formal bidding procedures will be conducted in accordance with the Florida Department of Transportation Local Agency Program bid requirements.

(Ord. No. 2012-07, § 1, 3-12-12; Ord. No. 2012-15, § 1, 6-25-12)

Sec. 2-114. Award of contracts.

(a) *Purchases of \$2,500.00 or less.* All contracts, when the sum is \$2,500.00 or less, shall be awarded by the purchasing agent.

(b) *Purchases in excess of \$2,500.00.* All contracts in excess of \$2,500.00 shall be awarded to the lowest responsible and responsive bidder, by the city commission or the city commission may delegate to the city manager the authority to award the contract to the lowest responsible and responsive bidder.

The city reserves the right to waive any informality in bids and to make an award in whole or in part when both conditions are in the best interest of the City of Bunnell.

(c) *Local bidder preference.* The city shall give local bidders preference in accordance with the standards below:

- (1) The local bidder preference shall not exceed five percent of all purchases under \$500,000.00, up to five percent for construction projects over \$500,000.00 and up to five percent for contracts under the Consultant's Competitive Negotiation Act (CCNA). These provisions apply to purchases using formal bid, request for proposals or quotes. The city annually spends significant dollars on purchasing personal property, materials, and services, and in constructing improvements to real property or existing structures. The dollars used in making those purchases are derived, in large part, from taxes, fees and utility revenues paid by businesses located within the city, and the city commission has determined that funds generated in the community should, to the extent possible, be placed back into the local economy. Therefore, the city commission has determined that it is in the best interest of the city to give a preference to local businesses in making such purchases whenever the application of such a preference is reasonable in light of the dollar-value of bids and quotes received in relation to such expenditures.
- (2) Application:
 - a. For competitive sealed bids under \$500,000.00, the provisions of this section shall apply to all competitive formal bids or quotes for purchase/procurement of goods, services, supplies, equipment, materials and in construction improvements to real property or existing structures. The city may give a local preference in the amount not to exceed five percent of the bid price for all purchases/procurements under \$500,000.00. The total bid price shall include not only the base bid price, but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the city. All tie bids will be awarded to the local vendor. The local preference shall be applied if the local vendor meets all the eligibility requirements identified in this section and is an otherwise qualified bidder or proposer.
 - b. For competitive sealed bids over \$500,000.00, each invitation to bid to perform a contract or contract modifications, which individually or cumulative are expected to exceed \$500,000.00 for construction and that has subcontracting possibilities, shall require the bidders to submit a subcontracting plan identifying local vendors utilized. If a bidder fails to submit a subcontracting plan with its bid, the bidder will be ineligible for award of any local vendor preference. Local vendor preference for bids over \$500,000.00 shall be three percent for the prime contractor if they meet the local vendor eligibility as defined in this section. The bidder can earn an additional one-half percent for each local vendor identified on its subcontracting plan, where such local vendor's subcontract represents at least five percent of the total bid and up to a maximum of five percent of the project bid total for local vendor preference.

- c. When the city sends out a request for proposal (RFP) or request for qualifications (RFQ) under the Consultant's Competitive Negotiation Act (CCNA) process, packages sent out shall provide for a proposal to receive up to five percent of the points granted within the proposal evaluation criteria to be made eligible for local preference. For proposals estimated to be less than \$50,000.00 this shall only apply to the primary consultant doing the technical work. For proposals estimated to be greater than \$50,000.00 the evaluation criteria shall be identified in the request for proposal and/or request for qualifications package and may include a preference for sub-consultant which are local vendors, in addition to the primary consultant.
- (3) *Competitive bids/quotes.* The city reserves the exclusive right to compare, contrast and otherwise evaluate the qualifications, character, responsibility and financial qualifications of all persons, firms, partnerships, companies or corporations submitting formal bids or formal quotes in any procurement for goods and services when making an award in the best interests of the city.
- (4) *Exemptions.*
- a. Purchases resulting from exigent emergency conditions where any delay in completion or performance would jeopardize public health, safety, or welfare of the citizens of the city, or where in the judgment of the city the operational effectiveness or a significant city function would be seriously threatened if a purchase was not made expeditiously.
 - b. Purchases with any sole source supplier for supplies, materials, or other equipment.
 - c. Purchases made through cooperative purchasing arrangements utilized by city departments as identified in the purchasing policy.
 - d. Purchases that are funded in whole or in part by assistance from any federal, state, or local agency where the program guidelines do not permit local preference.
- (5) *Appeal.* If an application for a "local contractor/vendor/bidder" designation is denied, the applicant may appeal such decision to the city manager for review and further consideration.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-115. Change orders.

The purchasing agent shall have the authority to approve contract modifications, change orders and contract price adjustments totaling ten percent or less of the original contract, not to exceed \$2,500.00 cumulatively. If the change order exceeds ten percent of the original contract, or if the cumulative total of all change orders shall exceed \$2,500.00, then the approval shall be by the city commission.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-116. Rejecting bids; negotiation.

(a) *Rejecting bids.* The purchasing agent shall have the authority to reject any and all bids when it is determined by the purchasing agent that it is in the best interest of the city.

(b) *Negotiation.* If no bid or no compliant bid is received or if only one bid is received, the city commission may authorize the purchasing agent to purchase by negotiation.
(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-117. Emergency purchases.

If the city manager determines that an emergency exists and a delay would be detrimental to the interests of the city, the city manager shall be authorized to direct the purchase of any supplies or professional or contractual services needed to protect the health, safety and welfare of the city and its residents and shall file with the city commission a statement explaining the conditions and circumstances requiring such action for purchases over \$2,500.00 at the next regular city commission meeting.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-118. Exceptions.

(a) *Excepted supplies and services.* The requirements for advertising and small purchase procedures shall be waived for the purchase of:

- (1) Books, periodicals, software, printed materials, artwork, photographs, film, film strips, videotapes, disc or tape recordings or similar material where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent with the state, a governmental agency or a recognized educational institute;
- (2) Commodities from established state, PRIDE, local government pricing or federal general services or commodities contracts;
- (3) The purchase, lease or rental of real property;
- (4) Certain professional services as required by state law;
- (5) Supplies and professional and contractual services from a single source upon certification by the purchasing agent stating the conditions and circumstances requiring the purchase; this certification shall set forth the purpose, need and justification that the item or service is the only one that will produce the desired results;
- (6) Public utility services;
- (7) Supplies or equipment where compatibility of equipment, accessories or replacement parts permits only one reasonable source of supply;
- (8) Advertisements; postage; legal services, expert witnesses; court reporter services;
- (9) Dues and memberships in trade or professional organizations; fees and costs of job-related seminars and training; travel;

- (10) Artists, music ensembles (bands) and other entertainment providers;
- (11) Grants (direct payment) and social services (e.g., indigent services);
- (12) Emergency purchases; and
- (13) Other commodities or services, as determined by the board.

(b) *Cooperative purchasing.* The purchasing agent shall have the authority to purchase from and joining with other units of governments in cooperative purchasing ventures when the best interest of the city would be served thereby, and same is in accordance with city and state laws.

The purchasing agent shall have the authority to purchase from and join with other units of governments in cooperative purchasing ventures when the best interest of the city would be served thereby. It is standard policy of purchasing to cooperate with other government agencies in the purchase of goods and services required by the city. The most common form of cooperative purchasing is purchasing from contracts issued by the State of Florida, General Services Administration, and other government pricing for specific commodities and services. When any other government agency has competitively bid and awarded any contract for any product or service, City of Bunnell may purchase that product or service from the awarded vendor at the awarded price if the original bid specifications and award allow it. Where the public purchasing unit administering a cooperative purchase complies with the requirements of this policy, the city, when participating in such a purchase, shall be deemed to have complied with the provisions of this policy. City of Bunnell may bid and award the purchase of any product or service with the stipulation that any other government agency may also purchase the awarded product or service at the same awarded price. It may prove advantageous for the city and other government agencies to explore the possibility of combining their respective requirements for certain commodities and issuing a joint cooperative bid/RFP.

Documentation requirements: The following documentation is the minimum required to use another government entities awarded contract:

Florida State contracts and SNAPS contracts: The current Florida State or SNAPS contract number is required. If the contract has fixed unit prices, a copy of the contract is required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in a form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required.

GSA contracts: A copy of the GSA contract showing the contract name, number and contract term is required. The ordering information page(s) and the page(s) with the pricing are also required. If the contract is a percent discount from list, then a copy of the original manufacturer's list price must be attached. This will usually be in the form of a published price list. If only some of the items on the contract are being sought, then only the pages with those prices are required. Contracts from other government entities: Required are: (a) complete copy of the original bid/RFP; (b) copy of award letter/memo/agenda item by the government entity to the vendor; and (c) complete copy of vendor's proposal.

(c) *Public auctions.* The purchasing agent shall have the authority to purchase supplies and capital equipment at public auction.

(d) *Standardization.* Where standardization is determined to be reasonable and desirable by the purchasing agent, the purchase of specific supplies by manufacturer and certain contractual services may be required.

(e) *[Purchases.]* Purchases resulting from exigent emergency conditions where any delay in completion or performance would jeopardize public health, safety, or welfare of the citizens of the city, or where in the judgment of the city the operational effectiveness or a significant city function would be seriously threatened if a purchase was not made expeditiously.
(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-119. Unauthorized purchases.

(a) Except as provided in this article, it shall be unlawful for any city officer or employee to order the purchase of any materials, supplies, equipment or professional or contractual services or to make any contract within the purview of this article other than through the purchasing agent. Any purchase order or contract made contrary to the provisions in this article shall not be approved, and the city shall not be bound thereby.

(b) This section shall not apply to any emergency purchase which is subsequently approved by the city manager upon justification by the using department.

(c) No contract or purchase shall be subdivided to avoid the threshold purchasing requirements of these regulations.
(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-120. Performance and payment bonds.

Pursuant to state law, a vendor shall provide a bond to guarantee the full and faithful performance of his contract obligations and the payment of labor and materials expended pursuant to the contract whenever and in such amounts as is deemed necessary by the purchasing agent.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-121. Waiver of irregularities.

The purchasing agent shall have the authority to waive any and all irregularities in all purchases of \$2,500.00 or less. The city commission shall have the authority to waive any and all irregularities in all purchases in excess of \$2,500.00.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-122. Inventory management.

The purchasing agent, or designee, shall have general supervision of all storeroom inventories. This responsibility shall not, however, relieve any agency of accountability for tangible personal property and other supplies under its control.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-123. Surplus property.

(a) *Reports.* All departments shall submit to the purchasing agent, or designee, at such times and in such forms as he/she shall prescribe, reports of property which is no longer used or which has become obsolete, worn out or scraps.

(b) *Transfer.* The purchasing agent, or designee, shall have the authority to transfer surplus property to other departments.

(c) *Disposal.* The city commission shall have the authority to dispose of all surplus property in any appropriate legal manner.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-124. Inspection and testing.

The purchasing agent shall inspect, supervise the inspection of or cause to be inspected all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract.

(1) *Inspection by using department.* The purchasing agent shall have the authority to authorize departments, having the staff and facilities for adequate inspection, to inspect all deliveries made to such departments under rules and regulations which the purchasing agent shall prescribe.

(2) *Tests.* The purchasing agent shall have the authority to require tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. In the performance of such tests, the purchasing agent shall have the authority to make use of laboratory facilities of any department of the city or any outside laboratory.

(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-125. Conflict of interest.

Awarded contractors and city employees shall agree they will not engage in any action that would create a conflict of interest in the performance of their obligation with the city or would violate or cause others to violate the provisions of F.S. Ch. 112, Pt. 3, relating to ethics in government.

(1) *Kickbacks.* It shall be unethical for any payment, gratuity, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order.

(2) *Gifts.* When dealing with vendors who can supply the city with goods or services, the acceptance of gifts at any time is prohibited. Employees must not become obligated to any suppliers or vendors and shall not conclude any city transaction from which they may personally benefit. No employee of the city shall obligate the city whereby said employee may derive income or benefits other than those provided as remuneration from the city for their employment.

- (3) *[Confidential information.]* It shall be unethical for any city employee or former city employee to knowingly use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.
(Ord. No. 2012-07, § 1, 3-12-12)

Sec. 2-126. [Federal Community Development Block Grant Purchasing Policy adoption.]

The City Commission of the City of Bunnell hereby adopts the Federal Community Development Block Grant Purchasing Policy, as attached hereto and incorporated herein by reference as Exhibit "A."

(Ord. No. 2012-18, § 1(Exh. A), 7-23-12)

Editor's note—At the discretion of the editor, reference to the adoption of the Federal Community Development Block Grant Purchasing Policy has been included as § 2-126. Exhibit "A," as referenced in Ord. No. 2012-18, § 1, adopted July 23, 2012, is incorporated by reference as if fully set out at length, and a copy is on file and available for inspection in the offices of the city.

Secs. 2-127—2-130. Reserved.

ARTICLE V. CODE ENFORCEMENT BOARD

Sec. 2-131. Created; organization.

(a) There is hereby created a Code Enforcement Board of the City of Bunnell, Florida, which shall consist of five members appointed by the board of city commissioners by a majority vote. All members of the enforcement board must be residents of the City of Bunnell, Florida.

(b) The initial appointments of the code enforcement board after reducing the size of the enforcement board from seven to five members shall be as follows:

- (1) One member appointed for a term of one year each.
- (2) Two members appointed for a term of two years each.
- (3) Two members appointed for a term of three years each.

Thereafter, any appointment shall be made for a term of three years. Any member may be reappointed for successive terms upon approval of the board of city commissioners, as provided for herein.

(c) Any appointment to fill any vacancy on the enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without providing notice prior to the meeting of said member's absence from the meeting to the code enforcement board, the enforcement board may declare the member's office vacant. The board of the city commissioners shall promptly fill such vacancy. Members of the enforcement board may be suspended or removed for cause.

(d) Membership of the enforcement board shall, whenever possible, include a member from some of all of the following professions: an architect, business person, engineer, general contractor, landscape architect, land use planner, subcontractor, realtor and attorney.

(e) At the first meeting of the enforcement board, the members shall elect a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall serve a one year term, but may be re-elected for additional terms at the discretion of the enforcement board. The chairperson shall preside [at] all meetings and shall direct the business affairs of the enforcement board, subject to the directions of the enforcement board. The vice-chairperson shall act in the absence of the chairperson in the conduct of meetings or otherwise and shall perform such duties as may be delegated to him/her by the chairperson from time to time. In acting in the chairperson's absence, the vice-chairperson shall have all the powers of and be subject to all restrictions upon, the chairperson. The election of the chairperson and vice-chairperson shall occur during the month of the one year anniversary of the enforcement board's first meeting and each subsequent yearly anniversary thereafter.

(f) Three members shall constitute a quorum of the purpose of a meeting. The affirmative vote of a majority of the members present at any meeting of the enforcement board shall be necessary to take action. In the event of a tie vote, the proposed motion shall be considered to have failed.

(g) Regular meetings of the code enforcement board will be convened on an "as needed" basis, as determined by the code enforcement officer. Written notice and a formal agenda package will be prepared and forwarded to each member of the enforcement board. Special meetings of the enforcement board may be convened by the chairperson upon the giving of written notice thereof to each member of the enforcement board. Unless waived by a majority of the board, notice of special meeting shall be given at least 24 hours prior thereto.

(h) Minutes shall be maintained of all hearings held by the enforcement board, and all hearings shall be open to the public. The city clerk's office shall provide clerical and administrative personnel as may be reasonably required by the enforcement board for proper performance of its duties. The code enforcement board attorney or his/her designee shall attend meetings to serve as counsel to the enforcement board. The code enforcement officer or his/her designee shall represent the city by presenting alleged violations to the enforcement board.

(Ord. No. 2000-13, § 1, 1-16-01)

Editor's note—Ord. No. 2000-13, § 1, adopted Jan. 16 2001, was not specifically amendatory of the Code, hence; inclusion as § 2-131 was at the discretion of the editor.

Secs. 2-132—2-150. Reserved.

ARTICLE VI. TREE BOARD*

Sec. 2-151. Established.

(a) The city commission designates the establishment of a tree board.

***Editor's note**—Ord. No. 2002-18, adopted Nov. 4, 2002, was not specifically amendatory of the Code and has been included as art. VI, § 2-151 at the editor's discretion.