

ORDINANCE NO. 262

ORDINANCE OF THE TOWN OF WEST MIAMI, FLORIDA,
ESTABLISHING REQUIREMENTS FOR AND PROCEDURES
FOR SEALED BIDS FOR PURCHASES BY THE TOWN AND
ENTRY INTO CONTRACTS BY THE TOWN.

BE IT ENACTED BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF
WEST MIAMI, FLORIDA:

Section 1. Whenever the Administrative Department of the Town desires to make a purchase of any equipment, supplies or material or to enter into any contract for services, labor and material, and the estimated purchase price or cost thereof is in excess of \$150.00, but does not exceed \$350.00, the Mayor shall request quotations of prices for such proposed purchase or contract prior to final purchase or entry into such contract from those contractors and suppliers who have requested in writing that they be allowed to bid on such contracts or purchases.

Section 2. Whenever the Administrative Department of the Town desires to make a purchase of any equipment, supplies or material or to enter into a contract for services, labor and material, the cost of which is estimated to be in excess of \$350.00, the Mayor shall first establish or cause to be established specifications for the equipment, supplies or material or contract desired, and shall send out to a representative number of persons or firms dealing in such products, or contractors engaged in such work, as the case may be, copies of such specifications together with request for sealed bids. Such request shall state the latest time that the bids will be accepted and the time and place of opening such sealed bids, and the time thereafter when the bids will be submitted to the Town Council.

Section 3. All sealed bids shall be opened by the Mayor in the presence of the Town Clerk at the Town Hall during regular business hours at the time and place designated in the request for bids. The opening of bids may be attended by any bidder or agent of any bidder and by any other interested person. Bids received after the time set forth in the request for bids shall not be opened, but shall

be marked by the Town Clerk as having been received after the time for receiving of bids and shall be returned unopened to the bidder. Bids received on time shall be opened by the Mayor, and the Town Clerk shall make a list of the bids setting forth the name and address of the bidder and the amount bid.

Section 4. The Mayor shall make or cause to be made a tabulation of the bids in such form as to advise the Town Council of the pertinent details of such bids and whether or not each bid is regular and complete. As a part of such tabulation, the Mayor shall set forth the recommendations, if any, of the Administration as to the acceptance of the bids or rejection thereof. Each Councilman shall be furnished a copy of the tabulation at the Council Meeting designated in the request for bids, at which meeting the Council shall consider the bids and take such action as it deems appropriate.

Section 5. The Town Council may direct that bids be opened at a council meeting rather than by the Mayor and Town Clerk as provided above, and in such event request for bids shall so provide.

Section 6. The Council may reject any and all bids and all requests for bids should so state.

Section 7. Whenever the Administrative Department is unable to secure three competitive bids from prospective suppliers because of the peculiar nature of the equipment, supplies, material or insurance desired, or because the equipment, supplies or material are patented or manufactured by one company only, the Town Council may, by resolution setting forth the reasons, adopted at the time it receives bids, waive the requirement of three competitive bids and proceed on the basis of the bid or bids received.

Section 8. Whenever the Administration shall determine that any work or project may be done by Town personnel, the requirement of bids may be waived by the Council upon presentation of a certificate from the Town Engineer that in his opinion the work may be done by

Town forces at a cost less than by contract; provided, however, that the requirement of sealed bids for equipment, supplies or material to be used in such project may not be waived, except as hereinabove provided.

Section 9. It is the intent of this ordinance that purchases and contracts be at the lowest prices attainable considering the quality of the services contracted for and of the materials purchased, and it shall be a violation of this ordinance to purchase materials or contract for services in quantities or units smaller or lesser than usual or smaller or lesser than proper purchasing procedures require in an effort to avoid obtaining requests for bids or quotations as required by this ordinance.

Section 10. Penalties. Any person who shall violate any provisions of this ordinance, or who shall solicit the violation thereof by any officer or employee, shall be guilty of a misdemeanor, and upon conviction thereof, shall be imprisoned in the Town Jail for a term not to exceed sixty (60) days, or shall be fined in an amount not to exceed \$500.00, or both so imprisoned and fined.

Section 11. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 12. Ordinances No. 135 and No. 172 of the Town of West Miami are hereby repealed.

PASSED AND ADOPTED this 19th day of May, 1965.

ATTEST:

Bennie Logan
Town Clerk

Arthur J. Blum
President of the Town Council

APPROVED:

Edmund Cooper
Mayor