

**ORDINANCE 2009-12**

**AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, AMENDING RULES AND PROCEDURES FOR THE PROCUREMENT OF PROFESSIONAL SERVICES TO CONFORM TO THRESHOLD AMOUNTS ESTABLISHED BY FLORIDA STATUTES §287.055 FOR CONTINUING CONTRACTS FOR PROFESSIONAL SERVICES; TO CONFORM TO ADVERTISING REQUIREMENTS ESTABLISHED BY FLORIDA STATUTE §255.0525 FOR MUNICIPAL PUBLIC WORKS; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Commission of the City of Lake Wales, Polk County, Florida,

**SECTION 1.** Chapter 2, Administration, Lake Wales Code of Ordinances is hereby amended to read as follows:

**Art. IV. Procurement of Property and Services.**

**DIVISION 3. PROCUREMENT OF PROFESSIONAL SERVICES**

**Sec. 2-424. Definitions.**

*Continuing Contract.* A contract for professional services entered into in accordance with all the provisions of this division between the city and a firm whereby the firm provides professional services to the city for projects in which construction costs do not exceed ~~\$500,000~~ \$1,000,000, for study activity when the fee for such service does not exceed ~~\$25,000~~ \$50,000 or for work of a specified nature as outlined in the contract required by the city, with no time limitation except that the contract shall provide a termination clause.

**DIVISION 5. PROCUREMENT OF CONSTRUCTION SERVICES**

**Sec. 2-457. Additional requirements for procurement of services for municipal public works projects.**

In addition to all other requirements of this article pertaining to procurement of commodities and services and in accordance with section 180.24, F.S., the following requirements shall apply to the procurement of commodities and services for public works projects as defined in section 2-455:

(a) All contracts for the construction, extension or expansion of public works shall be in writing and the contractor shall be required to provide a bond executed by a surety company authorized to do business in the state; provided, however, that contracts in excess of CATEGORY TWO (\$25,000) shall be advertised by the publication of a notice in the legal section of a newspaper of general circulation in the county at least once each week for 2 consecutive weeks, or by posting three notices in three conspicuous places in the city, one of which shall be the public notices board in city hall; and that a minimum of 10 days shall elapse between the date of the first publication or posting of such notice and the date of receiving bids and the execution of contract documents.

(b) All contracts for the purchase, lease or renting of materials or equipment to be used in the accomplishment of any public works project shall be in writing; provided, however, that where said contract for the purchase, lease or renting of materials or equipment is in excess of ~~CATEGORY TWO (\$25,000)~~ \$10,000, notice or advertisement for bids on the same shall be published in accordance with the provisions of subsection (a) herein.

(c) The solicitation of competitive bids or proposals for any construction project that is projected to cost more than \$200,000 shall be publicly advertised at least once in a newspaper of general circulation in the county at least 21 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. The solicitation of competitive bids or proposals for any construction project that is projected to cost more than \$500,000 shall be publicly advertised at least once in a newspaper of general circulation in the county at least 30 days prior to the established bid opening and at least 5 days prior to any scheduled prebid conference. Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement. In cases of emergency, the procedures required in this section may be altered by the city commission in any manner that is reasonable under the emergency circumstances.

(d) If the location, date, or time of the bid opening changes, written notice of the change must be given, as soon as practicable after the change is made, to all persons who are registered to receive any addenda to the plans and specifications.

(e) A construction project may not be divided into more than one project for the purpose of evading the requirements in this section.

(f) As used in this section, the term "emergency" means an unexpected turn of events that causes:

- 1) An immediate danger to the public health or safety;
- 2) An immediate danger of loss of public or private property; or
- 3) An interruption in the delivery of an essential governmental service.

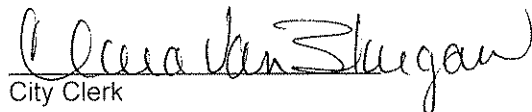
**SECTION 2.** If any clause, section, or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

**SECTION 3.** This ordinance shall take effect immediately upon adoption by the City Commission of the City of Lake Wales, Polk County, Florida.

**CERTIFIED AS TO ADOPTION** this 5<sup>th</sup> day of May, 2009.

  
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Mayor/Commissioner

ATTEST

  
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City Clerk