



# Town of Cutler Bay

Town Hall  
10720 Caribbean Blvd  
Cutler Bay, FL 33189

## Legislation Details (With Text)

**File #:** Item # 2019-43      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Second Reading

**File created:** 2/14/2019      **In control:** Town Council

**On agenda:** 4/17/2019      **Final action:** 4/17/2019

**Title:** AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 24-43 OF THE TOWN CODE, "PURCHASES OF MORE THAN \$5,000.00 BUT LESS THAN \$25,000.00;" PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (\*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting)

**Sponsors:** Sue Ellen Loyzelle

**Indexes:**

**Code sections:**

**Attachments:** 1. Council Memo-2nd Reading-Amending Section 24-43 Purchasing Guidelines, 2. Council Memo-2nd Reading-Attachment A-Advertisement, 3. Ordinance-2nd Reading-Amending Section 24-43 Purchasing Guidelines, 4. Council Memo-1st Reading-Amending Section 24-43 Purchasing Guidelines, 5. Ordinance-1st Reading-Amending Section 24-43 Purchasing Guidelines

Date	Ver.	Action By	Action	Result
4/17/2019	1	Town Council	approved on second reading	Pass
3/20/2019	1	Town Council	deferred	Pass
2/20/2019	1	Town Council	approved on first reading	Pass

## MEMORANDUM

**To:** Honorable Mayor and Town Council

**From:** Sue Ellen Loyzelle, Vice Mayor

**Date:** April 17, 2019

**Re:** Amending Section 24-43 of the Town Code Purchasing Guidelines  
*(Second Reading) \*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting*

*\* Changes between 1<sup>st</sup> and 2<sup>nd</sup> reading are highlighted in yellow double strikethrough/ double underline*

## **REQUEST**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AMENDING SECTION 24-43 OF THE TOWN CODE, “PURCHASES OF MORE THAN \$5,000.00 BUT LESS THAN \$25,000.00;” PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (*\*previously deferred per March 20, 2019 Regular Town Council Meeting to date certain April 17, 2019 Regular Town Council Meeting*)**

## **BACKGROUND AND ANALYSIS**

The Town of Cutler Bay maintains purchasing guidelines that are codified in Chapter 24 of the Town Code. Pursuant to Chapter 24, Article II, Section 24-43, the Town Manager is authorized to purchase or contract, without Town Council approval, for materials, supplies, equipment, improvements or services where the total amount expended is in excess of \$5,000.00, but which is less than \$25,000.00, provided that three (3) competitive quotations are obtained.

Section 24-66 of the Town Code identifies sole source availability as an exemption from the competitive formal bidding process, upon filing a written request by the Town Manager outlining the conditions and circumstances involved. I am requesting to amend Section 24-43 of the Town Code, to allow the Town Manager to request a waiver of the requirements of this section, of obtaining three (3) quotes. The Town Manager may waive the requirements of this section where the Town Manager has made a written recommendation that, based on specific circumstances, there is Sole-Source availability or it is impractical to comply with the requirements of this section for a specific purchase. The Town Manager will forward the written recommendation to the Town Attorney for confirmation.

## **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Ordinance amending Chapter 24, Article II, Section 24-43 of the Town Code, authorizing the Town Manager to waive the requirements of obtaining three (3) quotes when there is a sole source availability or it is impractical to comply with the requirements.

## **ATTACHMENTS**

- Attachment “A” - Advertisement Miami Herald (*dated April 7, 2019*)