

ORDINANCE No. 03-02

AN ORDINANCE AMENDING THE TOWN OF FORT MYERS BEACH FINANCE ORDINANCE; CHANGING THE LIMIT FOR PURCHASE WITHOUT COMPETITIVE BIDDING FROM \$5,000.00 TO \$25,000.00; PROVIDING AUTHORITY; AMENDMENT TO SECTION FIVE: PURCHASE TRANSACTIONS BELOW FIVE THOUSAND (\$5,000.00) DOLLARS CHANGED TO: PURCHASE TRANSACTIONS BELOW TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS. ; AMENDMENT. SECTION SIX: PURCHASE TRANSACTIONS OVER FIVE THOUSAND (\$5,000.00) DOLLARS CHANGED TO: PURCHASE TRANSACTIONS OVER TWENTY FIVE THOUSAND (\$25,000.00) DOLLARS AND PROVIDING EFFECTIVE DATE.

IT IS HEREBY ORDAINED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

SECTION 1. Authority. This Ordinance is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

SECTION 2. Amendment. SECTION FIVE: Purchase transactions below Five thousand (\$5,000.00) dollars of The Town Of Fort Myers Beach Finance Ordinance, is hereby amended to read as follows:

11. SECTION FIVE: Purchase transactions below Twenty Five thousand (\$25,000.00) dollars.

A. All single purchases, within a fiscal year, of equipment, goods, supplies, contractual services, or merchandise for less than Twenty Five Thousand (\$25,000.00) Dollars in aggregate amount may be made in the open market without newspaper advertisement. No purchase above Twenty Five Hundred (\$2,500.00) Dollars shall be made without three phone quotes. Any purchase above Ten ~~Three~~ Thousand Dollars (\$103,000.00) and below Twenty Five Thousand Dollars (\$25,000.00) shall require three (3) written quotes.

B. The Town Manager shall keep a record of all requisitions and bids. Such records shall be open to public inspection.

SECTION 3. Amendment. SECTION SIX: Purchase transactions over Five thousand (\$5,000.00) dollars of The Town Of Fort Myers Beach Finance Ordinance, is hereby amended to read as follows:

11. SECTION SIX: Purchase transactions over Twenty Five thousand (\$25,000.00) dollars.

A. All single purchases of equipment, goods, supplies, contractual services, or merchandise which are estimated to exceed Twenty Five Thousand (\$25,000.00) Dollars, shall be awarded on the basis of competitive bidding, except for emergencies. Purchases or contracts shall be awarded to the lowest responsible bidder.

B. Notices inviting sealed competitive bids shall be published by the Town Manager at least one (1) week prior to bid opening in a newspaper or journal of general circulation in the Town. At least seven (7) calendar days must intervene between the date of publication and the final date for submitting bids. Such notices shall include a general description of the articles to be purchased, state where bid forms and specifications may be secured, and describe the time and place for opening of bids. Bids shall be opened by the Town Manager in the presence of the Town clerk at the time and place specified in the notice.

C. In addition to newspaper advertisement, the Town Manager shall solicit sealed bids from all responsible prospective suppliers or vendors who have requested that their names be added to the vendor's list. All pending purchases shall be advertised by notice posted on a bulletin board at the office and the Town Hall lobby.

D. All bids under this Section shall be submitted sealed to the Attention of: Town Manager, The bids shall be accompanied by surety in the form of a bid bond in the amount as shall be prescribed in the bid proposal. The bids shall be opened in public at the time and place stated in the notice. A tabulation of all bids received shall be submitted after tabulation to the Town council for review, rejection or award.

E. The Town council may reject any or all bids, waive irregularities in form not material to the bid, and accept all or part of any bid.

F. The successful bidder's original of all contracts and other documents pertaining to the award of contracts shall be filed with the official records of the Town Clerk's Office, and shall be preserved as required by law and open for public inspection during regular business hours. Copies of the contract shall be distributed according to the rules and regulations of general services. A record of all bids, showing the names of bidders and amounts of the bids, and indicating in each case the successful bidder, shall also be preserved for as required by law and open for public inspection during regular business hours.

G. Any material change in the contract notwithstanding contract price shall require the contractor to contact the performance bond issuer and update the performance bond.

SECTION 4. Effective Date. This ordinance shall take effect immediately upon its adoption.

The foregoing ordinance was enacted by the Town Council upon a motion by Council Member Rynearson and seconded by Council Member Cain and, upon being put to a vote, the result was as follows:

Howard Rynearson	<u>aye</u>
Daniel Hughes	<u>aye</u>
Bill Thomas	<u>aye</u>
W. H. "Bill" Van Duzer	<u>aye</u>
Terry Cain	<u>aye</u>

DULY PASSED AND ENACTED this 4 day of March, 2003.

ATTEST:

TOWN OF FORT MYERS BEACH

By: Marsha Segal-George  
Marsha Segal-George, Town Clerk

By: Daniel Hughes  
Daniel Hughes, Mayor

Approved as to form by:

Richard V.S. Roosa  
Richard V.S. Roosa, Town Attorney