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## Sec. 2-403. Exemptions.

(a) The provisions of this article shall not apply to:

- (1) The procurement of goods and services which do not exceed \$100,000.00 may be made by purchase order from budgeted and appropriated funds without further approval by the city commission.
- (2) Procurement contracts between the city and nonprofit organizations, other governments or other public entities.
- (3) Procurement of:
  - a. Dues and memberships in trade and professional organizations.
  - b. Subscriptions for periodicals, books, maps or training videos.
  - c. Real property, real estate brokering, or appraising.
  - d. Abstract of titles for real property; title insurance.
  - e. Works of art for public display or artistic services.
  - f. Advertising.
  - g. Medical, dental and other medically related services performed by a health care professional.
  - h. Room or board for social service clients.
  - i. Room and board for employees on city business.
  - j. Funeral related services.
  - k. Water, sewer, electrical, cable television or other utility services.
  - l. Personnel, including but not limited to part-time or temporary services.
  - m. Academic program reviews or lectures by individuals.
  - n. Auditing services and financial services.
  - o. Legal services.
  - p. Social services.
  - q. Lobbying services.
  - r. Goods, materials and equipment whose cost has been incorporated as part of a competitively bid project.
- (4) Other local governments.
  - a. Any procurement where the city may utilize contracts or bids of other local governments or public entities to procure goods and services, if the vending contractor extends the terms and conditions of the contract to the city and the contract or bid has been awarded through procedures substantially equivalent to the requirements of this article.
  - b. The city may purchase any vehicle, from any vendor within the State of Florida, provided that the following criteria is met:
    1. The same make and model vehicle to be purchased is included on a contract with the State of Florida or other public entity within the State of Florida, which contract has been awarded through procedures substantially equivalent to the requirements of this article.

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2. The warranty, included equipment, included maintenance (if any) and terms of the vehicle to be purchased under the provisions of this subsection are substantially equivalent to those included pursuant to the existing contract with the State of Florida or other public entity within the State of Florida.
  3. The complete contract price of the vehicle to be purchased is the same price as the complete contract price of the same vehicle on the contract with the State of Florida.
- (b) In accordance with F.S. § 255.20(c), as amended, the city commission may enter into a contract to construct or improve a public building, structure or other public construction works without resort to either the competitive bid process, the competitive proposal process or the professional services selection process as provided in this article, if any of the following circumstances apply:
- (1) When the project is undertaken to replace, reconstruct or repair an existing facility damaged or destroyed by a sudden unexpected turn of events, such as an act of God, riot, fire, flood, accident or other urgent circumstances, and such damage or destruction creates:
    - a. An immediate danger to the public health or safety;
    - b. Other loss to public or private property which requires emergency government action; or
    - c. An interruption of an essential governmental service.
  - (2) When, after notice by publication as required by this article, the city does not receive any responsive bids or responses.
  - (3) When the project is undertaken as repair or maintenance of an existing public facility.
- (c) Procurements which are not governed by this article shall be made allowing for the greatest possible degree of competition.

(Code 1990, § 55-3; Ord. No. 06-29, § 1(1.01), 9-25-2006; Ord. No. 10-01, § 1(1.03), 1-11-2010)