

ORDINANCE No. 2025-46

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING PORTIONS OF CHAPTER 2, ARTICLE V OF THE CITY'S CODE OF ORDINANCES RELATING TO PURCHASING AND PROCUREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Doral ("City") has codified its processes for the purchasing and procurement of equipment, services and goods; and

WHEREAS, from time to time, it is necessary to review and revise the City's Code to reflect the City's growth, its needs, and adopt best practices; and

WHEREAS, the following changes provide the necessary changes to the City's Purchasing and Procurement Code that will provide greater efficiencies without affecting existing safeguards and transparency; and

WHEREAS, the changes contained in this Ordinance are in the City's best interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2. Amending Chapter 2, Article V., Purchasing and Procurement.

Sec. 2-318. - Purchasing limitations; competitive bidding.

- (a) *Purchases less than \$50,000.00.* Purchases of, or contracts for materials, supplies, equipment, improvements or services for which funds are provided in the budget, where the total amount to be expended is not in excess of Thirty Thousand Dollars (\$30,000.00), may be made or entered into by the City Manager after obtaining a quote reflecting the price for the value of the desired materials,

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supplies, equipment, improvements or services. Purchases of, or contracts for materials, supplies, equipment, improvements or services which funds are provided in the budget, where the total amount to be expended is between \$30,000 and \$50,000.00, may be made or entered into by the City Manager, after using best efforts to obtain three quotes reflecting the price for the value of the desired materials, supplies, equipment, improvements or services without a submittal to the city council and without competitive bidding. Single purchases or contracts in excess of \$50,000.00 shall not be broken down to amounts less than \$50,000.00 to avoid the requirements of this subsection.

- (b) *Purchases in excess of \$50,000.00.* The city council shall approve all purchases of or contracts for materials, supplies, equipment, public improvements or services where the total amount to be expended is more than \$50,000.00. Purchases in excess of \$50,000.00 shall be in compliance with the competitive bidding requirements set forth in [section 2-319](#).
- (c) *Exceeding budget appropriation.* The city manager may not purchase or contract for any item or service which exceeds any budget appropriation until such a time as the city council amends the budget to increase the appropriation to the applicable level.
- (d) *Change orders or contract amendments.* The city manager may approve any change orders or contract amendments so long as the total sum of all change orders or contract amendments does not exceed the total amount awarded by the city council by more than either ten percent of the contract cost or \$50,000.00, whichever is less. No increase in contract price shall be approved unless there are sufficient funds available for such purpose.
- (e) *Purchases made during declared emergencies.* The city manager may, upon declaration of an emergency by local, state or federal officials, or when there exists an immediate threat or danger to public health, safety or welfare, loss of public or private property, or interruption in the delivery of an essential governmental service, authorize purchases that exceed the city manager's authority. However, all such purchases must be approved by the city council at the earliest regular or special public meeting thereafter.

Sec. 2-323. - Exemptions from competitive bidding.

The following types of payments and purchases shall be exempt from the competitive procurement procedures outlined in this article but must be approved in accordance with the authorized individual thresholds as established in [section 2-318](#):

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- (1) Transactions described in [sections 2-321](#) and [2-322](#).
- (2) Contracts for professional services shall mean those services defined by applicable local, State, or Federal law.
- (3) Other contracts as provided by state law.
- (4) Emergency purchases as defined herein.
- (5) Training, academic programs, lectures, educational services, or seminars, specialized services and recreational instructors.
- (6) Artistic services which are original and creative in character and skill in a recognized field of artistic endeavor such as music, dance, drama, painting, sculpture and the like.
- (7) Performing artists and entertainers as approved by the city manager/purchasing agent when deemed in the city's best interests, for the benefit of the citizens of the city, and the general public at any city function.
- (8) *Specialty Goods and Services:* procurement of or contracts for specialty goods and services (including but not limited to performing artists, artwork, special events, entertainment, and food and beverage) may be made or entered into by the City Manager without utilizing a sealed competitive method or the written quotations method. Procurements where the expenditure is estimated to be \$50,000.00 or greater shall be subject to approval by the City Council.
8. (9) Legal services, including attorney, paralegal, expert witness, appraisal, or mediator services, except as otherwise provided by the city charter.
9. (10) Health and medical services, including drug testing, wellness activities and pharmacy services.
10. (11) Animal services, including veterinary services and the acquisition or training of animals.
- ~~11.~~ (12) Utilities, including but not limited to, electric, water, natural gas (excluding fuel/diesel purchases), sewage and solid waste collection, and telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity, data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").

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~~12-~~ (13) *Sole source purchases.* Supplies, equipment or services available from a sole source only may be exempted from the bidding requirements of this chapter by the city manager upon the filing of a written request by a department head to the city manager outlining the conditions and circumstances involved, after conducting a good faith review of available sources, a contract may be awarded without competition when the city manager or purchasing agent determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, brand, service, or construction item capable of fulfilling the needs of the city. The city manager or purchasing agent shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be available as a public record and shall identify each purchase order and/or contract.

(14) *Single source procurements.* Purchases by the city for purposes of standardization, compatibility, continuity of service, or cost-effectiveness of materials or equipment.

~~13-~~ (15) *Insurance.* Purchases of insurance through the city's agent of record are exempt from the competitive bid and competitive proposal requirements.

~~14~~ (16) Memberships and associated fees.

~~15~~ (17) Subscriptions, books and publications.

~~16~~ (18) Travel (hotel, registration, transportation).

~~17-~~ (19) Regulatory or government licenses and permits.

~~18-~~ (20) Notary services.

~~19-~~ (21) Recording fees.

~~20.~~ (22) Title insurance, and title searches.

~~21-~~ (23) Court reporting services.

~~22-~~ (24) Software modification services by the copyright holder, maintenance agreements, and related software enhancements to install software purchased through competitive means.

~~23-~~ (25) Shipping services, including postage, overnight delivery, courier services and mailing costs.

24 ~~(26)~~ *Service and warranty.* Servicing or warranty work of equipment by the authorized dealer or manufacturer's representative, when required to maintain a warranty in full force and effect, or when considered to be in the best interest of the city and recommended by the using department, and the services to be performed are by the equipment manufacturer, manufacturer's service representative, or a distributor of the manufacturer's equipment.

25 ~~(27)~~ Purchase of construction materials included in the scope of a construction contract in order to realize the tax savings, in accordance with F.S. § 212.08(6).

26 ~~(28)~~ Real property (land or buildings) purchase, lease or rental.

27 ~~(29)~~ Advertisements, radio, newspapers, magazines, professional organizations, trade shows, television, and any other related media.

28 ~~(30)~~ Products purchased from the blind, and other severely impaired persons (RESPECT) in accordance with F.S. §§ 413.032, 413.033 and 413.036.

Sec. 2-338. - Formal.

- (a) *Right to protest on formal solicitations.* The following procedures shall be used for resolution of protested formal solicitations and awards:
 - (1) *Protest of solicitations.* Any actual or prospective bidder or offeror who perceives itself aggrieved in connection with the solicitation of a contract may file a written protest with the city clerk within five business days prior to the date set for opening of bids or receipt of proposals.
 - (2) *Protest of award.* Any actual bidder or offeror who perceives itself aggrieved in connection with the recommended award of a contract may file a written protest with the city clerk. The protest shall be filed within three business days after such aggrieved person knows or should have known of the facts giving rise thereto.
- (b) *Authority to resolve protests.* The chief procurement officer, after consultation with the city attorney, shall issue a written decision within ten days after receipt of the protest. Said decision shall be sent to the city manager with a copy to the protesting party. The city manager may then either resolve the protest or reject all proposals. The decision shall be sent to the city council. Any aggrieved person may appeal the decision of the city manager to award a solicitation or bid within five days of issuance of a written decision. Upon appeal of the decision of the city manager, the decision shall be submitted to the city council for approval or disapproval thereof.

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- (c) *Stay of procurements during protests.* Upon receipt of a written protest filed pursuant to the requirements of this section, the city shall not proceed further with the solicitation or with the award of the contract until the protest is resolved by the city as provided in subsection (b) of this section, unless the city manager, after consultation with the head of the using department and city attorney, makes a written determination that the solicitation process or the contract award must be continued without delay in order to protect substantial interests of the city.
- (d) *Filing fee.* Within three business days after filing the written protest, the protestor must submit to the city clerk a filing fee in the form of a money order or cashier's check, payable to the city, in an amount equal to one percent of the amount of the bid or proposed contract, or ~~\$1,000.00~~ \$10,000.00, whichever is less. The filing fee shall guarantee the payment of all costs which may be adjudged against the protestor in any administrative or court proceeding. If the protest is denied, the filing fee shall be forfeited to the city in lieu of payment of costs for the administrative proceedings. If the protest is upheld by the city, the filing fee shall be refunded to the protestor.
- (e) *Entitlement to costs.* In addition to any other relief, when a protest is sustained and the protesting bidder or offeror should have been awarded the contract under the solicitation but is not, then the protesting bidder or offeror shall be entitled to the reasonable costs other than attorney's fees.
- (f) *Compliance with filing requirements.* Failure of a party to file the protest or submit the filing fee on a timely basis shall constitute a forfeiture of such party's right to file a protest pursuant to this section. The protesting party shall not be entitled to seek judicial relief without first having followed the procedures set forth in this section.

Section 3. Conflicts. All ordinances, or parts of ordinances in conflict herewith be, and the same, are hereby repealed.

Section 4. Severability. If any section, subsection, clause or provision of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, the remainder shall not be affected by such invalidity.

Section 5. Incorporation into the Code. It is the intention of the Mayor and the City Council, that the provisions of this Ordinance shall become and made a part of

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the Code of Ordinances of the City of Doral, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions.

Section 6. Effective Date This Ordinance shall be effective immediately upon passage by the City Council on second reading.

The foregoing Ordinance was offered by _____, who moved its adoption. The motion was seconded by _____ upon being put to a vote, the vote was as follows:

Mayor Christi Fraga	_____
Vice Mayor Digna Cabral	_____
Councilman Rafael Pineyro	_____
Councilwoman Maureen Porras	_____
Councilwoman Nicole Reinoso	_____

PASSED AND ADOPTED on FIRST READING this 12 day of November, 2025.

PASSED AND ADOPTED on SECOND READING this ____ day of _____, 2025.

CHRISTI FRAGA, MAYOR

ATTEST:

CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

LORENZO COBIELLA
GASTESI, LOPEZ, MESTRE & COBIELLA, PLLC
CITY ATTORNEY

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