

City of Coral Gables City Commission Meeting
Agenda Item E-1
October 27, 2009
City Commission Chambers
405 Biltmore Way, Coral Gables, FL

City Commission

Mayor Donald D. Slesnick, II
Vice Mayor William H. Kerdyk, Jr.
Commissioner Maria Anderson
Commissioner Rafael “Ralph” Cabrera, Jr.
Commissioner Wayne “Chip” Withers

City Staff

City Manager, Patrick Salerno
City Attorney, Elizabeth Hernandez
City Clerk, Walter J. Foeman
Deputy City Clerk, Billy Urquia
Assistant City Manager, Dona Spain
Chief Procurement Officer, Michael Pounds

Public Speaker(s)

E-1 [Start: 9:54:49 a.m.]

Ordinance amending the City Code, Chapter 2, entitled “Administration”, Article XIII, entitled “Procurement Code” by correcting scrivener’s errors; by amending the following sections of the Procurement Code: 2-578 Definitions, 2-583 Application of this Code, 2-630 Centralization of procurement authority, 2-650 Authority, 2-678 Exemptions, 2-765 Methods of Source Selection, 2-766 Competitive sealed bidding (formal bids), 2-768 Competitive sealed proposals, 2-772 Special procurements/bid waiver, 2-773 Revenue generating and concession contracts, 2-833 Request for authority to enter in an agreement, 2-834 Contract Administration, 2-845 Right to conduct inspections and audits, 2-869 Determinations, 2-891 Relationship with user department, 2-950 Resolution of protested solicitations, 2-1004 Bid Security, 2-1007 Insurance requirement and 2-1059 Cone of Silence; further adding new sections to the Procurement Code as follows: Sections 2-774 Sole Brand Procurement, 2-775 Standardization and 2-776 Bid Documents; providing for severability, repealer and effective date.

City Attorney Hernandez: Read the above title into the record.

Mayor Slesnick: Please.

Ms. Spain: Good morning. This ordinance contains a number of amendments to update the Procurement Code; the noteworthy items are as follows: Section 2-583 authority of the Commission has been clarified in regard to their current authority to waive the Procurement Code. Under Section 2-678 Exemptions, the Procurement Code has been amended to exempt certain professional service contracts. In Section 2-765 methods of source selection, the Code has been expanded to include sole brand procurement and standardization methods. These new source selection methods have also been added to Section 2-869 Determinations. Provisions related to revenue generating contracts under Section 2-773 have been amended to clarify that both competitive bids and competitive proposals may be used as methods of source selection for these types of contracts. Section 2-833, 2-834 and 2-891, Contract Administration provisions have been amended to take into account the City's new contract management process. Section 2-845 has been amended to permit audits of contracts whenever deemed necessary by the City; Section 2-1004 Bids Security, has been amended to clarify that bid bond amounts may be based on annual contract amounts on multi-year contracts. Section 2-950 has been amended to provide that the City Manager, who has the authority to approve contracts up to \$100,000 for goods and services and construction contracts up to \$25,000, will also have the authority to resolve protests in that same bid threshold range. Those contracts exceeding that threshold will need Commission approval. Section 2-1059, Cone of Silence, along with Sections 2-578 Definitions and 2-768 Competitive Seal Proposals, has been amended to exempt the City Manager and Chief Procurement Officer from the Cone of Silence to allow those responsible for the procurement process to communicate on all procurement matters to ensure that the best interest of the City are met. Michael Pounds, the Chief Procurement Officer and I are here to answer any questions that you might have.

Mayor Slesnick: You have any questions?

Commissioner Cabrera: Yes, I'm just curious, just a lot of changes that are before us; and I don't know, I've never been in Procurement, but what initiates all these changes?- you know, working the ordinance and realizing that the ordinance was not all that it was cracked up to be?

Ms. Spain: Well, these were done to better address the City's needs.

Commissioner Cabrera: They are what?

Ms. Spain: To better address the City's needs, these are updates.

Commissioner Cabrera: OK.

Mr. Pounds: I'm new so I've had an opportunity to come in from the outside and take a look at what we have and make recommendations and changes.

City Manager Salerno: Commissioner, I think the way you characterized it is accurate.

Commissioner Cabrera: Interesting – we just seem to make these changes all the time, and I'm just wondering why can't we get it right the first time?

Mayor Slesnick: Do I have a...well Ralph, one of the things that I had run up against is that I tried to speak to the Manager about an issue, and it basically became impossible for even a Commission member to speak to the Manager about a procurement issue, which is totally disruptive of the system, so. I guess, Mr. Manager something in here addresses that type of situation.

Commissioner Anderson: Cone of Silence.

City Manager Salerno: Yes, staff and I, Dona, Michael, myself went through this ordinance; there were certain sections of it that tied our hands in many respects in order to do our job the way it ought to be done, and this was an effort to update those; and principally with the Cone of Silence the way the Code was written, I could not talk to the Chief Procurement Officer in many instances regarding procurement matters, and that simply needs to be addressed. You need to have a Manager who can talk to the Chief Procurement Officer on procurement matters, and likewise I need the ability at times to talk with the members of the Commission, that's why that change is made.

Mayor Slesnick: Can I have a motion on E-1?

Commissioner Withers: I'll move it.

Commissioner Anderson: I'll second it.

Mayor Slesnick: Moved by Mr. Withers second by Ms. Anderson; any further discussion on the first reading?

Mr. Clerk

Commissioner Withers: Yes

Commissioner Anderson: Yes

Commissioner Cabrera: Yes

Vice Mayor Kerdyk: Yes

Mayor Slesnick: Yes

(Vote: 5-0)

Commissioner Withers: Hey Don, may I ask the City Manager? Mr. City Manager, I don't know how difficult it would be to maybe flow chart out the like an organizational chart on the process of a bid through the system; pictorially, I don't know if that's possible to do from the time the bid is offered. Where I'm getting at is I want to find out where at the end of the day who actually administers these contracts?- I understand Risk Management has responsibility for the insurance side, who has responsibility for compliance as far as payment of the lease or payment of honorariums, or payment of fees?- maybe can be done narratively as opposed to pictorially, but I just see a lot of people administering contracts which maybe we are trying to get our hands around.

City Manager Salerno: You are correct Mr. Withers; there are a lot of people who are involved in Procurement. We can prepare a pictorial presentation of it in a simplistic form, I think that will outline the basics, and we'll be glad to do so.

Commissioner Withers: Thank you.

[End: 10:02:24 a.m.]