

**RESOLUTION NO. 2019-081**

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, ESTABLISHING A POLICY AND PROCEDURE FOR THE ACQUISITION OF GOODS AND SERVICES DURING A STATE OF EMERGENCY, WHERE IT IS NOT ADVANTAGEOUS OR PRACTICABLE FOR THE CITY TO USE COMPETITIVE BIDDING.

**WHEREAS**, Sections 252.38 (2) and (3), Florida Statutes allows a municipality, to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of a municipality by law to take whatever action is necessary to ensure the safety, health, and welfare of the people in the City including:

1. Entering into contracts;
2. Incurring obligations;
3. Employment of permanent and temporary workers;
4. Utilization of volunteer workers;
5. Rental of equipment;
6. Acquisition and distribution of supplies, materials either with or without compensation, and facilities or other expenses; and
7. Appropriate and expend public funds.

**WHEREAS**, the City finds it is in the best interest of the public to establish a policy and procedure for the acquisition of goods and services during a state of emergency; and

**WHEREAS**, "Emergency" shall be defined as any natural or man-made incident that disrupts or damages the social or economic systems or infrastructure of the community, and which is so severe that a local state of emergency is declared by the Mayor, the State of Florida, or the federal government, which requires immediate action to protect public life, and the health, welfare, and safety of the community, and where regular procurement procedures are impractical and not advantageous to the City.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated by reference as if fully set forth herein.

**Section 2:** The Mayor and the City Council adopt effective immediately for all territory within the legal boundaries of the incorporated area of the City of Hialeah, Florida, the Emergency Procurement Policy attached as Exhibit "A".

**Section 3:** The City Council hereby waives during a state of emergency the procedures and formalities required by law and the City hereby adopts this declaration of as provided in Section 252.38, Florida Statutes, and/or in accord with the Emergency Procurement Policy, empowering the Mayor to declare an emergency and appropriate and spend funds to ameliorate and address the declared emergency until such time as the local emergency within the City is declared at its end, and has been rescinded.

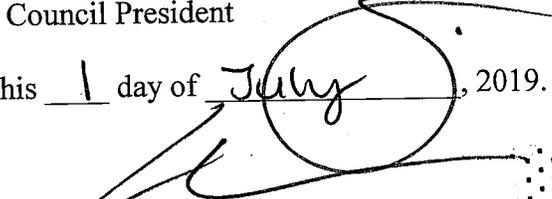
PASSED AND ADOPTED this 25 day of June, 2019.

  
Vivian Casals-Muñoz  
Council President

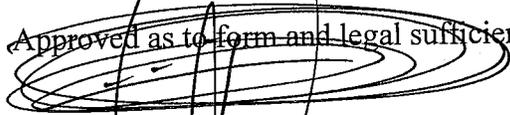
Attest:

Approved on this 1 day of July, 2019.

  
Marbelys Fajó, City Clerk

  
Mayor Carlos Hernandez

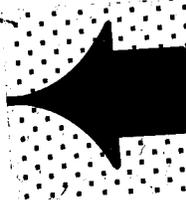
Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

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6/25/2019 4:02 PM

Resolution was adopted by a 4-0-3 vote with Councilmembers, Zogby, Caragol, Casals-Munoz, Garcia-Martinez, voting "Yes" and with Councilmembers Cue-Fuente, Hernandez, and Lozano absent.





# **EMERGENCY PROCUREMENT POLICY**

**Effective:**

06/25/19

**Supersedes:** N/A

**Lead Department:**  
Office of the Mayor

## **PURPOSE**

To establish a policy and procedure for the acquisition of goods and services during a state of emergency, where it is not advantageous or practicable for the City to use competitive bidding methods.

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## **SCOPE AND APPLICATION**

This policy applies to all City departments. The scope of this policy shall be limited only to the procurement of goods and services exceeding \$15,000 during a state of emergency.

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## **DEFINITION**

“Emergency” shall be defined as any natural or man-made incident that disrupts or damages the social or economic systems or infrastructure of the community, and which is so severe that a local state of emergency is declared by the Mayor, the State of Florida, or the federal government, which requires immediate action to protect public life, and the health, welfare, and safety of the community, and where regular procurement procedures are impractical and not advantageous to the City.

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## **POLICY**

**In case of state of emergency, it is not advantageous or practicable for the City to use competitive bidding methods. Therefore, the Mayor may waive competitive bidding requirements and approve the emergency purchase of goods and services, whose immediate procurement is essential to the life, health, welfare, safety or convenience of the City, provided that an individual contract does not exceed \$25,000.00. Purchases awarded on an emergency basis shall be submitted to the City**



**Council for ratification, at their next scheduled meeting or special meeting, whichever occurs first. Emergency purchases which do not provide the City with the opportunity to obtain maximum competitive pricing, should be kept to a minimum.**

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## **RESPONSIBILITIES**

### **All City Departments**

1. Requesting departments shall limit the quantity to be purchased to that which is necessary to meet the emergency condition.
2. It shall be the responsibility of each department director to make certain that no emergency purchase is requested unless sufficient funds are available in the appropriate line item account to cover the costs.
3. Department directors and those authorized to approve requisitions shall make certain that all authorized emergency requisitions are immediately approved by the department before other requisitions are entered into the system.

### **Emergency Manager**

1. Assess the severity of the damage and identify areas of critical needs, including the goods and services required to respond to the emergency.
2. Maintain records of all purchase request forms submitted by the requesting departments and corresponding purchase orders and receipts.
3. Creates a summary report of all transactions awarded pursuant to the requirements of this policy to be submitted to the City Council for ratification, at their next scheduled meeting or special meeting, whichever occurs first.

### **Mayor**

1. Review requests for procurement of supplies and services without formal bidding procedures as set forth herein, and authorize the associated expenditure, provided that an individual contract does not exceed \$25,000.00.

### **Finance and Purchasing Department**

1. Expedite processing of all emergency purchase requests.
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**PROCEDURES:** Whenever a state of emergency exists, as defined herein, and there is an immediate need to purchase goods, services, or equipment not exceeding \$25,000, the procurement procedure for such commodities shall be as follows:

1. The requesting department shall **first** identify those supplies or services necessary to meet the emergency. (Prior to seeking quotes, the requesting department is strongly encouraged to contact the Purchasing Department to determine if a governmental contract exists that can meet the emergency need).
2. The requesting department shall obtain at least three **(3) written quotes/proposals** from prospective vendors. To the extent possible, requesting departments are encouraged to solicit proposals/quotations from local and minority/women owned businesses. Requesting departments may contact the Purchasing Department for assistance in identifying prospective vendors to obtain quotes.
3. Upon determining the quote/proposal most favorable to the City and prior to making the emergency purchase, the head of the requesting department or office shall submit to the Mayor in writing a full explanation of the circumstances of the emergency and the reasons for selection of a particular firm, along with a list of others which may have been considered, with an approved requisition by the director of the requesting department.
4. Should the Mayor determine an emergency exists he may then waive competitive bidding requirements and approve, by signature, the emergency request. Should the Mayor disapprove the emergency purchase, acquisition of goods or services or equipment shall follow normal procurement procedures.
5. Upon receipt of the requisition and supporting documentation, the Purchasing Department shall promptly issue a Purchase Order for the emergency purchase of goods or services properly approved by Mayor provided.
6. Purchases awarded on an emergency basis shall be submitted to the City Council for ratification, at their next scheduled meeting or special meeting, whichever occurs first.

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References                      Section 1.04 of the City of Hialeah Charter  
    Competitive Bidding Procedures in the City of Hialeah Code of Ordinances.

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Authority                      Resolution \_\_\_\_\_, June \_\_\_\_ 2019