



## **AGENDA ITEM COVER PAGE**

**File ID: #18982**

### **Ordinance**

**Sponsored by: Christine King, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ARTICLE III OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "FINANCE/CITY OF MIAMI PROCUREMENT ORDINANCE," BY AMENDING SECTIONS 18-73 AND 18-111, TITLED "DEFINITIONS," AND "CONTRACTS OF OTHER GOVERNMENTAL ENTITIES," RESPECTIVELY, TO DEFINE "COOPERATIVE PURCHASING ORGANIZATION," AND AUTHORIZE THE CITY MANAGER TO UTILIZE COMPETITIVELY AWARDED CONTRACTS OF OTHER GOVERNMENTAL ENTITIES AND COOPERATIVE PURCHASING ORGANIZATIONS SUBJECT TO SPECIFIED CONDITIONS, REPORTING, AND COMMISSION NOTICE FOR CERTAIN PURCHASES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 18982**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 18/ARTICLE III OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "FINANCE/CITY OF MIAMI PROCUREMENT ORDINANCE," BY AMENDING SECTIONS 18-73 AND 18-111, TITLED "DEFINITIONS," AND "CONTRACTS OF OTHER GOVERNMENTAL ENTITIES," RESPECTIVELY, TO DEFINE "COOPERATIVE PURCHASING ORGANIZATION," AND AUTHORIZE THE CITY MANAGER TO UTILIZE COMPETITIVELY AWARDED CONTRACTS OF OTHER GOVERNMENTAL ENTITIES AND COOPERATIVE PURCHASING ORGANIZATIONS SUBJECT TO SPECIFIED CONDITIONS, REPORTING, AND COMMISSION NOTICE FOR CERTAIN PURCHASES; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Chapter 18/Article III of the Code of the City of Miami, Florida, as amended ("City Code"), titled "Finance/City of Miami Procurement Ordinance," establishes requirements and procedures governing City of Miami ("City") procurement, including the receipt and evaluation of unsolicited proposals; and

WHEREAS, Section 18-111 of the City Code currently authorizes the City, in lieu of other City competitive bidding procedures, to utilize competitively awarded contracts secured by or on behalf of other governmental entities, subject to specified findings and approval thresholds; and

WHEREAS, it is beneficial to the City as a whole, that Section 18-111 be updated to include Cooperative Purchasing Organizations ("Cooperatives") and to include the delegation to the City Manager to purchase any necessary goods and/or services that were competitively solicited and vetted by other governmental entities or Cooperatives; and

WHEREAS, such delegation to the City Manager will substantially reduce the goods and services procurement cycle time by five (5) to seven (7) months for Invitation for Bids ("IFB") and by eight (8) to ten (10) months for Request for Proposals ("RFP") or Request for Qualifications ("RFQ"); and

WHEREAS, such delegation will create administrative efficiencies through the reduction of the volume of agenda items prepared by the Procurement Department ("Procurement") of which the average time spent on a procurement agenda item cradle to grave is between four (4) to ten (10) weeks; and

WHEREAS, transitioning from individual legislative awards to a delegation of authority to the City Manager model reduces the volume of routine ministerial agenda items; therefore, the City can optimize staff efficacy, allowing Procurement to focus on complex City-specific RFPs, RFQs and IFBs; and

WHEREAS, by streamlining the acquisition process to access pre-vetted, competitively solicited goods and services awarded by other governmental entities or Cooperatives will significantly enhance the City's operational agility, drastically reducing procurement lead times and ensuring that essential goods and services reach City constituents with greater speed and

fiscal efficiency and thereby ensuring that the City's procurement function serves as a catalyst for progress rather than an administrative hurdle; and

WHEREAS, the City Commission finds that, when it is in the City's best interest, the City should be able to utilize competitively awarded contracts awarded by or on behalf of other governmental entities and by cooperative purchasing organizations, while requiring (i) equivalent pricing structure and equal or better pricing, (ii) confirmation of required funding and budgetary approvals, (iii) quarterly reporting to the City Commission of purchases made under such authority, and (iv) advance notice to the City Commission for purchases exceeding \$5,000,000.00 with an opportunity for City Commission review; and

WHEREAS, the City Commission desires to amend the City Code accordingly;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 18/Article III of the City Code is further amended in the following particulars:<sup>1</sup>

"CHAPTER 18"

FINANCE

\* \* \*

ARTICLE III. CITY OF MIAMI PROCUREMENT ORDINANCE

\* \* \*

Sec. 18-73. – Definitions.

\* \* \*

*Cooperative purchasing means:*

- (1) Procurement conducted on behalf of two (2) or more public entities;
- (2) The combining of requirements of two (2) or more public entities in order to obtain the benefits of volume purchasing and/or reduction in administrative expenses.

*Cooperative purchasing organization means a public entity, not-for-profit organization, or other organization that conducts, sponsors, administers, or aggregates cooperative purchasing and that awards contracts for use by multiple public entities pursuant to a competitive solicitation process.*

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<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Sec. 18-111. – Contracts of other governmental entities or cooperative purchasing organizations.

~~Notwithstanding all other provisions of this article, in the purchase of necessary goods and/or services the city may, in lieu of other city competitive bidding procedures, accept a competitive bid which has been secured~~ purchase any necessary goods and/or services by utilizing contracts awarded by or on behalf of any federal, state, county, or municipal government or from any other governmental entity, state-funded institutions and not-for-profit organizations, or any cooperative purchasing organization; each such contract, an "Underlying Contract," subject to a determination by the chief procurement officer that the contract was entered into pursuant to a competitive process in compliance with city laws, policies and procedures; provided, however, that in the purchase of goods or services in excess of \$25,000.00, such contracts shall be approved by the city manager, and purchases of goods or services in excess of \$50,000.00, shall be subject to approval by the city commission. The city manager is authorized to purchase any necessary goods and/or services utilizing an Underlying Contract under this section, provided that such purchase may only be effectuated upon compliance with the following:

- (a) the Underlying Contract was entered pursuant to a competitive process in compliance with city laws, policies, and procedures, as determined by the chief procurement officer;
- (b) the goods and/or services to be purchased are within the scope of the Underlying Contract, the purchase is made on the same pricing basis and method of compensation as the Underlying Contract, and the total cost to the city is equal to or more favorable than the pricing under the Underlying Contract, as determined by the chief procurement officer;
- (c) the vendor has been determined to be responsible and, as of the date the purchase is effectuated, is not suspended or debarred by the city, is not in arrears to the city, and is not in material default under any city contract;
- (d) all allocations, appropriations, and required budgetary approvals for the purchase have been lawfully made and obtained prior to effectuating the purchase; and
- (e) for any purchase exceeding Five Million and 00/100 Dollars (\$5,000,000.00), the city manager shall, prior to effectuating the purchase, file with the city clerk for distribution to the city commission a memorandum detailing, at a minimum, (i) the goods or services being purchased, (ii) the total purchase price, (iii) the name of the vendor, and (iv) the Underlying Contract being utilized (including the awarding entity and contract number, if any). The city manager shall allow five (5) business days after the date of such filing for any city commissioner to object to the purchase or request that it be presented to the city commission at the next available city commission meeting for approval. If a timely objection or request is submitted, the city manager shall not proceed unless and until the city commission approves the purchase.

For purposes of this section, a "purchase" means a single purchase order, work order, task order, change order, supplemental agreement, or other instrument or directive that authorizes an expenditure of city funds in a stated amount, and the "purchase price" means the amount so authorized. Purchases shall not be artificially divided or structured to avoid the requirements of this subsection.

All purchases made pursuant to this section shall be reported to the city commission on a quarterly basis. Nothing herein shall prevent the city manager from establishing as-needed contracts utilizing an Underlying Contract; provided that each purchase thereunder complies with subsections (a) through (e) above.

Nothing in this section shall be construed to authorize any procurement in a manner that is prohibited by, or that circumvents, applicable state or federal law.

\* \* \*

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 4. This Ordinance shall become effective immediately upon final reading and adoption thereof.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
George K. Wysocki III, City Attorney 3/3/2026

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<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.