

ORDINANCE 2017-34

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING PROCUREMENT; ADDING NEW DIVISION 12 TO CHAPTER 2, ARTICLE IV, SECTIONS 2-401 THROUGH 2-420; PROVIDING FOR A PROCUREMENT AND CONTRACTING DEPARTMENT; PROVIDING FOR A PROCUREMENT AND CONTRACTING DEPARTMENT OFFICER; PROVIDING FOR DUTIES OF THE PROCUREMENT AND CONTRACTING OFFICER; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

Sec. 2-401. Establishment; functions.

There is created a procurement and contracting department. The procurement and contracting department shall supervise, oversee, and manage solicitations, informal procurement actions, vendor relations, and contracts for city departments in support of their duties.

Sec. 2-402. Procurement and contracting officer.

The procurement and contracting officer is the head of the procurement and contracting department and director of the procurement and contracting department for the city. The procurement and contracting officer shall be appointed by the city manager, and shall serve at the pleasure of the city manager.

Sec. 2-403. Duties of procurement and contracting officer; exceptions.

- (a) It shall be the duty of the procurement and contracting director to:
- (1) Develop procurement and contracting policies, and manage operations of city procurement and contracting including supplies, contractual services, professional services, construction services, warehousing, inventory, asset management, and capital improvements, except as provided herein;
 - (2) Act as a chief procurement and contracting officer for the city, assuring best practices and value, including making procurement and contracting decisions in the best interest of the city, consistent with the direction and policies of city council;
 - (3) Supervise the bid process from solicitation preparation to contract closeout;
 - (4) Define procurement methods, policies, and solicitation thresholds;
 - (5) Make all bid awards in the best interest of the city subject to final contract approval by city council or a city council designated officer;

- (6) Perform city-wide contracting oversight including drafting, negotiation, and review;
- (7) Authorize emergency purchases in accordance with the procurement policy;
- (8) Prepare and enforce standard specifications;
- (9) Sell, trade, donate, destroy, transfer, exchange, or otherwise dispose of material which is surplus, including salvage;
- (10) Ensure compliance with the procurement code and rules and regulations applicable to the same;
- (11) Oversee projects as directed by the city manager;
- (12) Ensure full and open competition where possible on all purchases and sales;
- (13) Keep informed of current developments in the field of procurement, contracts, market conditions and new products;
- (14) Secure for the city the benefits of research done in the field of procurement and contractual best practices by other governmental jurisdictions, national technical societies, national trade associations and private businesses and organizations;
- (15) Prepare and adopt standard procurement and contracting policies and procedures for using departments, agencies and suppliers;
- (16) Declare vendors who violate the requirements of this procurement code or of city procurement policy; or state or federal law; or who default on their contracts or otherwise demonstrate that they are irresponsible bidders, and discipline them by suspending or banning them from bidding on solicitations and/or receiving business from the city for a stated period of time, subject to review and approval by the city manager or his designee;
- (17) Oversee vendor relations including vendor registration, contract performance, ratings, disputes, and ensuring vendors are treated fairly with open and transparent competition;
- (18) Create and maintain a suspended and disbarred vendor list for vendors who violate or default on the city procurement policy, city procurement ordinances, state or federal law, bid terms and conditions, contracts, purchase orders, amendments or change orders.
- (19) Prepare and maintain a current vendor's list for sources of supplies and services, to which vendors may request to be included;
- (20) Procure goods, services, capital improvements in accordance with applicable laws;
- (21) Assist and advise city departments on policies and methods of procuring goods, services and capital improvements;
- (22) Negotiate and award contracts for goods, services and capital improvements;
- (23) Provide a surplus facility and oversee the transfer and/or disposal of city property; and
- (24) Operate and manage the procurement and contracting department and perform such

other duties and responsibilities as may be assigned by the city manager or his designee in connection with the procurement of goods and services for the city.

- (b) The procurement and contracting department shall have no responsibility for the retention of the city attorney, assistant city attorneys or specially employed attorneys employed at the direction of city council.

Secs. 2-404 -2-420. Reserved.

Section 2. Severability Clause: Should any provision or section of this ordinance be held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. This ordinance shall take effect upon approval by the mayor, or becoming law without such approval.

ATTEST:

By: Angel B. Jacobs
Angel B. Jacobs
City Clerk

CITY OF OCALA

By: Brent R. Malever
Brent R. Malever
President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 3/9/, 2017.

By: Reuben Kent Guinn
Reuben Kent Guinn
Mayor

Approved as to form and legality:

By: Patrick G. Gilligan W. James Gooding III
~~City Attorney~~ ~~Assistant City Attorney~~

Ordinance No: 2017-34
Introduced: 2/21/2017
Adopted: 3/7/2017
Legal Ad No: OSB047953 2/24/17