

# CITY OF FORT PIERCE CITY MANAGER'S OFFICE

---

**PROCUREMENT CODE UPDATE**

JULY 6, 2026

# PROCUREMENT CODE UPDATE

## *NEW PROVISIONS* & *REVISED LANGUAGE*

---

### Procurement Areas

1. Exemptions - *New*
2. Procurement Categories - *Revised*
3. Source Selection and Waiver of Competition - *Revised*
4. Sole Source Procurement - *Revised*
5. Sole Brand Procurement - *New*
6. Cooperative Procurement; piggybacking - *Revised*
7. Unauthorized purchases, ethical conduct, sanctions – *Revised*

# PROCUREMENT CODE UPDATE (CONT'D)

---

## Procurement Areas

- 8. Lobbying; Cone of Silence – *New*
- 9. Prohibition Against Award to Certain Persons or Entities - *New*
- 10. Protests – *Revised*
- 11. Authority to Suspend or Debar – *Revised*
- 12. Procedures Related to Suspension, Debarment, and Reinstatement – *New*
- 13. Administrative Procedures – *New*
- 14. Staff Training – *New*
- 15. Public-private Partnership - *New*

## SEC.2-440. – EXEMPTIONS - *NEW*

---

- Intergovernmental Agreements
- Payment - Dues/Memberships
- Subscriptions
- Acquisition of Real Property
- Acquisition of Legal Ads, Postage, Shipping
- Legal Services
- Utility Services
- Fees/cost for professional development activities
- Purchase of insurance/broker

## SEC.2-440. – EXEMPTIONS (CONT'D) - *NEW*

---

- Lobbyist services
- Professional medical services
- Professional services for bond issuance and investments
- CPA's (except of audit services)
- Artistic services
- Real Property appraisal services
- Abstract and academic research
- Consulting services related to financial planning

# SEC.2-441. – PROCUREMENT CATEGORIES - *REVISED*

---

## Threshold Amounts

- Category one (direct purchase) - \$0.01 to \$2,500.00
- Category two (informal solicitations) - \$2,500.01 to \$50,000.00
- Category three (formal procurement) - \$50,000.01 and greater

## SEC.2-446. – SOURCE SELECTION AND WAIVER OF COMPETITION - *REVISED*

---

City Manager establishes and approves the selection of sources.

- City Commission may, by affirmative vote, provide limited or complete waiver of competition.
- Recommendation to waive in writing from procurement official.
- Determination that waiver is in the best interest of the city.

## SEC.2-450. – SOLE SOURCE PROCUREMENT - *REVISED*

---

- When the city believes that desired materials, goods, commodities, or contractual services are available only from a single source.
- The procurement official shall post a description of the materials, goods, commodities, or contractual services sought for at least five (5) business days.
- Posting not required for Category One purchases (\$0.01 to \$2,500.00)
- Description must include that prospective vendors state their ability to supply the materials, goods, commodities, or contractual services.
- Procurement official put in writing that the materials, goods, commodities, or contractual services are in fact available only from a single source.

## SEC.2-451. – SOLE BRAND PROCUREMENT - *NEW*

---

- If only one brand desired for materials, goods, commodities, or services or only one brand reasonably capable of fulfilling a particular procurement need of the city, the procurement official makes written determination:
  - 1.) no other manufacturer can meet the operation needs;
  - 2.) no substitutions exist;
  - 3.) sole brand purchase in best interest of the city.
- Sole Brand procurements above the award authority of the city manager must be approved by the City Commission.
- Sole Brand procurements may use any authorized method the procurement official deems in the city's best interest.

## SEC.2-452. – COOPERATIVE PROCUREMENT; PIGGYBACKING - *REVISED*

---

- Authorizes the city purchase of materials, goods, commodities, or services by piggyback agreements from a competitive solicitation of an existing public agency.
- Authorizes other public agencies to piggyback agreements between the city and a vendor/contractor.
- Piggybacked purchases should be substantially similar in specification, scope, quality, or price and consistent with parameters, requirements, and restrictions of the initial agreement.

# SEC.2-455. – UNAUTHORIZED PURCHASES, ETHICAL CONDUCT, SANCTIONS - *REVISED*

---

**Employee Conflict of Interest** – Unethical to participate directly or indirectly in a procurement contract when employees knows:

- Employee or immediate family has financial interest in procurement.
- Any other person, business, or organization with whom the city employee or any member of a city employee's immediate family is negotiating or
- Has an arrangement concerning prospective employment is involved in the procurement process or contract.

**Ethical Conduct Sanctions**– City Manager authorized to add as a sanction forfeiture of any or all accrued leave balances for violation of this section.

# SEC.2-455. – UNAUTHORIZED PURCHASES, ETHICAL CONDUCT, SANCTIONS (CONT'D) - *REVISED*

---

## **Employee intending to bid**

- Any city employee intending to submit any solicitation shall notify their department head, the procurement official, and the city manager
- In writing, within ten (10) calendar days of the solicitation release.
- The city employee shall not participate directly or indirectly in any part of the procurement process as a city employee
- Failure of the city employee to follow any requirements herein, as determined by the procurement official, shall result in the employee's bid, proposal, or response being disqualified from further consideration, and may also result in the suspension or debarment of the city employee.

## SEC. 2-457 – LOBBYING LIMITATIONS; CONE OF SILENCE – *NEW*

---

- After a solicitation is issued or during contract renegotiation, offerors or their agents must not contact any city officials or employees about the matter (including the city commission and city manager).
- Except as directed by the procurement official or stated in the solicitation.
- This prohibition includes copying such persons on written communications with the procurement agent.
- The prohibition ends when a purchase order is issued, a final contract is signed, or the process is canceled or terminated.

## SEC. 2-458– PROHIBITION AGAINST AWARD TO CERTAIN PERSONS OR ENTITIES – *NEW*

---

- Prohibits award to person or business entity for provision of materials, goods, commodities, or services for convictions of bribery; collusion; environmental law violation; placement on Scrutinized Companies with Activities in Sudan list; and failure to register under the E-verify system.
- Authorizes city manager to disqualify a person or entity for
  - failure to comply with terms and conditions of previous agreement with the city
  - Failure to deliver materials, good, commodities, or services as agreed;
  - Breach of contract terms;
  - Repeated performance deficiencies;
  - Failure to meet regulatory or reporting requirements.

## SEC.2-459. – PROTESTS - *REVISED*

---

- The protest shall be made in writing to the procurement official.
- A notice of intent to protest must be filed within 72 hours of the electronic posting of the notice of intent to award.
- The protest must then be filed no later than 4:00 p.m. on the fifth (5th) calendar day after the notice of intent to protest.
- The notice of intent to protest and protest are considered filed when the procurement official receives the request.
- The written protest must be signed by an authorized officer of the protestor (sales agents or legal counsel are not authorized to sign protests).

## SEC.2-459. – PROTESTS (CONT'D) - *REVISED*

---

- Protests must include a specific detailed factual statement of the grounds on which the protest is based and shall cite the applicable statutes, laws, and ordinances.
- Authority to resolve protests. The procurement official will issue a written decision within thirty (30) days of the date the protest is received, unless the complexity of the issues raised, or lack of resources require a longer period.
- Following the procurement official's written, the protestor may file a request for a review of the procurement agent's decision by the city manager.

## SEC.2-460. – AUTHORITY TO SUSPEND OR DEBAR - *REVISED*

---

Procurement official is authorized to suspend or debar a person or entity from consideration for award of contracts for cause.

**Causes include:**

- Conviction for commission of a criminal offense relating to the obtaining or attempt to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract, or a civil or criminal final judgment of violation of state or federal whistleblower laws;
- Deliberate failure without good cause to perform in accordance with specifications and/or budget or within the time limit provided in the contract.
- A recent record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts.

## SEC.2-460. – AUTHORITY TO SUSPEND OR DEBAR (CONT'D) -

**REVISED**

### **Causes (continued)**

- For violation of all applicable ethics standards, including the ethical standards set forth in this article, F.S. Chapter 112, or in relevant grant funding requirements. *NEW*
- A documented history of significant deviation from contract specifications, engineering standards, design or material requirements or safety regulations. *NEW*
- Violation of the city's anti-lobbying rules set forth in § 2-457 of this article. *NEW*

## SEC.2-460. – AUTHORITY TO SUSPEND OR DEBAR (CONT'D) - *REVISED*

---

### **Causes (continued)**

- Suspensions shall not exceed twelve (12) months per violation. *NEW*
- Debarments shall not exceed five (5) years per violation. *NEW*
- Except that a vendor debarred for a third time shall be debarred for eight (8) years from the date of debarment. *NEW*
- Suspension or debarment may apply to all contracting opportunities, or may be limited to certain types or categories of contracts. *NEW*

## SEC.2-461. – PROCEDURES RELATED TO SUSPENSION, DEBARMENT AND REINSTATEMENT - *NEW*

---

- **Notice of intent.** When the procurement official will provide written notice upon consideration of imposing a suspension or debarment.
- **Opportunity to be heard.** In addition to the opportunity to submit a written response, if, after receipt of the response, the procurement official may determine if a meeting will be helpful.
- **Final determination.** The final decision shall state the factual and legal reasons for the action taken and the term of the suspension or debarment.

## SEC.2-461. – PROCEDURES RELATED TO SUSPENSION, DEBARMENT AND REINSTATEMENT - *NEW*

---

- **Review of suspension or debarment.** Final notices of suspension or debarment shall be final and binding unless the debarred or suspended person or entity, within five (5) calendar days of the decision, submits a written notice to the procurement official requesting review.
- **Reinstatement.** The procurement official shall have the authority to reinstate any person or entity under an existing suspension or debarment period.

## SEC.2-462. – ADMINISTRATIVE PROCEDURES - *NEW*

---

- The city manager is authorized to develop, approve, publish, and enforce supplemental administrative procedures and forms not inconsistent with this article to facilitate implementation of these procedures and forms.
- The administrative procedures established pursuant to this section shall be contained in procurement administrative procedures manual, which manual shall be organized by topic, and shall not be inconsistent with any provision of this article.

## SEC.2-463. – STAFF TRAINING - *NEW*

---

- The city manager shall ensure staff receive regular training on relevant procurement rules, procedures, forms, and ethical/legal duties.
- To ensure the city's procurement function occurs in a consistent, efficient, lawful, and ethical manner.

## SEC.2-464. – PUBLIC-PRIVATE PARTNERSHIPS- *NEW*

---

- City Manager may require submittal of unsolicited proposals for a public-private partnership with a reasonable application fee in accordance with F.S. 255.065.
- Fee set by ordinance approved by the City Commission to cover internal or external costs incurred for evaluation of the unsolicited proposal.

QUESTIONS

---

*THANK YOU*