BEFORE THE CITY COMMISSION
CITY OF STUART

ORDINANCE 2390-2018

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, ARTICLE V, FINANCIAL MATTERS OF THE STUART CODE OF ORDINANCE, DIVISION 4, PROCUREMENT PROCEDURES FOR THE CITY OF STUART; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

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WHEREAS, the City desires to increase efficiency and ease of administration of procurement.

WHEREAS, to allow for reorganization of the Procurement Division of the Financial Services Department.

WHEREAS, the Stuart City Commission deems it appropriate and in the Public's best interest to approve these amendments to the Procurement Ordinance**.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City of Stuart Code of Ordinances, Chapter 2- Administration, Division 4. Procurement; is amended to read as follows:

DIVISION 4. PROCUREMENT & CONTRACTING

Section 2-271. Purchasing, procurement, contracting and disposal.

(a) The City Manager shall prepare procurement policies and procedures pertaining to purchases and acquisitions of personal property and services, management of contracts and property management, and disposal of property that shall apply to all personnel involved in the purchasing process.
(b) Such policies and procedures shall be adopted by resolution.

Sec. 2-272. Conflict of interest

It shall be unlawful for any city officer or employee to participate directly or indirectly in a procurement contract when the city employee knows that he or any member of his immediate family will personally benefit there from in any manner.

Sec. 2-273. Gratuities and kickbacks.

(a) It shall be unlawful for any person to offer, give, or agree to give any city officer or employee or for any city officer or employee agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or a purchase request, standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore.

(b) It shall be unlawful 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.

Sec. 2-274. Use of confidential information

It shall be unlawful for any City officer or employee to use confidential information for actual or anticipated personal gain or for the actual or anticipated personal gain of any other person.

Sec. 2-275. Waiver of competitive selection by city commission

The city commission may, when deemed to be in the best interests of the city and to the extent not inconsistent with law, waive any or all requirements or provisions set forth in this division and may proceed thereafter to take whatever procurement action is deemed to be in the best interests of the city.

Sec. 2-276. Products and services exempt from the competitive process.

There are certain products and services that have no competitive arena within which price comparison will be likely to produce the most useful or beneficial product or service. Such products and services shall not require competitive solicitation. However, terms, conditions and prices will be negotiated to assure the city obtains fiscally responsible products and services. These products and services include, but may not be limited to the following:

(1) Artistic
(2) Medical
(3) Veterinary
(4) Educational
(5) Managerial
(6) Financial
(7) Legal
(8) Animal procurement
(9) Products or services procured from other governmental agencies
(10) Products procured for resale
(11) Used Equipment
(12) Advertising
(13) Scientific

Secs. 2-277 – Sec. 2-310. Reserved

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any section, sentence, clause, phrase or word of this ordinance is for any reason declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance and the remaining portions shall be deemed and held to be valid.

SECTION 4: The provisions of Section 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect immediately upon adoption.

Ordinance 2390-2018
Revisions to Procurement Ordinance

Passed on first reading the ____ day of _____, 2018.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
KELLI GLASS LEIGHTON, MAYOR				
BECKY BRUNER, VICE MAYOR				
EULA R. CLARKE, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2018.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
KELLI GLASS LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY