



CITY OF  
**Boca Raton**

CITY HALL  
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**DATE:** August 10, 2026

**TO:** Mayor and City Council

**FROM:** Mark Sohaney  
City Manager 

**SUBJECT:** Ordinance amending the Procurement Code Section 3-109, entitled "Exempt Contractual Services and Products"

**RECOMMENDATION:** Attached for adoption is an Ordinance amending Section 3-109 of the City's Procurement Code, entitled "Exempt Contractual Services and Products." This amendment revises and expands the categories of contractual services and products exempt from the competitive procurement requirements of the Code.

**BACKGROUND:** Section 15-181 of the City Code adopts the Procurement Code governing the purchase of supplies, services, and construction services. In support of continuous improvement and in response to evolving operational needs, City staff has determined that revising the exemptions under Section 3-109 is in the public interest.

Section 3-109, entitled "Exempt Contractual Services and Products," is amended to update and clarify the categories of goods and services that may be procured without competitive solicitation. This revision provides a comprehensive update to ensure the Procurement Code reflects current operational practices and supports specialized services that are not conducive to competitive solicitation. The amendments clarify existing exemptions and incorporate additional categories routinely required by City departments, strengthening the Code's alignment with industry standards and municipal service needs. Key revisions include updates related to educational and artistic services, entertainment programming, health and legal services, subscriptions and copyrighted materials, used equipment, utilities, staffing services, real estate consulting, food and beverage vendors, actuarial and fiscal consulting, and municipal insurance products.

**FISCAL IMPACT:** These amendments have no fiscal impact.

**STRATEGIC IMPACT:** This agreement supports the Strategic Focus Area of World-Class Services.

Document Originated by: Ivelsa Guzman  
Purchasing Manager



## ORDINANCE

5797

1  
2 AN ORDINANCE OF THE CITY OF BOCA RATON  
3 AMENDING SECTION 3-109 OF THE PROCUREMENT  
4 CODE OF THE CITY OF BOCA RATON, ENTITLED "EXEMPT  
5 CONTRACTUAL SERVICES AND PRODUCTS"; TO REVISE  
6 AND EXPAND THE CATEGORIES OF SERVICES AND  
7 PRODUCTS EXEMPT FROM COMPETITIVE  
8 PROCUREMENT REQUIREMENTS; PROVIDING FOR  
9 SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING  
10 AN EFFECTIVE DATE  
11

12 WHEREAS, Section 15-181, Code of Ordinances, adopts the Procurement Code for  
13 the purchase by the City of supplies, services, and construction services; and

14 WHEREAS, the City Council of the City of Boca Raton finds it is in the public interest  
15 to amend the Procurement Code to revise the categories of contractual services and products  
16 that are exempt from the competitive procurement requirements of the Procurement Code; now  
17 therefore  
18

19 THE CITY OF BOCA RATON HEREBY ORDAINS:

1           Section 1. Section 3-109 of the Procurement Code, entitled "Exempt Contractual  
2 Services and Products," is amended as follows:

3           §3-109 Exempt Contractual Services and Products

4           Exempt contractual services and products not subject to the competitive procurement  
5 requirements of this Code are listed as follows:

6           (1) Academic programs, lectures and job related seminars and training for City  
7 employees.

8           (2) Activities and field trips for the recreation services camp programs.

9           (3) Advertising.

10           (4) Artistic services which are original and creative in character and involve skill in a  
11 recognized field of artistic endeavor, such as music, dance, drama, painting, sculpture, theater,  
12 literary arts, craft arts, photography, and similar artistic endeavors the like.

13           (5) Dues and memberships in trade or professional organizations and subscriptions  
14 to periodicals.

15           (6) Educational exhibits used or displayed in City facilities as well as and educational  
16 presenters, speakers, and instructors ~~presenters/speakers~~ for City programs.

17           (7) Entertainment performers and providers of entertainment production,  
18 programming, ~~and promotion service providers~~ and other services related to the presentation of  
19 entertainment.

20           (8) Health care services rendered to patients by health professionals (including  
21 mental health providers), medical director and other clinical oversight services provided by health  
22 professionals, and health care services delivered, coordinated, or arranged by health care  
23 facilities or organizations. ~~Health professionals (including mental health providers), health~~  
24 ~~facilities, or organizations that deliver or arrange for the delivery of health services.~~

25           (9) Instructors for recreational programs made available to the public.

26           (10) Items purchased for resale to the public.

(11) Legal services and all related services as selected or recommended by the City Attorney.

(12) Service dogs and associated veterinary care services.

(13) Services or commodities provided by governmental agencies or nonprofit colleges or universities.

(14) Sponsorships, as defined by the City's Sponsorship Policy.

(15) Subscriptions (whether electronic or in print) and copyrighted materials ~~for public use in the City libraries.~~

(16) Used equipment when good cause is shown and obtaining the equipment, whether by purchase, lease, or otherwise, is in the best interests of the City.

(17) Utilities, including but not limited to, electric, cable, water and telephone.

(18) Computer software (licensed or unlicensed), web-based applications, and/or maintenance for such software and applications (excluding commercial off-the-shelf software available for purchase from multiple vendors), when the cost for each such product and/or service to be purchased is less than \$200,000.

(19) Recruitment and temporary employee staffing services.

(20) Real estate, land development, and other consultant services associated with:

(a) the evaluation of unsolicited proposals or preliminary reviews of emerging development opportunities on city-owned land, or and,

(b) preliminary reviews of emerging land acquisitions opportunities.

(21) Lobbying, public affairs, public relations, and public opinion research services.  
~~Lobbyist and Actuarial Services.~~

(22) Copyrighted materials (e.g., i.e., books and audiovisual materials, videotapes, etc.).

(23) Food and bBeverage vendors (including food trucks, restaurants, and caterers) for city events and city services at city owned and operated venues.

1           (24) Actuarial, economic consulting, fiscal consulting, and investment management  
2 services.

3           (25) Insurance coverage for City-owned property, equipment, motor vehicles, and other  
4 municipal assets, and other insurance products and related services required to support City  
5 operations.

6           Exempt contractual services and products will be processed by the Purchasing Division  
7 or by direct payment. Exempt contractual services and products processed by direct payment  
8 require authorization by the City Manager or designee. ~~Financial Services Director.~~

9           Section 2. If any section, subsection, clause or provision of this ordinance is held  
10 invalid, the remainder shall not be affected by such invalidity.

11           Section 3. All ordinances and resolutions or parts of ordinances and resolutions and  
12 all sections and parts of sections in conflict herewith shall be and hereby are repealed.

13           Section 4. This ordinance shall take effect immediately upon adoption.  
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1 PASSED AND ADOPTED by the City Council of the City of Boca Raton this \_\_\_\_ day  
2 of \_\_\_\_\_, 2026.

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4 CITY OF BOCA RATON, FLORIDA

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6 ATTEST:

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9 \_\_\_\_\_  
10 Andy Thomson, Mayor

11 \_\_\_\_\_  
12 Mary Siddons, City Clerk

13 Approved as to form:

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17 \_\_\_\_\_  
18 Joshua Koehler, City Attorney  
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20

| COUNCIL MEMBERS                | YES | NO | ABSTAINED |
|--------------------------------|-----|----|-----------|
| MAYOR ANDY THOMSON             |     |    |           |
| DEPUTY MAYOR MICHELLE GRAU     |     |    |           |
| COUNCIL MEMBER YVETTE DRUCKER  |     |    |           |
| COUNCIL MEMBER JON PEARLMAN    |     |    |           |
| COUNCIL MEMBER STACY L. SIPPLE |     |    |           |