

ORDINANCE NO. 2009-23

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AMENDING CHAPTER 2, ARTICLE V OF THE MALABAR CODE RELATING TO PURCHASING; PROVIDING FOR AN INTERNET ALTERNATIVE METHOD OF ADVERTISING FOR COMPETITIVE BIDS; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, The Legislature recognizes that fair and open competition is a basic tenet of public procurement; that such competition reduces the appearance and opportunity for favoritism and inspires public confidence that contracts are awarded equitably and economically; and

WHEREAS, The Town desires to reduce the cost of advertising by providing an alternative to the newspaper by posting online;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MALABAR, FLORIDA, THAT:

SECTION 1. Chapter 2, Article V, Section 2-101 of the Malabar Code of Ordinances is hereby amended to read as follows:

“Section 2-101. Competitive Bids.

No contract for any purpose, when the stipulated consideration thereunder to be paid by the Town shall exceed ten thousand (\$10,000.00), shall be let by the Town council or under its authority without first soliciting bids from at least three (3) reputable bidders, or advertising a request for bids online ~~advertising bids in at least two (2) consecutive weekly issues of a newspaper of general circulation in the Town,~~ calling for bids upon the work to be done, or upon the goods, supplies or materials to be furnished and in each case such contract shall be awarded, if at all, to the lowest and best bidder, provided, that nothing in this section shall be held to apply to contracts for personal services. In cases of articles or good manufactured exclusively by one maker, the council may declare by resolution, if such is the case, that no other or similar articles or goods will properly serve the purpose intended, whereupon such articles or goods may be purchased from the sole maker thereof direct or from the sole agent of such sole maker authorized to sell in the territory in which the Town lies.”

SECTION 2. CONFLICTS.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this ordinance

SECTION 3. CODIFICATION.

It is the intention of the town council of the Town of Malabar, Brevard County, and it is hereby provided that the provisions of this ordinance shall become part of the Land Development Code of the Town of Malabar.

SECTION 4. SEVERABILITY.

Should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining

provisions or parts of this ordinance.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect immediately upon its adoption.

The foregoing ordinance was moved for adoption by Council Member Dezman.
The motion was seconded by Council Member Vail and, upon being put to a
vote, the vote was as follows:

Council Member Nancy Borton	<u>Aye</u>
Council Member Brian Vail	<u>Aye</u>
Council Member Steve Rivet	<u>Aye</u>
Council Member Jeffrey (Jeff) McKnight	<u>Aye</u>
Council Member Patricia (Pat) Dezman	<u>Aye</u>

This ordinance was then declared to be duly passed and adopted this 4th
day of May, 2009.

TOWN OF MALABAR

BY: Thomas M. Eschenberg
Mayor Thomas M. Eschenberg, Chairperson

First Reading: 03/16/09
Second Reading: 05/04/09

ATTEST: Debby K. Franklin
Debby K. Franklin
Town Clerk/Treasurer

Approved as to form and content:

Karl W. Bohne, Jr.
Karl W. Bohne, Jr., Town Attorney