

ORDINANCE NO. 2013 - 03

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2  
3 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
4 THE CITY OF HALLANDALE BEACH, FLORIDA, REPEALING  
5 IN ITS ENTIRETY CHAPTER 23, AND CREATING A NEW  
6 CHAPTER 20. ENTITLED "PROPERTY" AND A NEW  
7 CHAPTER 23, "PROCUREMENT CODE"; PROVIDING FOR  
8 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING  
9 FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.  
10

11 WHEREAS, the majority of the City of Hallandale Beach's Code of Ordinances have not  
12 been revised or updated since 1980; and  
13

14 WHEREAS, the City Administration is in the process of reviewing the City Code of  
15 Ordinances in its entirety with the intent of revising any and all outdated sections and provisions  
16 to make the Code of Ordinances more user friendly and to assist the City of Hallandale Beach  
17 to operate more efficiently; and  
18

19 WHEREAS, the revisions to Chapter 23, Property and Purchasing are numerous and it  
20 would best serve the public by repealing it in its entirety and creating two (2) new and more  
21 efficient Chapters; Chapter 20, "Property" and Chapter 23 "Procurement Code"; and  
22

23 WHEREAS, as part of the revisions, the City Administration desires to change the name  
24 of the General Services Department to Procurement Department to better reflect the services  
25 offered and performed by the department on a daily basis; and  
26

27 WHEREAS, the Mayor and City Commission have determined that it is in the best  
28 interest of the residents of the City of Hallandale Beach that Chapter 23 of the Code of  
29 Ordinances be repealed in its entirety, and that two (2) new Chapters be adopted to provide a  
30 more efficient process of the city's regulations as it relates to the City's property and  
31 procurement process; and  
32

33 WHEREAS, the Mayor and City Commission approve the change of the department's  
34 name from General Services Department to Procurement Department.  
35

36           **NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF**  
37 **HALLANDALE BEACH, FLORIDA:**

38  
39           **SECTION 1.** Chapter 23, Property and Purchasing, of the Code of Ordinances of the  
40 City of Hallandale Beach is hereby repealed in its entirety.

41  
42           **SECTION 2.** Chapter 20, "Property" of the Code of Ordinances of the City of Hallandale  
43 Beach is hereby created to read as follows:

44  
45           **CHAPTER 20. PROPERTY.**  
46           **Division 1. City Cemetery**  
47           **Section 20-1. In General.**

48  
49           The City of Hallandale Beach shall operate the Hallandale Beach Cemetery pursuant to  
50 the provisions of this Division in Chapter 20 of the City Code of Ordinances.

51  
52           **Section 20-2. Reservation of Grave Space.**

53  
54           Interment in the Hallandale Beach Cemetery shall be by purchase of a cemetery lot,  
55 niche and/or mausoleum space. The City Manager or his/her designee may reserve a grave  
56 space, at the request of a prospective purchaser, for a period not to exceed ten (10) days  
57 without formal agreement or full payment of the price of the lot. A record shall be kept of any  
58 such reservation made. At the expiration of the ten (10) days, a formal agreement to purchase  
59 such space must be signed or the space shall be released and any deposit shall be retained by  
60 the City.

61  
62           **Section 20-3. Cost and payment for Cemetery lots, niches and mausoleum spaces.**

63           (a) Any cemetery lot, niche or mausoleum space shall be paid for in cash or U.S.  
64 tender. The payment may be made pursuant to an installment agreement which  
65 shall be executed with the City and the purchaser. Such agreements shall be  
66 prepared by the City Manager or his/her designee and approved by the City  
67 Attorney. The agreement shall designate the specific cemetery lot, niche or  
68 mausoleum space purchased and the purchase price. All cemetery lot, niches

- 69 and mausoleum spaces price shall be established by resolution adopted by the  
70 City Commission.
- 71 (b) A down payment of at least ten (10%) percent and the number of years of the  
72 agreement shall be specified in the installment purchase agreement.
- 73 (c) For interments on Saturday, there will be an additional charge. This additional  
74 charge shall be established by a resolution adopted by City Commission.
- 75 (d) Any cemetery lot, niche or mausoleum space must be paid in full prior to  
76 interment being scheduled.
- 77

78 **Section 20-4. Multiple interments.**

- 79 (a) Cremation interments shall be permitted within a single niche space up to a  
80 maximum of two (2). An additional charge will be assessed each time an  
81 individual niche space is opened to accommodate this type of multiple burial.  
82 The additional charge shall be established by resolution adopted by the City  
83 Commission.
- 84 (b) Interments of one (1) adult and one (1) infant child, or newborn child, or of a child  
85 of sufficiently small stature that would permit use of a single burial vault in a  
86 grave space, shall be permitted as a single interment. Existing grave spaces  
87 shall not be reopened to accommodate additional burials, except in the case of  
88 double burial vaults.
- 89 (c) No other multiple interments are authorized.
- 90 (d) Monuments or markers for burials described in this section must be consistent  
91 with the overall plan of the Hallandale Beach Cemetery.
- 92

93 **Section 20-5. Transfer of deceased of another cemetery; reversion of grave space.**

- 94
- 95 (a) When a disinterment occurs for the purpose of transfer of the deceased to  
96 another cemetery, the grave space shall revert to the City. The purchaser or  
97 his/her heirs shall be reimbursed the original sale price of the space less twenty  
98 (20%) percent for administrative costs.
- 99 (b) Transfer of ownership or exchange of cemetery spaces within the Hallandale  
100 Beach Cemetery may be accomplished by the payment of an administrative  
101 charge as established for the first space. An additional charge per space shall  
102 be made for a transfer of each additional space. A City resident may transfer

103 his/her cemetery space to a non-City resident only upon paying the City the  
104 difference between the current resident and nonresident cemetery space fees. A  
105 nonresident may transfer his/hers cemetery space to a resident, but such transfer  
106 shall not entitle the nonresident to receive any refund from the City.

107 (c) The City shall have the first option to repurchase cemetery space at the original  
108 purchase price, less ten (10%) percent for administrative costs. The City shall  
109 have the first option to repurchase niche or mausoleum space at fifty (50%)  
110 percent of the original purchase price.

111

112 **Section 20-6. Burial permits.**

113 It shall be the duty of the funeral director, family or friend of any person about to be  
114 buried in the cemetery to furnish a proper burial permit and give the place of birth, age and  
115 residence at the time of death, sex, date of death, and cause of death of the deceased, so far as  
116 is known.

117

118 **Section 20-7. Notice of interment.**

119 Notice to the City Manager or his/her designee of an interment must be accompanied by  
120 directions as to the lot if pre-owned, and such notice must be presented within sixteen (16)  
121 working hours of the interment.

122

123 **Section 20-8. Vaults.**

124 A cement, steel or equivalent strength vault shall be provided, at the cost of the lot  
125 owner, for all burials. Such vault shall be of such specifications and weight as to prevent  
126 retention of water and cave-ins of the grave space.

127

128 **Section 20-9. Markers and tombstones.**

129 Upright markers or tombstones may not be erected in any portion of the Hallandale  
130 Beach Cemetery. Installation of grass level markers is permitted. Such markers shall not  
131 exceed thirty-six (36) inches in width and twenty-four (24) inches in length and shall be installed  
132 with the top surface flush with the ground level. No marker, tombstone or monument shall be  
133 erected on grave space until the lot is paid for in full.

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136



- 171 Hallandale Beach Cemetery as public thoroughfares for passage through the  
172 cemetery or any other purpose not related to the business of the cemetery.
- 173 (b) No person shall climb over, go through or go over any wall, fence or hedge in the  
174 cemetery; or trespass in any manner upon cemetery property. Entry to the  
175 cemetery shall be through the established gateways or entrances during the  
176 established visitation hours.
- 177 (c) Any and all violations of paragraphs a and b shall subject the violator to arrest for  
178 trespass pursuant to Chapter 810 of the Florida Statutes.

179

180 **Section 20-15. Prohibitions.**

181 The City of Hallandale Beach has established regulations for the operations of the  
182 Hallandale Beach Cemetery to ensure the sanctity of the cemetery is observed at all times. The  
183 following activities are prohibited in the Hallandale Beach Cemetery:

- 184 (a) Except when in attendance at a funeral, burial visitation or cemetery business,  
185 bicycles and motorcycles are not permitted inside the Hallandale Beach  
186 Cemetery.
- 187 (b) No dogs or domesticated pets, with the exception of guide dogs, are permitted in  
188 the Hallandale Beach Cemetery.
- 189 (c) All persons entering on the grounds of the Hallandale Beach Cemetery are  
190 expected to conduct themselves with the strictest decorum at all times.
- 191 (d) Violations of any of the above provisions will subject the violator to removal from  
192 the cemetery grounds.

193

194 **Division 2. Purchase and Conveyance of Real Property.**

195 **Section 20-16. Purchase and conveyance of real property.**

- 196 (a) The City Manager shall be authorized to sign the documents necessary to  
197 purchase and convey real property, as authorized by a City Commission  
198 resolution in accordance with procedures set forth by the Standard Operating  
199 Procedures.
- 200 (b) The City Manager, with the concurrence of the City Attorney, is authorized to  
201 convey parcels of real property acquired from the county as escheated properties  
202 or acquired by the City by donation or lien foreclosures, in such reasonable and  
203 expeditious fashions as are in the best interests of the City, and as will reduce  
204 the City's financial obligations, maintenance responsibilities, and liability

205 exposures, while at the same time returning the properties to the tax rolls through  
206 private ownership. Conveyances can be accomplished by the following:

- 207
- 208 (1) Collaborating with the Hallandale Beach Community Redevelopment  
209 Agency through their established administrative policies and procedures  
210 for an affordable housing program; and
- 211 (2) The City Manager may use waivers of the City's zoning and land  
212 development code to achieve the laudable goals of affordable housing,  
213 encouraging capital and economic investment, and to stimulate affordable  
214 housing throughout the city, in combination with such conditions imposed  
215 on the appropriate property, including vacation of easements, alleys,  
216 rights-of-way and any other conveyance or reduction of the city's interest  
217 in real property, pursuant to Section 32-965 pertaining to variances,  
218 providing for notice to the public and consideration by the City  
219 Commission upon objection by the public or denial by the City Manager.
- 220 (c) The authority conferred in this section shall not apply to any property purchased  
221 by the City for use as parks, utilities, public facilities or any public function; and  
222 the City Manager shall first find that no public purpose exists before conveying  
223 the property.
- 224 (d) The City Manager shall place a notation on the agenda of the next regularly  
225 scheduled City Commission meeting advising of the disposition of the property.

226

227 **Section 20-17. Leases and franchises.**

- 228 (a) The City shall have the power to grant, lease or renew any lease to the right to  
229 use the streets, highways, alleys, public grounds or buildings, and to grant  
230 franchises in connection with such power. No ordinance granting, renewing or  
231 leasing the right to use the streets, alleys, public grounds or buildings of the City  
232 to any private person, firm or corporation shall become a law or be effective in  
233 any way unless passed by a majority vote of all members of the Commission  
234 present at the meeting to consider such an ordinance; however no such grant,  
235 renewals or leases shall, in any event be effective for a period of time longer than  
236 forty-nine (49) years. No such grant, renewal or lease shall be transferable  
237 except by an ordinance adopted by the City Commission. Copies of all transfers  
238 and mortgages or other documents affecting the title or use of such grants,

239 renewals or leases shall be filed with the City Clerk within ten (10) days after  
240 execution.

241 (b) Nothing contained in this section shall be construed as limiting or applying to the  
242 power of the City which is expressly conferred to grant franchises or to enter into  
243 franchise contracts for the construction, maintenance and operation of any  
244 general railroad over, along or upon or across the streets, avenues, alleys and  
245 public places of the City.

246 (c) Any actions taken by the city, which did not conform to the Laws of the State of  
247 Florida, but which does comply with the provisions of this section are hereby  
248 ratified.

249

250 **Division 3. Disposition of property**

251 **Section 20-18. Surplus Property.**

252 (a) Declarations.

253

254 (1) The City Manager is authorized to declare City-owned property which is  
255 no longer needed for a public use and with an estimated value of twenty  
256 thousand (\$20,000) dollars or less to be surplus property and disposed of  
257 such property.

258 (2) The City Manager may recommend that the City Commission declare any  
259 City-owned property which is no longer needed for public use and has a  
260 value in excess of twenty thousand (\$20,000) dollars to be surplus  
261 property. Any City property declared to be surplus by the City  
262 Commission may be disposed of in the manner declared by the City  
263 Commission, including but not limited to sealed bids, auction and  
264 negotiated sale.

265 (3) All other property declared surplus shall be disposed of pursuant to  
266 established Standard Operating Procedures.

267

268 **Section 20-19. Destruction of City Property.**

269 It shall be unlawful for any person to wantonly, willfully or maliciously mar, deface, injure  
270 or mutilate any of the city buildings, vehicles, equipment, furniture, street signs, traffic signs or  
271 traffic control equipment, or any other property of the City, or to cause such action to be done by

272 another. Any person or persons found to be in violation of this section shall be subject to arrest  
273 pursuant to Chapter 806 of the Florida Statutes and civil action.

274

275 **Division 4. Lost, Stolen and Abandoned Property.**

276 **Section 20-20. Records Custodian.**

277 Any officer or employee of the City coming into possession of lost, confiscated,  
278 impounded, captured or abandoned personal property shall immediately turn it over to the  
279 Chief of Police or designee who is the designated custodian of such property. The Custodian  
280 shall keep proper, adequate and complete records of the property, including a short  
281 description, time of acquisition, how acquired, and final disposition made of property, and if  
282 sold, the proceeds of the sale.

283

284 **Section 20-21. Disposition.**

285 (1) All lost, confiscated, impounded, captured or abandoned personal  
286 property shall be disposed of by the Custodian in compliance with the  
287 applicable state statutes; Sections 274.06; 705.103; 705.105 and  
288 932.7055.

289 (2) In the event the City chooses to dispose of any of the lost, confiscated,  
290 impounded, captured or abandoned personal property by sale; the sale  
291 and/or auction shall be conducted in accordance with the Standard  
292 Operating Procedures established by the City Manager.

293 (3) Nothing provided in this division shall prevent the lawful owner of such  
294 property from reclaiming the property upon proof of ownership and the  
295 reimbursement to the City for any costs it may have incurred relative to its  
296 having custody of the property. The City shall not be liable to any owner  
297 for lost or damage of any property, not timely claimed by the lawful owner  
298 and disposed of by the City pursuant to its lawful authority.

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302 **SECTION 3.** Chapter 23 "Procurement Code" of the Code of Ordinances of the City of  
303 Hallandale Beach, Florida is hereby created to read as follows:

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305

306 **CHAPTER 23. PROCUREMENT CODE.**

307 **ARTICLE I. Purchasing.**

308 **Section 23- 1. Short Title.**

309 This Chapter shall be known and may be cited as the Procurement Code of the City of  
310 Hallandale Beach.

311  
312 **Section 23-2. Renaming of Department and Purpose.**

313 The General Services Department shall henceforth be known as the Procurement  
314 Department. The underlying purpose shall be as follows:

- 315
- 316 (1) To provide the city with a unified purchasing system with centralized  
317 responsibility that allows for the delegation of purchasing authority;
  - 318  
319 (2) To provide increased economy in city procurement activities and to  
320 maximize to the fullest extent practicable the purchasing value of public  
321 funds of the city;
  - 322  
323 (3) To obtain in a cost-effective and responsive manner the supplies,  
324 services and construction required by city departments in order for those  
325 departments to better serve the city's businesses and residents;
  - 326  
327 (4) To provide safeguards for the maintenance of a procurement system of  
328 quality and integrity;
  - 329  
330 (5) To provide for increased public confidence in the procedures followed in  
331 public procurement;
  - 332  
333 (6) To ensure the fair and equitable treatment of all persons who deal with  
334 the procurement system in the city;
  - 335  
336 (7) To simplify, clarify, and modernize the law governing procurement by this  
337 city;
  - 338  
339 (8) To foster effective broad-based competition within the free enterprise  
340 system;
  - 341  
342 (9) To permit the continued development of procurement policies and  
343 practices; and
  - 344  
345 (10) To ensure that the city purchases recycled and other environmentally  
346 preferable products whenever the products meet the price and  
347 performance requirements of the city.
- 348  
349

350 **Section 23-3. Definitions.**

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

354 *Addenda* means additional directions, modifications and alternations to solicitation which  
355 is issued as separate document prior to the time of receipt of bids or proposals.

356  
357 *Amendment* means the method of changing the terms and conditions or requirements of  
358 a contract or agreement after its execution. All amendments must be approved in writing and  
359 signed by the City Manager and Contractor. Amendment must include all changes in terms and  
360 /or conditions including total amount of the amended contract.

361  
362 *Award* means the acceptance of a bid, offer or proposal by the proper authorized  
363 designee. The City Commission must approve all awards over the authority of the City  
364 Manager, with the exception of emergency purchases.

365  
366 *Bids* means a written offer submitted to the city by a prospective offeror to furnish  
367 specific services, supplies, or construction services in response to an invitation for bid.

368  
369 *Bid Bond* means a sum of money, which could be in the form of a cashier's check,  
370 irrevocable letter of credit, money order or a bond issued by a surety, deposited with a bid or  
371 proposal guaranteeing the bidder or offeror will not withdraw the bid or proposal for a specific  
372 period of time, will furnish bonds as required, and will accept a contract, if awarded, or forfeit the  
373 bid bond.

374  
375 *Bid Performance Bond* means a sum which is issued usually by a surety assuring the  
376 City that once the contract is awarded, the contractor will meet its obligations under the contract.

377  
378 *Bid waiver* means a process, whereby supplies or services may be procured without  
379 formal competitive bidding process when determined to be in the best interest of the city.

380 *Blanket purchase order* means a purchase order under which a party agrees to provide  
381 supplies or services to the city on a demand basis, acceptance of which constitutes a contract.

382  
383 *Certificate of Insurance* means a certificate issued by a reputable insurance company

384 evidencing that the company has the appropriate insurance.

385

386 *Change Order* means a written alteration to a formal contract or purchase order entered  
387 in accordance with the terms of the contract or in accordance with the solicitation.

388

389 *City* means the City of Hallandale Beach, Florida.

390

391 *City Manager* means the City Manager of the City of Hallandale Beach, Florida, and/or  
392 authorized designee.

393

394 *Commission* means the Mayor and City Commission of the City of Hallandale Beach,  
395 Florida.

396

397 *Community Benefit Plan* means a plan that may be required for Capital Construction  
398 projects if it meets the feasibility threshold as established by policy. When a solicitation requires  
399 it proposers must demonstrate and provide a proposed Community Benefit Plan which has  
400 identifiable and observable community benefits for the community surrounding the Project and  
401 the City. The benefits should include the approach for ensuring that both Prime and  
402 Subcontractors utilize local residents in every phase of the project of the City, community  
403 outreach, mentoring, training, apprenticeships, or any other types of identifiable ancillary  
404 benefits for the community. The City Manager may only waive this requirement if the highly  
405 technical nature of the work makes the Community Benefit component unfeasible.

406

407 *Consultant* means one who provides professional advice or services including, but not  
408 limited to: attorneys, architects, engineers, surveyors and accountants.

409

410 *Consultants' Competitive Negotiation Act* means Section 287.055, Florida Statutes, as  
411 periodically amended.

412

413 *Contract* means all types of binding documents for the procurement and disposal of  
414 supplies, services and construction, including Purchase Orders,

415

416 *Contract Administrator* means City Manager duly authorized designee requesting items  
417 and/or services and the designated City contact for the particular contract.

418  
419 *Contractor* means any person or entity having a contract with the City of Hallandale  
420 Beach.

421  
422 *Contractual Services* includes, without limitation, printing; gas; fuel; cleaning services;  
423 purchase, installation, rental, repair and maintenance of equipment; machinery; construction  
424 and consultant contracts and other personal property; lease of real property and office space by  
425 the City as lessee; and all other contractual supplies, materials equipment and services not  
426 specifically excluded from these procedures.

427  
428 *Construction* means the process building, altering, repairing, improving, or demolishing  
429 any structure or building or roadway or utility or other improvements of any kind to any real  
430 property owned or under the control of the City. It does not generally include the routine  
431 operation, repair, or maintenance of existing structures, buildings, or other real property. F.S  
432 255.20.

433  
434 *Construction of Utilities* means all such reservoirs, sewerage systems, trunk sewers,  
435 intercepting sewers, pumping stations, wells, intakes, pipelines, distribution systems, purification  
436 works, collecting systems, treatment and disposal works, airports, hospitals, jails and golf  
437 courses, and gas plants and distribution systems.

438  
439 *Cooperative Purchasing* means the procurement conducted by or on behalf of more than  
440 one (1) public procurement unit. The combining of requirements of two (2) or more public  
441 procurement units, in order to obtain the benefits of volume purchases and/or reduction in  
442 administrative expenses.

443  
444 *Debarment* means the exclusion of a person or business from participating in a  
445 procurement activity for an extended period of time, as specified by law, because of an illegal or  
446 irresponsible action.

447  
448 *Design-Build Contract* means a single contract with a design-build firm for the design,  
449 and construction of a public construction project.

450 *Design-Build Firm* means a partnership, corporation, or other legal entity that:

- 451 1. Is certified under Section 489.119, Florida Statutes, to engage in

452 contracting through a certified or registered general contractor or a  
453 certified or registered building contractor as the qualifying agent; or  
454 2. Is certified under Section 471.023, Florida Statutes, to practice or to offer  
455 to practice engineering; certified under Section 481.219, Florida Statutes,  
456 to practice or to offer to practice architecture; or certified under Section  
457 481.319, Florida Statutes, to practice or to offer to practice landscape  
458 architecture. Code of Ordinances, Section 23-226(1);(2).

459  
460 *Design Criteria Package* means performance oriented drawings or specifications of the  
461 public construction project. The design criteria package must furnish sufficient information to  
462 permit Design-Build Firms to prepare a bid or a response to the City's request for proposal, or to  
463 permit the City to enter into a negotiated Design-Build Contract.

464  
465 *Design Criteria Professional* means a firm which holds a current certificate or registration  
466 under Chapter 481, Florida Statutes, to practice architecture or landscape architecture or a firm  
467 which holds a current certificate as a registered engineer under Chapter 471, Florida Statutes,  
468 to practice engineering and who is employed by or under contract by the City to provide  
469 professional architect services, landscape architect services, or engineering services in  
470 connection with the preparation of the Design Criteria Package.

471  
472 *Designee* means a duly authorized representative.

473  
474 *Director of Procurement* means the person holding the position established by the City's  
475 Code of Ordinances Article VI. Section 6.05 Powers and Duties.

476  
477 *Discount from list contracts-* means those contracts whereby price is determined by  
478 applying a percentage discount from an established catalog or list price.

479  
480 *Domestic Partner* shall mean any two (2) adults of the same or opposite sex, who have  
481 registered as domestic partners with Broward County pursuant to state or local law authorizing  
482 such registration, or with an internal registry maintained by the employer of at least one (1) of  
483 the domestic partners. A contractor may institute an internal registry to allow for the provision of  
484 equal benefits to employees with a domestic partner who does not register their partnerships  
485 pursuant to a governmental body authorizing such registration, or who are located in a

486 jurisdiction where no such governmental domestic partnership registry exists. A Contractor that  
487 institutes such registry shall not impose criteria for registration that are more stringent than  
488 those required for domestic partnership registration by Broward County.

489  
490 *Domestic Partner Benefits Requirement* means a requirement for City of Hallandale  
491 Beach Contractors to provide equal benefits for domestic partners. Contractors with five (5) or  
492 more employees contracting with the City of Hallandale Beach, in an amount valued over  
493 \$50,000, provide benefits to employees' spouses and the children of spouses. The requirement  
494 will be included in solicitations.

495  
496 *Emergency* means a situation or occurrence of a serious nature involving urgent and  
497 extreme matters of public health, safety, and welfare, or which requires the safeguarding of City  
498 assets.

499  
500 *Employee-* means an individual employed by the City drawing a salary or wages from  
501 the City.

502  
503 *Equal Benefits* means the equality of benefits between employees with spouses and/or  
504 dependents of spouses and employees with domestic partners and/or dependents of domestic  
505 partners, and/or between spouses of employees and/or dependents of spouses and domestic  
506 partners of employees and/or dependents of domestic partners.

507  
508 *Equal Benefits Requirements* - As part of the competitive solicitation and procurement  
509 process a Contractor seeking a Contract shall certify by providing the Domestic Partnership  
510 Certification Form, that upon award of a Contract it will provide benefits to Domestic Partners of  
511 its employees on the same basis as it provides benefits to employees' spouses. The Domestic  
512 Partnership Certification Form shall be signed by an authorized officer of the Contractor and  
513 submitted with the solicitation response. Failure to provide the Domestic Partnership  
514 Certification Form shall result in a Contractor being deemed non-responsive.

515  
516 *Contracts* - Every Contract, unless otherwise exempt as per the section below, shall  
517 contain language that obligates the Contractor to comply with the applicable provisions of this  
518 section. The Contract shall include provisions for the following:

519  
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- 520 (i) The Contractor certifies and represents that it will comply with this section during  
521 the entire term of the Contract.
- 522 (ii) The failure of the Contractor to comply with this section shall be deemed to be a  
523 material breach of the contract, entitling the City to pursue any remedy stated  
524 below or any remedy provided under applicable law.
- 525 (iii) The City may terminate the Contract if the Contractor fails to comply with this  
526 section.
- 527 (iv) The City may retain all monies due or to become due until the Contractor  
528 complies with this section.

529

530 *Exception and waiver.*

531 The provision of this section shall not apply where:

- 532 a. The contractor provides benefits neither to employees' spouses nor spouse's  
533 dependents.
- 534 b. The contractor is a religious organization, association, society or any non-profit  
535 charitable or educational institution or organization operated, supervised or  
536 controlled by or in conjunction with a religious organization, association or  
537 society.
- 538 c. The contractor is a governmental entity.
- 539 d. The contract is for the sale or lease of property.
- 540 e. The covered contract is necessary to respond to an emergency.
- 541 f. The provision of this section would violate grant requirements, the laws, rules or  
542 regulations of federal or state law.
- 543
- 544 g. The city commission waives compliance of this section in the best interests of the  
545 city, including but not limited to, the following circumstances:
- 546 1. Where only one (1) solicitation response is received.
- 547 2. Where more than one (1) solicitation response is received, but the  
548 solicitation demonstrates that none of the proposed solicitations can comply with  
549 the requirements of this section.

550

551 *Evaluation Committee* means a group of three (3) or more persons selected by the City  
552 Manager to review Proposals received in response to an RFP. The Evaluation Committee may  
553 include persons who are not employed by the City.

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*Evaluation Sheet* means the forms used by the evaluators to evaluate proposals. Each evaluator shall sign and date his or her evaluation sheet. The factors included in the Evaluation Sheet are factors related to management capability, technical capability, manner of meeting performance requirements, cost and other important considerations which were incorporated.

*Field Purchase Order (FPO)* means a document which encumbers the funds and must be approved using the same steps as a requisition. FPO's are used in situations when a purchase order is not required and a direct check is requested.

*Grant* means the furnishing by the City or a City authorized not-for-profit provider of assistance, whether financial or otherwise, to any person to support a program or activity, or the furnishing to the City of such assistance by another person or federal or state agency.

GSA Federal General Services Administration establishes long-term government-wide contracts. Local government entities **may only purchase** goods and services related to information technology from GSA Schedule 70, Information Technology, Consolidated (formerly Corporate Contracts) Schedule contracts containing IT Special Item Number (SIN) and Disaster Recovery Purchasing to recover from a major disaster. GSA Government-wide acquisition Contracts (GWACs) are not authorized for use by local government entities under Section 211 of the E-Government Act of 2002.

*Informal Bids* means process utilized to obtain prices for goods and supplies for all purchases up to fifty thousand (\$50,000) dollars. The acceptable methods are faxed, emailed or mailed written price quotations.

*Lobbyist Regulations* stipulates that all persons, firms, organizations and corporations seeking procurement from the City or the award of funds for goods and services must submit a completed and notarized Lobbyist Registration Form/Oath to the City Clerk's Office prior to contacting a member or members of the City Commission regarding the City procurement. The Lobbyist Registration must disclose each party, person, principal, and/or client represented on city matters.

588 *Local City of Hallandale Beach vendor.*

589 A Tier 1 "local City of Hallandale Beach vendor" shall mean a resident which has  
590 a valid homestead from Broward County Property Appraiser's in the City's limits and the  
591 resident owns a business within the City limits with a valid business tax license issued by  
592 the City that authorizes the business to do business in the City and that authorizes the  
593 business to provide the goods, services or construction to be purchased. The valid  
594 business tax license shall have been issued by the City at least one (1) year prior to the  
595 bid or proposal due date, The business must have a physical address located within the  
596 City limits. Post office boxes shall not be utilized for the purpose of establishing said  
597 physical address. Proof of business tax license must be submitted with response to the  
598 solicitation. Proof of the homestead must be submitted with the response to the  
599 solicitation. The homestead shall have been issued by the County at least one (1) year  
600 prior to the bid or proposal due date,

601 A Tier 2 "local City of Hallandale vendor" shall mean a business within the City  
602 limits that has a valid business tax license issued by the City that authorizes the  
603 business to do business in the City and that authorizes the business to provide the  
604 goods, services or construction to be purchased. The valid business tax license shall  
605 have been issued by the City at least one (1) year prior to the bid or proposal due date,  
606 the business must have a physical address located within the City limits. Post office  
607 boxes shall not be utilized for the purpose of establishing said physical address. Proof  
608 of business tax license must be submitted with response to the solicitation.

609 A Tier 3 "local City of Hallandale vendor" shall mean a resident which has a valid  
610 homestead from Broward County Property Appraiser's in the City's limits at least one (1)  
611 year prior to the bid or proposal due date. Proof of homestead must be submitted with  
612 the response to the solicitation. Additionally, the resident owns a business outside of  
613 the City limits. The valid business tax license shall have been issued at least one (1)  
614 year prior to the bid or proposal due date. Post office boxes shall not be utilized for the  
615 purpose of establishing said physical address. Proof of the business tax license must be  
616 submitted with response to the solicitation.

617 *Lowest responsible bid or lowest responsible quotation-* means the lowest bid or

618 quotation received that best responds in quality, fitness and capacity to the requirements of the  
619 proposed work or usage, as specified, from a vendor deemed responsible and responsive to the  
620 invitation to bid or solicitation for a quotation. In determining the lowest responsible bid or  
621 quotation, the following shall be considered, in addition to price:

- 622
- 623 (1) The quality of commodities or services offered;
  - 624 (2) The ability, capacity, and skill of the vendor to perform the contract or provide the  
625 commodities or services required;
  - 626 (3) Whether the vendor can perform the contract or provide the commodities or  
627 services promptly, or within the time specified, without delay or interference;
  - 628 (4) The sufficiency of the vendor's financial resources and the effect thereof on the  
629 vendor's ability to perform the contract or provide the commodities or services;
  - 630 (5) The character, integrity, reputation, judgment, experience, and efficiency of the  
631 vendor;
  - 632 (6) The quality of vendor's performance on previous orders or contracts for the city;
  - 633 (7) Litigation by the vendor on previous orders or contracts with the city;
  - 634 (8) Compliance by the vendor with federal, state and local laws and ordinances  
635 relating to the subject of the purchase or contract;
  - 636 (9) The ability of the vendor to provide future maintenance and service where such  
637 maintenance and service is essential;
  - 638 (10) Internal cost of vendor's proposal, including any additional expenditure required  
639 by the city to complete the project or purchase; and
  - 640 (11) Life cycle costs, including costs of purchase, maintenance, and disposal, less  
641 residual value over the expected life of the product.
- 642

643 *Payment Bond* mean a promise of a surety assuring payment to all persons supplying  
644 labor or materials in the work provided for in a contract. The City has the discretion of  
645 requesting a payment bond when the construction contract is \$250,000.00 or less.

646

647 *Person* means any business, corporation, partnership, individual, union, agency,  
648 committee, club, organization, or group of individuals.

649

650 *Performance Bond* means a promise of a surety, sometimes referred to as "completion  
651 bond," assuring the City that once the contract is awarded, the contractor will perform its

652 obligations under the contract.

653

654 *Procurement* buying, purchasing, renting, leasing, or otherwise acquiring any supplies,  
655 services and construction. It also includes all functions that pertain to the obtaining of any  
656 supplies, service, and construction, including description of requirements, selection and  
657 solicitation of sources, preparation and award of contracts and all phases of contract  
658 administration.

659

660 *Professional Services* means any services where the City is obtaining advice,  
661 instruction, or specialized work from an individual, firm or agency specifically qualified in a  
662 particular area. Professional services may include a report, or written advice which may be  
663 lengthy; however, the main thrust of the service is not considered labor, but the exercise of  
664 intellectual ability.

665

666 *Protest* means a written complaint presented to the Director of Procurement in reference  
667 to the award of a contract which resulted from an RFP, RFQ, or Bid.

668

669 *Public Bid Disclosure Act* – Florida Statutes Chapter 218.80 – When a Department  
670 wishes to release a construction bid or RFP, all of the City's permits or fees, including, but not  
671 limited to, all license fees, permit fees, impact fees, or inspection fees, payable by the contractor  
672 to the City must be disclosed. If the RFP does not require the response to include a final fixed  
673 price, the City is not required to disclose any fees or assessments in the RFP. However, at  
674 least ten (10) days prior to requiring the contractor to submit a final fixed price for the project,  
675 the City shall make the disclosures required by Florida Statutes Chapter 218.80.

676

677 *Public Records* means those records as defined in Florida Statutes Chapter 119.

678

679 *Purchase* means the words used in a solicitation to describe the supplies, services, and  
680 construction to be purchased, and includes specifications attached to, or made a part of the  
681 solicitation.

682

683 *Purchase Order* means a purchaser's document to formalize a purchase transaction with  
684 a vendor, conveying acceptance of a vendor's proposal. The purchase order should contain  
685 statements as to quantity, description, and price of the supplies, services, or construction

686 ordered, and applicable terms as to payment, discounts, date of performance, transportation,  
687 and other factors or suitable references pertinent to the purchase and its execution by the  
688 vendor. A purchase order binds the vendor in a contractual relationship with the City.

689  
690 *Request for Proposal* means a solicitation for proposal to provide a solution to a problem  
691 or a course of action or a determination of data findings useful to the City. An RFP is  
692 characterized by description of the desired results and a scale of how the proposals will be  
693 evaluated to obtain the results. Negotiation on any part of the RFP is permissible. The RFP  
694 includes all documents, whether attached or incorporated by reference, utilized for soliciting  
695 proposals. Compensation paid to a proposer is negotiated once the top rated proposer has  
696 been determined.

697  
698 *Request for Quotation* is an informal request for prices normally used for procurement  
699 below the formal contract threshold. The Request for Quotation includes all documents whether  
700 attached or incorporated by reference, included in a solicitation for quotations.

701  
702 *Request for Qualifications* (prequalification of bidders) is the screening of potential  
703 vendors in such factors as financial capability, reputation, professional expertise and  
704 management in order to develop a list of qualified vendors. Once the list of pre-qualified  
705 vendors is created, a bid or RFP is created and released to the pre-qualified list.

706  
707 *Responsible Bidder* means a person who has the capability in all respects to perform  
708 fully the contract requirements, and the integrity and reliability which will assure good faith  
709 performance.

710  
711 *Responsive Bidder* means a person who has submitted a bid which conforms in all  
712 material respects to a solicitation. A bid or proposal of a Responsive Bidder must be submitted  
713 on the required forms, which contain all required information, signatures, notarizations,  
714 insurance, bonding, security, or other mandated requirements required by the bid documents to  
715 be submitted at the time of bid opening.

716  
717 *Services* mean the furnishing of labor, time, specifications and technical assistance by a  
718 contractor. This term shall not include employment agreements or collective bargaining  
719 agreements, but shall include both professional and general services.

720

721 *Sole Source* means the only source known to be able to perform a contract, or the one  
722 source that among others that, for justifiable reason, is found to be the most advantageous for  
723 the purpose of contract award.

724

725 *Specifications* mean any description of the physical or functional  
726 characteristics or of the nature of a supply, service and construction item. It may include a  
727 description of any requirement for inspecting, testing or preparing a supply, service and  
728 construction item for delivery. Specifications may also contain provisions for inclusion of factors  
729 which will lead to the ultimate calculation of lowest total cost. All specifications shall seek to  
730 promote overall economy for the purposes intended, and encourage competition in satisfying  
731 the City's needs and shall not be unduly restrictive.

732

733 *Supplies*- shall mean and include all supplies, materials, and equipment.

734

735 *Sunbiz* means the website maintained by the Florida Department of State, Division of  
736 Corporation listing all companies incorporated in the State of Florida, including registered  
737 fictitious names and foreign corporations.

738

739 *Surplus Property* means City-owned which is no longer needed for public use.

740

741 *Tax Savings Direct Purchases* The City of Hallandale Beach is recognized by the State  
742 of Florida as being exempt from state sales tax and use tax and is therefore, qualified for an  
743 exemption from Florida and all other state sales taxes on the purchase of tangible personal  
744 property if certain criteria are met. The City may realize savings of sales tax on selected  
745 material and equipment needed for use in public works contracts. Public works contracts are  
746 projects for public use or enjoyment, financed and owned by the City, in which private firms  
747 install tangible property that becomes part of a City facility. See Rule 12A-1.094 and Section  
748 212.08(6) Florida Statutes. The City will implement the DPTSP for projects of \$1 million or  
749 above.

750

751 *Unit price* mean the cost per unit of a product or service.

752

753 *Using agency* is any department, agency, commission, bureau or other unit to the city

754 government using supplies or procuring contractual services.

755

756 *Vendor* means an actual or potential supplier of an item, service, and construction.

757

758 *Vendor Performance* means an action or inaction taken by a vendor under a contract,  
759 purchase order, or other binding agreement with the City. Nonperformance, which is an action or  
760 inaction, which does not comply with the specifications, and/or terms and conditions of a contract  
761 or purchase order.

762

763 **Section. 23-4 - Competitive bidding required.**

764

765 (a) All purchases of and contracts for equipment, supplies and contractual services,  
766 when the estimated cost shall exceed fifty thousand (\$50,000.00) dollars, except  
767 as specifically provided in this section, shall be based, wherever possible, on  
768 competitive bids. The City Manager is authorized to purchase and contract for  
769 equipment, supplies and contractual services and pay for a construction change  
770 order(s) when the cost do not exceed ten (10%) percent of the contract costs or  
771 fifty thousand (\$50,000.00) dollars, whichever is less, without further City  
772 Commission approval.

773

774 **Section. 23-5 - Formal contract procedure.**

775

776 All equipment, supplies and contractual services, except as otherwise provided in this  
777 section, when the estimated cost shall exceed fifty thousand (\$50,000.00) dollars shall be  
778 purchased by formal, written contract from the lowest responsive, responsible bidder, after due  
779 public notice inviting proposals has been given; however, the City Commission, upon request of  
780 the City Manager, may waive the requirement for a formal written contract when such a contract  
781 would not be in the best interest of the city.

782

783 **Section. 23-6 - Award of contract.**

784

785 (a) The City Manager shall have the authority to recommend to the City Commission  
786 award of contracts.

787

788 (b) Contracts shall be awarded to the lowest responsive, responsible bidder, or as  
789 otherwise determined in the best interest of the City. The City Commission shall  
790 not be involved in the preparation, submittal and evaluation of bids, request for  
791 proposals and other purchases, including attendance at or participating in  
792 presentations to or deliberations by a selection committee or contact with  
793 persons, firms, organizations and corporations submitting bids or proposals to  
794 the City. Following an evaluation of responses received for bids, request for  
795 proposals, and other purchases, the City Manager shall have the authority to  
796 recommend to the City Commission award of contracts. After placement on the  
797 agenda, the City Commission reviews the City Manager's recommendations and  
798 may direct any communications, inquiries or questions regarding the contract  
799 award to or through the City Manager. In accordance with administrative  
800 procedures and policies, and the City's lobbying ordinance, all persons, firms,  
801 organizations and corporations seeking a procurement from the City or the award  
802 of funds for goods and services must submit a completed and notarized lobbyist  
803 registration form/oath to the City Clerk's office prior to contacting a member or  
804 members of the City Commission regarding a city procurement. Lobbyists shall  
805 cease all contact and communication with the City Commission within the period  
806 of time as stated in the lobbying ordinance before the date set for a decision on a  
807 matter, unless contacted by a City Commissioner.

808  
809 (c) Local Preference:  
810 In the award of bids and the determination of the lowest, best and responsible  
811 bidder, the City Commission may award a preference based upon vendors,  
812 contractors or subcontractors who are local with a preference as follows:

813  
814 Purchases and contracts within the authority of the city manager may also give  
815 consideration to local preference by application of the guidelines in this  
816 subsection.

817 Submittal Requirements:

818 If a nonlocal proposer submits a bid or proposal that includes subcontractors that  
819 qualify for Tier 1, Tier 2 or Tier 3 local vendor, in order to receive local preference  
820 consideration, the proposer must identify all local vendors that will be utilized as

821 subcontractors, and delineate for each the specific elements of work each local vendor  
822 will be responsible for performing and the dollar value of work as a percentage of the  
823 total contract value.

824 Conditions:

825 (1) A vendor/business can only qualify for one tier preference level.

826 (2) A vendor/business with outstanding liens, fines or violations with the City  
827 shall not be eligible to qualify for Tier 1-3 status.

828 (3) A vendor/business that operates through a post office box shall not be eligible  
829 to qualify for Tier 1-3.

830 Process to apply the LVP to Bids

831 (1) Competitive bid Tier 1 Local Vendor Preference.

832 When a responsive, responsible nonlocal business submits the lowest price  
833 bid, and the bid submitted by the Tier 1 local vendor is within ten (10) percent  
834 of the lowest price submitted by any vendor, the Tier 1 local vendor shall  
835 have an option to submit another bid to match the lowest responsive bid. If  
836 the Tier 1 local vendor submits a bid that matches the lowest responsive bid,  
837 then the award will go to the Tier 1 local vendor. If not, the award will be  
838 made to the vendor that submits the lowest responsive bid.

839

840 (2) Competitive bid Tier 2 Local Vendor Preference.

841 When a responsive, responsible nonlocal business submits the lowest price  
842 bid, and the bid submitted by the Tier 2 local vendor is within five (5) percent  
843 of the lowest price submitted by any vendor, the Tier 2 local vendor shall  
844 have an option to submit another bid to match the lowest responsive bid. If  
845 the Tier 2 local vendor submits a bid which matches that lowest responsive  
846 bid, then the award will go to the Tier 2 local vendor. If not, the award will be  
847 made to the vendor that submits the lowest responsive bid.

848

849 (3) Competitive bid Tier 3 Local Vendor Preference.

850 When a responsive, responsible nonlocal business submits the lowest price  
851 bid, and the bid submitted by the Tier 3 local vendor is within two and half  
852 (2.5) percent of the lowest price submitted by any vendor, the Tier 3 local  
853 vendor shall have an option to submit another bid to match the lowest  
854 responsive bid. If the Tier 3 local vendor submits a bid which matches that  
855 lowest responsive bid, then the award will go to the Tier 3 local vendor. If not,  
856 the award will be made to the vendor that submits the lowest responsive bid.

857  
858 If there is a Tier 1 local vendor and a Tier 2 local vendor and a Tier 3 local vendor  
859 participating in the same bid solicitation and the three vendors qualify to submit a second  
860 bid as detailed above, the Tier 1 local vendor will be given first option.

861 If the Tier 1 local vendor cannot match the lowest bid received, an opportunity will be  
862 given to the Tier 2 local vendor. If the Tier 2 local vendor cannot match the lowest bid  
863 received, then an opportunity will be given to the Tier 3 local vendor. If the Tier 3 local  
864 vendor cannot match the lowest bid received, then the bid will be awarded to the lowest  
865 bidder regardless of Tier 1, Tier 2 or Tier 3 local vendor preference.

866  
867 If multiple local vendors submit bids which are within ten (10) percent of the lowest bid,  
868 then all vendors will be asked to submit a "best and final offer (BAFO)". The award will  
869 be made to the Tier 1 local vendor submitting the lowest BAFO providing that the BAFO  
870 at least matches the lowest bid received in the original solicitation. If no Tier 1 local  
871 vendor can beat the lowest bid by matching it, then the process will be repeated with  
872 Tier 2 and Tier 3 local vendors who have submitted a bid which is within two and one-  
873 half (2.5) percent of the lowest bid. If no Tier 1, Tier 2 or Tier 3 local vendor can submit a  
874 BAFO that matches the lowest bid submitted in the original solicitation, the award will be  
875 made to the lowest responsive bidder regardless of the Tiers.

876  
877 Application of Local Vendor Preference for Requests for Proposals:

878  
879 When evaluation points are used to evaluate through a solicitation, and when a non-local  
880 business is the highest ranked proposer, and the ranking of a local firm is within 10% of the total  
881 100 ranking points, then the City may elect to negotiate with the local firm first.

882

883 Process to apply the Local Vendor Preference to Competitive proposal.

884

885 For contract awards based upon evaluation criteria pursuant to a point system, there shall be a  
886 local participation criterion to be included in the total 100 points to be awarded. The points shall  
887 be awarded as follows:

888

889 Tier 1 Local Vendor Preference: If 100% through 50% of the Project Work submitted as a  
890 response to a solicitation, which equals to 100% through 50% of the project cost, will be  
891 provided and performed by a Tier 1 Local Vendor then the firm will receive, through the  
892 evaluation process, a total of ten (10) points.

893

894 Tier 2 Local Vendor Preference: If 49% through 20% of the Project Work submitted as a  
895 response to a solicitation, which equals to 49% to 20% of the project cost, will be provided and  
896 performed by a Tier 2 Local Vendor then the firm will receive, through the evaluation process, a  
897 total of five (5) points.

898

899 Tier 3 Local Vendor Preference: If 19% through less than 5% of the Project Work submitted as  
900 a response to a solicitation, which equals to 19% to less than 5% of the project cost, will be  
901 provided and performed by a Tier 3 Local Vendor then the firm will receive, through the  
902 evaluation process, a total of two and half (2.5) points.

903

	<b>Total project dollar cost (\$) performed</b>	<b>Total Points awarded</b>
Tier 1 Local Vendor	100 % to 50%	10
Tier 2 Local Vendor	49% to 20%	5
Tier 3 Local Vendor	19% to less than 5%	2.5

904

905 The percentage of Tier 1, Tier 2 or Tier 3 local vendor participation will be calculated by the  
906 proposer's cost and/or expenditure's provided and performed by a local Tier 1, Tier 2 or Tier 3  
907 local vendor subcontractor for providing direct labor or a bona fide service, the total cost of the  
908 project dollar submitted and identified in the proposal.

909

910 A proposer may count towards its local vendor preference for Tier 1, Tier 2 and Tier 3, the fee or  
911 commissions charged for providing direct labor or a bona fide service, such as professional,  
912 technical consultant or managerial services.

913

914 Request for Qualifications (RFQ) and Consultants Competitive Negotiation Act (CCNA):

915 For Contracts awarded pursuant to the Consultants Competitive Negotiation Act (CCNA) and  
916 through Request for Qualifications the applicability of the Local Vendor Preference is as follows:

917 The percentages reflect the amount of total project work, which shall be equated to the project  
918 dollars, assigned to the Tier 1, Tier 2 or Tier 3 local vendor. The location of qualified entities  
919 shall be considered in determining the qualification for professional service governed by the  
920 Consultants Competitive Negotiation Act and through an RFQ process.

921

922 Exemptions to Tier 1, Tier 2 and Tier 3.

923 The City will not count toward a proposer Tier 1, Tier 2 or Tier 3 local vendor participation any  
924 portion or portions of the local vendor subcontractor's work that is subcontracted back to as  
925 follows:

926

927 (a) The proposer either directly, or through any other company or firm owned or controlled  
928 by the proposer.

929 (b) Any nonlocal business.

930 (c) A Tier 1, Tier 2 or Tier 3 local vendor shall not be permitted to subcontract all or a  
931 majority of the sub contractual portion of the work to another nonlocal business. A Tier  
932 1, Tier 2 or Tier 3 local vendor subcontractor shall be prohibited from engaging in a sub  
933 contractual agreement with the intent of collecting a broker's fee or commission. A Tier  
934 1, Tier 2 or Tier 3 local vendor subcontractor shall also be prohibited from entering into a  
935 sub contractual agreement with a firm whose employees perform none of the direct labor  
936 or service activities specified in the contract.

937 (d) Participation by a Tier 1, Tier 2 or Tier 3 local business shall not be considered and the  
938 Tier 1, Tier 2 or Tier 3 local vendor shall be disqualified if the owner of the Tier 1, Tier 2  
939 or Tier 3 enters into an agreement with a nonlocal business with the intent of securing  
940 employment with that nonlocal business during the course of performing a City contract.

941

942 Exceptions to applicability of Local Vendor Preference.

943

944 (a) No Tier 1, Tier 2 or Tier 3 local vendor preference will be included in any competitive  
945 solicitation where the City is the lead agency for the Southeast Florida Cooperative  
946 Purchasing Group.

947 (b) Utilization of a state or other agency contract.

948 (c) State or federal law prohibits the use of local preference.

949 (d) The work is funded in whole or in part by a governmental entity where the laws, rules,  
950 regulations or policies prohibit the use of local preferences.

951 (e) Sole source or single source purchases.

952 (f) The Tier 1, Tier 2 or Tier 3 local vendor" is either non-responsive or non-responsible.

953

954 (g) All bids submitted exceed the budget amount for the project.

955 (h) Emergency purchases.

956 (i) The City Manager and/or the Commission may exempt any competitive solicitation from  
957 the local vendor preference.

958

959 **Section 23-7 Purchases over \$25,000.**

960

961 The City Manager shall have discretion to establish guidelines for purchases over  
962 twenty-five thousand (\$25,000) dollars but less than fifty thousand (\$50,000) dollars.

963

964 **Section. 23-8- Exception to bid requirements.**

965

966 Only the following situations are exempted from the competitive bid requirements of this  
967 article:

968

969 (1) *Emergency purchases.* In urgent cases of compelling emergency which  
970 require the immediate purchase or repair of equipment, supplies or  
971 contractual services, the city manager is empowered to secure, by open  
972 market procedure at the lowest obtainable price, any equipment, supplies,  
973 repairs or services not exceeding fifty thousand (\$50,000.00) dollars. The

974 City Manager shall place a notation on the agenda of the next regularly  
975 scheduled City Commission meeting advising of the emergency  
976 purchase.

977  
978 (2) *Professional services.* Contracts for professional services involving  
979 peculiar skill, ability, experience or expertise, which are in their nature  
980 unique and not subject to competitive bidding, are exempt from the  
981 competitive bidding requirements of this article; however, a formal written  
982 contract, approved by the commission, shall be required for all such  
983 contracts in excess of twenty-five thousand (\$25,000.00) dollars, and any  
984 applicable state law, such as the Consultant's Competitive Negotiation  
985 Act, shall be followed.

986  
987 (3) *Noncompetitive supplies.* Noncompetitive supplies, available only from  
988 one source, such as unique, patented or franchised supplies, are exempt.  
989 The City Manager is authorized to purchase and contract for  
990 noncompetitive supplies in excess of fifty thousand (\$50,000.00) dollars,  
991 provided authorized funds are available in the annual budget and records  
992 of purchases exceeding \$50,000.00 are available for review in the  
993 Procurement Department.

994  
995 (4) *No bid received.* Where no bid has been received after publication of a  
996 bid proposal; however, such purchases in excess of fifty thousand  
997 (\$50,000.00) dollars require a formal, written contract approved by the  
998 City Commission.

999  
1000 (5) *Unique circumstances.* Where the City Commission finds unique  
1001 circumstances to establish that competitive bidding is not in the best  
1002 interest of the City; however, such purchases in excess of fifty thousand  
1003 (\$50,000.00) dollars shall require a formal, written contract approved by  
1004 the City Commission. The City Commission, upon request by the City  
1005 Manager, may waive the requirement for a formal written contract when  
1006 such a contract would not be in the best interest of the City.

1008 (6) *Bids and contracts from other entities.* The City Manager is authorized to  
1009 use competitive bids and formal contracts from other entities under the  
1010 same limitations as described in Section 23-8.

1011

1012 **Section. 23-9 - Cooperative purchasing.**

1013

1014 The City Manager may procure, without following formal contract procedure, all supplies,  
1015 materials, equipment and services, except for those services described in [subsection] 23-7(2),  
1016 which are cooperative purchases and shall have the authority to join with other units of  
1017 government in cooperative purchasing plans or to purchase pursuant to formal written contracts  
1018 or competitive bids of other governmental units, when the best interests of the City would be  
1019 served.

1020

1021 **Section. 23-1D - Appropriations required.**

1022

1023 (a) No obligation for expenditures of city funds may be incurred except pursuant to,  
1024 and only to the extent of, a specific appropriation of funds in the budget. This  
1025 provision shall apply, without being limited to, any formal or informal contractual  
1026 obligation for the purchase of lease supplies, services or equipment, and  
1027 personal services. No money may be drawn from the treasury of the city nor may  
1028 the appropriate City officials execute any check, draft, warrant, note or other  
1029 negotiable instrument, except pursuant to, and only to the extent of, a specific  
1030 appropriation of funds in the budget to be debited for such payment.

1031

1032 (b) No obligation for the expenditure of money, nor drawing of funds from the  
1033 treasury, in excess of one thousand (\$1,000.00) dollars may occur unless there  
1034 is a written certification from the Finance Director or his/her designee certifying  
1035 that there exists an adequate unencumbered balance of appropriate and  
1036 available funds.

1037

1038 (c) The City Manager, in a matter of public necessity, may incur obligations or  
1039 expend funds, not in excess of fifty thousand (\$50,000.00) dollars without  
1040 complying with this article or the requirements for public bidding, provided that  
1041 he/she places the ratification of these expenditures on the first regularly

1042 scheduled Commission meeting occurring after the incursion or expenditure. In  
1043 an emergency involving urgent, and extreme matters of public health, safety or  
1044 welfare, the City Manager may exceed this monetary limitation, provided that, on  
1045 the same business day that he/she takes such action, the City Manager shall  
1046 request that a Special Commission meeting be held at the earliest possible time,  
1047 to ratify that action.

1048  
1049

1050 **Section. 23-11. - Appropriations for outstanding purchase orders.**

1051

1052 A duly authorized appropriation of any given fiscal year shall continue to be a  
1053 valid appropriation of a subsequent fiscal year, without appropriation or inclusion in the  
1054 later year's budget, providing that the expenditure pursuant to such appropriation has  
1055 been authorized by the City Commission or a properly executed purchase order is  
1056 outstanding at the end of the fiscal year of the original appropriation. Authority to  
1057 complete such purchase and expenditure is granted; and if the expenditure is not  
1058 completed after a reasonable time, the City Manager is authorized and directed to  
1059 cancel and close out the unexpended balance of the appropriation.

1060

1061 **Section. 23-12. Procedures for purchases in excess of \$50,000.**

1062

1063 Except as otherwise provided in this division, the purchase of commodities or services of  
1064 an estimated value in excess of fifty thousand (\$50,000.00) dollars shall be approved by the City  
1065 Commission and may be by purchase order and/or other written contract with the vendor  
1066 submitting the lowest responsible bid whose bid has been solicited, received and approved,  
1067 pursuant to the following procedures:

1068

1069 (1) Advertisements. Notice Inviting solicitations. Except of those solicitations  
1070 that are required by statute to be advertised in a newspaper, notices  
1071 inviting solicitations shall be published electronically. A general  
1072 description of the commodities or services to be purchased, a statement  
1073 of where the solicitation documents may be obtained, and the date, time  
1074 and place of receipt is to be provided.

1075

1076 (2) Security (bid bonds). When the estimated cost of a contract is one  
1077 hundred and fifty thousand (\$150,000.00) dollars or higher, or when  
1078 otherwise deemed necessary by the City Manager, security in the form of  
1079 a bid bond issued by a surety company licensed to do business in the  
1080 state or a cash bond in an amount equal to ten (10%) percent of the bid  
1081 shall be prescribed in the public notices inviting bids. When the City  
1082 Manager deems it necessary to require a bid bond for bids less than one  
1083 hundred and fifty thousand (\$150,000.00) dollars, the bond shall be in an  
1084 amount equal to five (5%) percent of the bid. A vendor shall forfeit a bid  
1085 security upon a refusal or failure to execute the contract within fifteen (15)  
1086 calendar days of the Notice of Award of contract, unless the City is solely  
1087 responsible for the delay in executing the contract. The City Commission  
1088 may, upon the refusal or failure of the successful vendor to execute the  
1089 contract, award the contract to the next lowest vendor.

1090  
1091 (3) Bid opening procedures. Sealed written bids shall be returned to the City  
1092 and identified as bids on the envelope, together with other information as  
1093 may be specified in the invitation to bid. Bids shall be opened in public on  
1094 the date and at the time and place stated in the public notices as  
1095 specified by Florida Statute.

1096  
1097 (4) Rejection of bids. The City Commission may authorize the City Manager  
1098 to:  
1099  
1100 a. Reject all bids; or  
1101 b. Reject all bids and re-advertise for bids, pursuant to the procedure  
1102 prescribed in this section.

1103  
1104 (5) Performance and payment bonds. A performance bond and a payment  
1105 bond, or a "contract bond" combining the elements of a performance and  
1106 a payment bond, issued by a surety company licensed to do business in  
1107 the state, may be required before entering into a contract, in an amount at  
1108 least equal to the contract price or such higher amount as may be found

1109 reasonably necessary to protect the best interests of the city except, in  
1110 limited circumstances, such as incremental services contracts or blanket  
1111 purchase orders, where it has been determined by the department  
1112 director that the potential liability resulting from the performance or  
1113 payment under the contract is an amount less than the full contract price.  
1114 If such bond is required, the form and amount of the bond shall be  
1115 described in the notice inviting bids. Bonds required hereunder shall be  
1116 subject to all other provisions of this section and this Code.

1117  
1118 (6) Security in lieu of performance and payment bonds. In lieu of the bond  
1119 required by this section, a contractor may file with the city an alternative  
1120 form of security in the form of cash, money order, certified check,  
1121 cashier's check, an irrevocable letter of credit, or security of a type listed  
1122 in F.S. § 625.301 et seq. Any such alternative form of security shall be for  
1123 the same purpose and be subject to the same conditions as those  
1124 applicable to the bond required hereunder. The appropriate  
1125 representative of the city as described in subsection (5) of this section  
1126 shall make the determination of the value of the alternative form of  
1127 security.

1128  
1129 (7) Change orders. Any change in the contract price, scope of work or time  
1130 for completion of any project following the award of a contract shall be by  
1131 a written change order, approved by the City Manager and executed with  
1132 the same formalities as the contract. However, the City Manager may  
1133 approve and execute change orders without city commission approval  
1134 subject to the following limitations:

1135  
1136 a. The City Manager may approve any change orders, which do not  
1137 exceed fifty thousand (\$50,000) dollars, for up to a maximum of  
1138 ten (10%) percent over the award of the City Commission. The  
1139 scope of any project may not be changed without prior approval of  
1140 the City Commission. No increase in contract price shall be  
1141 approved unless there are sufficient funds available for such  
1142 purpose.

- 1143 b. Contract price decreases may be approved without limitation.  
1144 c. No change order shall materially change the scope of the work  
1145 unless approved by the City Commission.  
1146 d. In the event the lowest, most responsive and responsible bid for a  
1147 project exceeds available funds, and the city commission does not  
1148 make available additional funds, the City Manager is authorized,  
1149 when time or economic considerations preclude re-solicitation of  
1150 bids, to negotiate an adjustment of the bid price as long as the  
1151 scope of work is not materially changed with the lowest, most  
1152 responsive and responsible bidder, in order to bring the bid within  
1153 the amount of available funds. Final negotiations shall be in  
1154 written form as approved by the City Manager.

1155  
1156 (8) Demonstration of products. All departments that engage firms in the  
1157 demonstration, inspection and/or testing of supplies or services for which  
1158 no formal solicitation has been advertised, must involve the Procurement  
1159 Department in the demonstrations and/or testing. Where there would be  
1160 an eventual solicitation for the products and/or services which have  
1161 previously gone through a demonstration and/or inspection, it must be  
1162 made known at the pre-bid meeting for the particular solicitation released.

1163  
1164 **Section 23-13. Protests Procedures.**

1165  
1166 Any party may present a written protest about the award of a contract as a result of an  
1167 RFP, RFQ or Bid to the Director of Procurement. Emergency procurements, purchases for  
1168 goods, supplies, equipment, and services, the estimated cost of which does not exceed fifty  
1169 thousand (\$50,000.00) dollars, are not subject to protests.

1170  
1171 (1) Time for Protest

1172 The submission of a protest about the award of a contract, as a result of an RFP, RFQ  
1173 or Bid, to the Director of Procurement must be made no later than ten (10) calendar days of  
1174 approval of Notice of Award.

1175  
1176

1177 (2) Form and Content of Protest

1178 The protest shall be filed in writing with the Director of Procurement and shall state the  
1179 contested information about the RFP, RFQ or Bid.

1180  
1181 The Procurement Director will provide a copy of the written protest to the City Attorney  
1182 and other appropriate City staff.

1183  
1184 (3) Protest Filing Fee

1185 The written protest must be accompanied by a filing fee in the form of a money order or  
1186 cashier's check payable to the City of Hallandale Beach in an amount equal to one (1%) percent  
1187 of the contract value, which resulted from an RFP, RFQ or Bid, but no greater than five  
1188 thousand (\$5,000.00) dollars. The filing fee shall guarantee the payment of all costs which may  
1189 be adjudged against the protestor in any administrative or court proceeding. If a protest is  
1190 upheld by the Director of Procurement, the filing fee shall be refunded to the protestor less any  
1191 costs assessed under section 4. "Costs" below.

1192  
1193 (4) Costs

1194 All costs accrued from a protest shall be assumed by the protestor.

1195  
1196 (5) Authority to resolve protests

1197 The Procurement Director shall have the authority, subject to the approval of the City  
1198 Manager and the City Attorney, to settle and resolve any written protest within thirty (30) days  
1199 after receipt of the written protest.

1200  
1201 (6) Special Magistrate

1202 In the event the protest is not resolved by the Procurement Director, a hearing shall be  
1203 scheduled by the City before a special magistrate selected by the City, who shall only determine  
1204 whether procedural due process has been afforded, whether the essential requirements of law  
1205 have been observed, and whether the Procurement Director's findings are arbitrary, capricious,  
1206 or an abuse of discretion. Any hearing shall be limited to two (2) hours per side, unless the  
1207 special magistrate rules otherwise. This requirement is a jurisdictional prerequisite to the  
1208 institution of any civil action regarding the same subject matter.

1209  
1210

1211 **Section 23-14, Cone of silence.**

1212 (a) *Purpose.* A cone of silence shall be applicable to all requests for proposal (RFP),  
1213 invitations to bid (ITB), RFLI, or any other advertised solicitations for the  
1214 provision of goods and services, professional services, and public works or  
1215 improvements for amounts greater than fifty thousand (\$50,000) dollars, unless  
1216 otherwise exempted in this section.

1217

1218 (b) *Definition.* The term "cone of silence" means a prohibition on:

1219 (1) Any communication regarding a particular RFP, RFQ, ITB, RFLI, or any  
1220 other advertised solicitation between a potential proposer, offeror,  
1221 respondent, bidder, lobbyist or consultant and the City's staff including,  
1222 but not limited to, the City Manager and his/her staff;

1223

1224 (2) Any communication regarding a particular RFP, RFQ, RFLI, ITB or any  
1225 other advertised solicitation between a potential proposer, offeror,  
1226 respondent, bidder, lobbyist, or consultant and any member of the  
1227 selection/evaluation committee therefor;

1228

1229 (3) Any communication regarding a particular RFP, RFQ, RFLI, ITB or any  
1230 other advertised solicitation between a potential proposer, offeror,  
1231 respondent, bidder, lobbyist, or consultant and the mayor and city  
1232 commission and their respective staff.

1233

1234 (c) *Exemptions.* Notwithstanding the foregoing, the cone of silence shall not apply to:

1235

1236 (1) Communications between a potential proposer, offeror, respondent,  
1237 bidder, consultant and City purchasing staff, prior to bid opening date or  
1238 receipt of proposals, provided the communication is limited strictly to  
1239 matters of process or procedure already contained in the corresponding  
1240 solicitation document;

1241

1242

1243 (2) Duly noticed pre-bid/proposal conferences and site inspections;  
1244 (3) Duly noticed site visits to determine the competency of bidders/proposers  
regarding a particular solicitation during the time period between the

1245 opening of bids/receipt of proposals and the time the City manager  
1246 presents his/her written recommendation to City Commission;

1247

1248 (4) Emergency procurements;

1249

1250 (5) Communications with the City Attorney;

1251

1252 (6) Sole source procurements;

1253

1254 (7) Those purchases that are exempted from competitive requirements in  
1255 accordance with section 23-7

1256

1257 (8) Bid waivers;

1258

1259 (9) Oral presentations before selection/evaluation committees and  
1260 communications occurring during duly noticed meetings of  
1261 selection/evaluation committees;

1262

1263 (10) Public presentations made to the city commission and communications  
1264 occurring during any duly noticed public meeting;

1265

1266 (11) Communications in connection with the collection of industry comments  
1267 or the performance of market research regarding a particular RFP, RFQ,  
1268 RFLI, ITB or any other advertised solicitation by the purchasing staff;

1269

1270 (12) Contract negotiations that occur after an award; and

1271

1272 (13) Any communication regarding a particular RFP, RFQ, RFLI, ITB or any  
1273 other advertised solicitation between the city manager and his/her staff,  
1274 and the mayor and city commission and their staff.

1275

1276 (d) Procedure.

1277 (1) Imposition. A cone of silence shall be imposed upon each RFP, RFQ,  
1278 RFLI, ITB or any other advertised solicitation when the solicitation is

1279 advertised. At the time of imposition of the cone of silence, the city  
1280 manager or his/her designee shall issue a notice thereof to the affected  
1281 department, the city clerk, mayor and city commission and shall include in  
1282 any advertised solicitation a statement disclosing that the solicitation is  
1283 subject to the cone of silence.

1284  
1285 (2) Termination; *City Commission awarding authority*. Except as otherwise  
1286 provided herein, the cone of silence shall terminate at the date and time  
1287 of the city commission meeting where the award will be made; provided,  
1288 however, that if the city commission defers the matter to a future date, the  
1289 cone of silence shall be re-imposed until such time as the matter is  
1290 brought back before the city commission for further deliberation. In the  
1291 event the city commission decides to reject all bids, then the cone of  
1292 silence shall be lifted.

1293  
1294 (3) City Manager awarding authority. Except as otherwise provided herein,  
1295 the cone of silence shall terminate at the time the originating department  
1296 issues a written recommendation to the city manager; provided, however,  
1297 that if the city manager refers the recommendation back for further  
1298 review, the cone of silence shall be reinstated until such time as the city  
1299 manager issues a recommendation for award pending the bid protest  
1300 period.

1301  
1302 (e) Penalties. Violation of the cone of silence by a particular bidder or proposer shall  
1303 render the award to said bidder or proposer voidable by the city commission. A  
1304 violation of this section by a particular bidder, proposer, offeror, respondent,  
1305 lobbyist or consultant shall subject said bidder, proposer, offeror, respondent,  
1306 lobbyist or consultant to five hundred (\$500.00) dollar fine per violation and  
1307 debarment.

1308  
1309 **ARTICLE II. DESIGN-BUILD PROCUREMENT METHOD.**  
1310 **Section. 23-15. - Definitions.**  
1311 **Section. 23-16 - Use of design-build contracts.**  
1312 **Section. 23-17. - Method of project selection and participation.**

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**Section. 23-15 – 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:

*Consultants' Competitive Negotiation Act* means F.S. § 287.055, as periodically amended.

*Design-build contract* means a single contract with a design-build firm for the design and construction of a public construction project.

*Design-build firm* means a partnership, corporation, or other legal entity that: (1) Is certified under F.S. § 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or (2) Is certified under F.S. § 471.023 to practice or to offer to practice engineering; certified under F.S. § 481.219 to practice or to offer to practice architecture; or certified under F.S. § 481.319 to practice or to offer to practice landscape architecture.

*Design criteria package* means performance oriented drawings or specifications of the public construction project. The design criteria package shall furnish sufficient information to permit design-build firms to prepare a bid or a response to the City's request for proposal, or to permit the City to enter into a negotiated design-build contract. The design criteria package shall specify performance based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layout and conceptual design criteria for the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.

*Design criteria professional* means a firm which holds a current certificate or registration under F.S. Ch. 481 to practice architecture or landscape architecture or a firm which holds a current certificate as a registered engineer under F.S. Ch. 471 to practice engineering and who is employed by or under contract by the City to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

1347 **Section 23-1~~6~~ - Use of design-build contracts.**

1348

1349 (a) *Competitive proposal selection process.* The competitive proposal selection  
1350 process involves a three-phase design-build process.

1351 (1) *Design criteria package.*

1352 a. All design-build projects require a design criteria package.

1353 b. The design criteria package shall be prepared and sealed by a  
1354 design criteria professional, employed by or retained by the City.

1355 c. Should the City elect to enter into a professional services contract  
1356 for the preparation of the design criteria package, then the design  
1357 criteria professional must be selected and contracted in  
1358 accordance with the requirements of sections (4) and (5) of the  
1359 Consultants' Competitive Negotiation Act.

1360 d. A design criteria professional who has been selected to prepare  
1361 the design criteria package shall be ineligible to render services  
1362 under a design-build contract executed pursuant to the design  
1363 criteria package.

1364

1365 (2) *Public announcement.*

1366 The City shall publicly announce in a uniform and consistent manner, the  
1367 fact that design criteria professional services and design-build services  
1368 are required, except in cases of valid public emergency as declared by  
1369 the City Manager. The announcement shall include a general description  
1370 of the project, procedures for obtaining the request for proposals, and the  
1371 time within which interested design criteria professionals and design-build  
1372 firms may submit proposals.

1373

1374

1375 (3) *Design-build firm selection.*

1376

1377 a. The qualification and selection of at least three design-build firms shall be made  
1378 based on qualifications, availability, and past work of the firms, including the  
1379 partners or members of such firms.

- 1380 b. The City Manager shall select three firms submitting the best proposals and shall  
1381 present the proposals to the City Commission.
- 1382 c. The City Commission shall make the final selection of the design-build firm for  
1383 the public construction project based on qualifications, availability, experience  
1384 and related factors of the three (3) firms.
- 1385 d. The City Manager is authorized to develop additional procedures for use of the  
1386 competitive proposal selection process for design-build contracts by the City.
- 1387 (b)
- 1388 (1) *Qualifications-based selection process.* The qualifications-based selection  
1389 (QBS) is a two-phase, simplified procurement process not requiring the  
1390 creation and submission of a design criteria package.
- 1391 (2) *Design-build firm selection.*
- 1392 a. If the City uses the qualifications-based selection (QBS) method, the City shall  
1393 employ or retain a licensed design professional appropriate to the project to  
1394 serve as its representative.
- 1395 b. The QBS method shall include the qualification and selection of at least design-  
1396 build firms, based on the qualifications, availability, past work of the firms  
1397 including partners or members of such firms.
- 1398 c. The selection of at least three firms shall be made by the City Manager and  
1399 presented to the City Commission for final approval of one firm.
- 1400 (3) *Public announcement.* The City shall publicly announce in a uniform and  
1401 consistent manner, the fact that the design criteria professional services  
1402 and design-build services are required, except in cases of valid public  
1403 emergency as declared by the City. The announcement shall include a  
1404 general description of the project, procedures for obtaining the request for  
1405 proposals, and the time within which interested design criteria  
1406 professionals and design-build firms may submit proposals.

1407

1408 **Section. 23-13. - Method of project selection and participation.**

1409

- 1410 (a) Prior to the implementation of each proposed construction project, the City  
1411 Commission may determine which construction method to use based on the  
1412 nature of the project and the City's needs and capabilities. The City Commission

- 1413 may reject both design-build methods contained in this article and instead  
1414 implement the traditional design-bid-build method of contracting.
- 1415 (b) Prior to the implementation of each proposed construction project, the City  
1416 Commission shall also determine whether to use staff or retain an outside design  
1417 criteria professional.
- 1418 (c) All final agreements pursuant to this article shall be subject to the approval of the  
1419 City Commission following recommendations made by the City Manager. The  
1420 City Commission reserves the right to reject all proposals.
- 1421 (d) In the case of a public emergency presenting certain conditions that might  
1422 adversely affect the life, safety, health or welfare of the residents of the City, or  
1423 when City employees, property or equipment are endangered, or when it is  
1424 necessary to maintain or restore vital services, to address noncompliance with  
1425 state statutes or other regulatory laws and permits or situations which may cause  
1426 major financial impact to the City should immediate action not be taken, the City  
1427 Manager is authorized to negotiate with the best design-build firm available at the  
1428 time, and award a design-build contract. The emergency design-build contract  
1429 shall be presented to the City Commission for ratification at the next scheduled  
1430 Commission meeting.

1431

1432 **SECTION 2. Conflict.** All ordinances or portions of the Code of Ordinances of the City  
1433 of Hallandale Beach in conflict with the provisions of this ordinance shall be repealed to the  
1434 extent of such conflict.

1435

1436 **SECTION 3. Severability.** Should any provision of this ordinance be declared by a court  
1437 of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a  
1438 whole, or any part thereof, other than the part declared to be invalid.

1439

1440 **SECTION 4. Codification.** It is the intention of the Mayor and City Commission that  
1441 the provisions of this ordinance be incorporated into the Code of Ordinances; to effect such  
1442 intention the words "ordinance" or "section" may be changed to other appropriate words.

1443

1444 **SECTION 5. Effective date.** This Ordinance shall take effect immediately upon  
1445 adoption.

1446 PASSED AND ADOPTED on 1<sup>st</sup> reading on May 1, 2013.

1447 PASSED AND ADOPTED on 2<sup>nd</sup> reading on May 15, 2013.

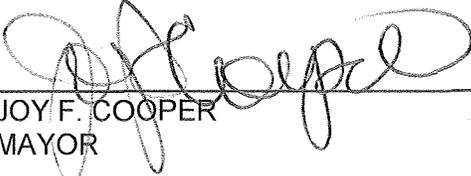
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\_\_\_\_\_  
JOY F. COOPER  
MAYOR

1453 SPONSORED BY: CITY ADMINISTRATION

1454

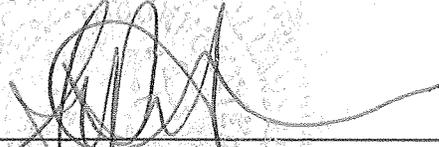
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\_\_\_\_\_  
SHEENA JAMES, CMC  
CITY CLERK

1462

1463 APPROVED AS TO LEGAL SUFFICIENCY  
1464 FORM

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\_\_\_\_\_  
LYNN WHITFIELD  
CITY ATTORNEY

VOTE	
AYE/NAY	
Mayor Cooper	✓ /
Vice Mayor Lewy	✓ /
Comm. Julian	✓ /
Comm. Lazarow	✓ /
Comm. Sanders	✓ /