

ORDINANCE NO. 24 -05

AN ORDINANCE OF MARION COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE VII OF THE MARION COUNTY CODE OF ORDINANCES RELATING TO PROCUREMENT; AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-239 OF THE MARION COUNTY CODE TO MODIFY SMALL PROCUREMENT MONETARY GUIDELINES AND REVISE SUBSECTIONS; AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-253 OF THE MARION COUNTY CODE TO AUTHORIZE DEPARTMENTAL EXPENDITURES ON FOOD, BEVERAGES AND SMALL BASIC APPLIANCES RELATING TO PUBLIC PURPOSES AND PURSUANT TO REIMBURSEMENT GUIDELINES; AMENDING CHAPTER 2, ARTICLE VII, SECTION 2-253 OF THE MARION COUNTY CODE TO RENUMBER IT TO SECTION 2-254; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR CUMULATIVE EFFECT; PROVIDING FOR FILING WITH THE SECRETARY OF STATE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Marion County ensures fair, equitable and efficient public procurement of goods and services through the County's centralized procurement system; and

WHEREAS, the County's procurement system is governed by the rules, regulations and procedures set forth in the Procurement Code found at Chapter 2, Article VII of the Marion County Code; and

WHEREAS, the Board of County Commissioners desires to amend Chapter 2, Article VII, to strengthen and update the provisions of the Procurement Code; and

WHEREAS, the adoption of this Ordinance will promote the health, safety, and welfare of the citizens as well as protect the County's expenditures of public funds.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA:

Section 1. Section 2-239 Amendments. Per section 1-6.3 -Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 2** of the Marion County Code, Administration, **Article VII**, Procurement Code, **Section 2-239**, Procurement card, is hereby amended to read as follows (additions are shown in underline text and deletions are shown in ~~strikeout~~ text):

Sec. 2-239. - Small procurements.

Any procurement of less than fifty thousand dollars (\$50,000.00) may be made on the open market without formal bidding. Such procurement, when practicable, shall utilize informal competitive procurement procedures, utilizing a competitive oral or written

request for quotations for goods and services. Awards shall be made to the vendor providing the most value to the county. Procurements shall not be artificially divided so as to constitute a procurement of less than fifty thousand dollars (\$50,000.00).

(1) The following are the guidelines to be used for formal and informal quoting:

a. \$2,500.00 or below—Purchase through purchase order or purchasing card as per purchasing card guidelines and procedures manual.

b. \$2,500.01 to ~~\$10,000.00~~ \$49,999.99—Departments shall request three (3) or more written quotes which can include, but are ~~is~~-not limited to, copies of internet pricing, and receive prior approval of department director or county administrator's authorized designee by purchase order or purchasing card. Departments shall follow the local business program process in notifying vendors of all quote opportunities.

~~e. \$10,000.01 to \$50,000.00—Department shall request, in writing, that the procurement services department solicit written quotes from vendors using county vendor files and the local business program files. Department shall issue a requisition or utilize a purchasing card and receive prior approval from the department head and assistant county administrator or county administrator authorized designee.~~

~~c. d.~~ All purchases five thousand dollars (\$5,000.00) and over shall be approved by department director or his/her designee, and by Finance and Procurement. Purchases shall have prior documented approval by memo, email or approval in the electronic requisition system, by the department ~~director~~ head.

~~d. e.~~ All purchases twenty-five thousand dollars (\$25,000.00) and over shall have prior documented approval by memo, email or approval in the electronic requisition system by the department director or his/her authorized designee, the county administrator or assistant county administrator or his/her authorized designee, finance and procurement.

~~e. f.~~ All purchases, with the exception of emergency purchases described in this article, fifty thousand dollars (\$50,000.00) and over shall be approved by the department director or his/her authorized designee, the county

administrator or assistant county administrator or his/her authorized designee, finance, procurement and the board of county commissioners at a regularly scheduled board of county commissioners meeting under the procurement services consent agenda.

Section 2. Section 2-253 Amendments. Per section 1-6.3 -Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 2** of the Marion County Code, Administration, **Article VII**, Procurement Code, **Section 2-253** is hereby amended by adding a section (additions are shown in underline text), which section reads as follows:

Sec. 2-253. Food, Beverage and Appliances.

(1) With respect to food and beverage expenditures, the board of cCounty commissioners hereby approves that its Departments may budget, in their operating-supplieexpenses, for food and beverages for any of the following County purposes:

- a. For a public event, such as ribbon cutting ceremonies, job fairs, vendor training, citizen's academy and other events held for citizens or businesses.
- b. For field personnel during warm weather months or extreme weather conditions.
- c. For activities and programs at the County's summer camp.
- d. For educational programs and events for Community Centers.
- e. During natural disasters which have been publicly declared by the Board of County Commissioners.
- f. For graduation, promotional ceremonies and recognition events.
- g. For trainers that come to Marion County from another county, to administer tests for employees and only for those that do not charge a fee for their services.
- h. Refreshments provided in public areas for consumption by citizens while waiting for service.
- i. For external or internal training events and educational programs.
- j. For any other events or occasions as approved by the County Administrator.

(2) Food and beverage purchases should be budgeted in the appropriate fiscal year and under operating supplies. The county purchasing card or purchase order may be utilized for purchases that meet the criteria outlined above. Receipts/Invoices must be clearly marked listing the reason for the purchase (name of disaster, event, name of program, etc.), coded accordingly, signed and submitted to the Procurement Services Department. Purchase of these items must follow the same approval thresholds as outlined in Section 7 of the Procurement Manual. COUNTY FUNDS SHALL NOT BE EXPENDED FOR ALCOHOLIC BEVERAGES.

(3) With respect to small or basic appliances, the County hereby approves that departments may budget for their acquisition placement and declares that the primary benefit of equipping the workplace with these items accrues to the benefit of the County, notwithstanding a collateral benefit to the employee. Equipping the workplace in this manner provides operational benefits to the County, such as employee health and productivity, is reasonably related to the efficient performance of departmental activities and provides other benefits to County Departments, including the assurance of a safe workplace. Therefore, County Departments may budget for the replacement of these items in their respective departments. Appliances are limited to a basic model refrigerator, microwave, toaster and coffee pot. Appliance purchases are to be budgeted in the appropriate fiscal year and under operating supplies. County Fire Stations are excepted, as those are equipped in accordance with Union contract.

(4) To duly identify and document legitimate expenditures for public purposes, County Departments will provide documentation Reimbursement Guidelines for eligible food, beverages, and appliance expenditures utilizing policies and procedures as outlined above and which will be included in the Procurement Policies and Procedures Manual.

Section 3. Section 2-253 Amendments. Per section 1-6.3 -Amendments to Code; effect of new ordinance; amendatory language, of the Marion County Code, **Chapter 2** of the Marion County Code, Administration, **Article VII**, Procurement Code, **Section 2-253**, Local business program, is hereby amended to be renumbered as Section 2-254, to read as follows:

Sec. 2-25354. - Miscellaneous provisions.

(a) In all cases of procurement brought before the board of county commissioners, whether by bids, sealed proposals, competitive negotiations or otherwise, the board of county commissioners reserves the right to reject any and all bids, sealed proposals or negotiations, and cancel the procurement as they may deem in the best interest of the county.

(b) In all procurements or procurement contracts, including those to be executed by the chairman of the board of county commissioners, such contracts shall

include a provision that payments by the county shall be made under the county's established procedure for payment following receipt of invoice.

(c) In all procurements in which there is a requirement for insurance and/or surety bond, the vendor shall provide such insurance requirements and bond requirements in the form and in the amount acceptable to the county, prior to the effective date of the procurement contract, or sooner if so stated in the bid specifications. All insurance and surety requirements shall be approved by the county's risk management department.

(d) A travel policy and procedures will be included in the procurement policy and Procedure manual and will establish a policy for authorizing and obtaining reimbursement for official travel by employees and non-employees (individuals under contract such as public financial management and appointed advisory boards of the Marion County Board of County Commissioners).

Section 4. Inclusion in the Code. It is the intent of the Board of County Commissioners of Marion County, Florida, and it is hereby provided that the provisions of this ordinance shall become and be part of the Marion County, Florida Code of Ordinances; that the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intent; and that the word "ordinance" may be changed to "section," "article," or other appropriate designation.

Section 5. Conflicting Provisions. In the event of any conflict between any provision of this Ordinance and any provision of another section of the County Code, the provisions of this Ordinance shall govern.

Section 6. Severability. Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase or term or the application thereof to any person or circumstance is held preempted or invalid by a Court of appropriate jurisdiction, the application to other persons or circumstances shall not be affected thereby, and the validity of this Ordinance in any and all other respects shall not be affected thereby. The Board of County Commissioners do not intend this Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional as constitutionally permitted construction is intended and shall be given.

Section 7. Applicability. This Ordinance shall be applicable in the unincorporated area of Marion County, Florida.

Section 8. Ordinance Cumulative. This Ordinance shall be cumulative and in addition to any other laws or ordinances in force in Marion County.

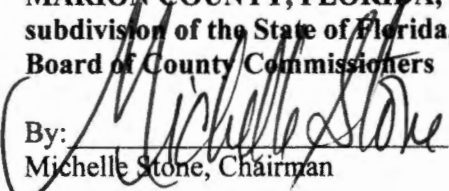
Section 9. Filing with Secretary of State. A certified copy of this Ordinance shall be filed with the Secretary of State by the Clerk within ten (10) days after enactment by the Board of County Commissioners, as provided in Section 125.66(2)(b), Florida Statutes.

Section 10. Effective Date. This Ordinance shall become effective upon receipt of confirmation that it has been filed with the Office of the Secretary of State of the State of Florida.

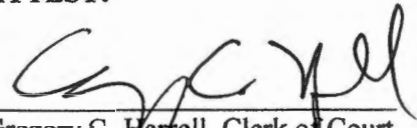
DULY ADOPTED this 6th day of February, 2024.

COUNTY

MARION COUNTY, FLORIDA, a political subdivision of the State of Florida, by its Board of County Commissioners

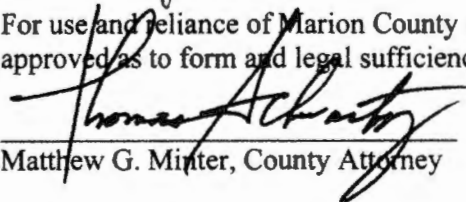
By: 
Michelle Stone, Chairman

ATTEST:


Gregory C. Hartell, Clerk of Court and Comptroller

RECIEVED NOTICE FROM SECRETARY OF STATE ON MARCH 7, 2024 ADVISING ORDINANCE WAS FILED ON MARCH 7, 2024.

For use and reliance of Marion County only, approved as to form and legal sufficiency:

For: 
Matthew G. Minter, County Attorney