

**ORDINANCE NO. 2016-\_\_**

**AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES AMENDING THE CODE OF THE CITY OF CORAL GABLES BY AMENDING ARTICLE VIII "PROCUREMENT CODE" OF CHAPTER 2 "ADMINISTRATION" ALLOWING FOR THE CITY MANAGER TO ISSUE AN ALTERNATE RECOMMENDATION TO THE CITY COMMISSION, OTHER THAN THE SELECTION COMMITTEE'S, WITHOUT REQUIRING A BID WAIVER"; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City Code, for competitive sealed proposals, directs the Chief Procurement Officer to appoint an evaluation committee; and

**WHEREAS**, the evaluation committee is tasked with evaluating the proposals submitted and making a recommendation to the Chief Procurement Officer; and

**WHEREAS**, the City Manager is presented the recommendation of the evaluation committee and may then recommend to the City Commission; and

**WHEREAS**, under the current Code, the City Manager may recommend the following to the City Commission: (i) approve the recommendation of the evaluation committee; (ii) reject the evaluation committee's recommendation and instruct the evaluation committee to re-evaluate and make further recommendations; (iii) reject all proposals; or (iv) recommend to the City Commission that all proposals be rejected; and

**WHEREAS**, the City Commission desires to allow the City Manager to make an additional recommendation when the City Manager determines that it would be most advantageous for the City to recommend an alternate responsible offeror.

**NOW THEREFORE BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** The forgoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Chapter 2, Article VIII, Division 3, Subdivision 3 of the City of Coral Gables' Municipal Code, "Source Selection and Contract Formation," is hereby amended to read as follows<sup>1</sup>:

---

<sup>1</sup> Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underlining.

(h) Award. Consistent with the provisions of section 2-828 (Contract award), award shall be made to the responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

- (1) After reviewing the evaluation committee's recommendation, the city manager may:
  - a. Approve the recommendation of the evaluation committee, written notice of which shall be provided to all offerors. Any contract for supplies and services not exceeding \$100,000.00 or a contract for construction not exceeding \$25,000.00 may be awarded by the city manager. Otherwise, the city manager shall submit the recommendation to the city commission;
  - b. Reject the evaluation committee's recommendation and instruct the evaluation committee to re-evaluate and make further recommendations;
  - c. Reject the evaluation committee's recommendation and recommend directly to the city commission an alternate responsible offeror, which the City Manager determines is most advantageous for the city, without the requirement of a bid waiver;
  - d. Reject all proposals; or
  - e. Recommend to the city commission that all proposals be rejected.

**SECTION 3. SEVERABILITY.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 4. REPEALER.** All ordinances or parts of ordinances in conflict herewith, are hereby repealed.

**SECTION 5. CODIFICATION.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made a part of the City of Coral Gables Code of Ordinances; and that the sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or such appropriate work or phrase in order to accomplish such intentions.

**SECTION 6. EFFECTIVE DATE.**

This Ordinance shall become effective upon adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., 2016.

APPROVED:

JIM CASON  
MAYOR

ATTEST:

WALTER J. FOEMAN  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

CRAIG E. LEEN  
CITY ATTORNEY