

Ordinance 2020-09

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR REPEAL OF SECTIONS 2-281 THROUGH 2-286 OF THE ST. PETE BEACH CODE OF ORDINANCES; PROVIDING PURPOSE AND INTENT, UPDATING AND CLARIFYING THE DEFINITIONS, ESTABLISHING THE AUTHORITY AND DUTIES OF THE PROCUREMENT MANAGER, CLARIFYING THE AUTHORITY TO AWARD, UPDATING THE PROCUREMENT METHODOLOGY AND EMERGENCY PROCUREMENTS, PROVIDING FOR A GREEN BUSINESS CERTIFIED PREFERENCE, CHANGING CONTRACT ADMINISTRATION, PRESCRIBING PROCUREMENT PROTESTS, ESTABLISHING A VENDOR SUSPENSION AND DEBARMENT PROCESS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach procurement regulations and procedures are established by Sections 2-281 through 2-286 of the Code of Ordinances; and

WHEREAS, the City Manager recommends comprehensive changes to the City's procurement regulations and procedures for the purpose of effective and efficient administration; and

WHEREAS, Sections 2-281 through 2-286 of the Code of Ordinances are hereby repealed and replaced as Sections 2-281 through 2-295; and

WHEREAS, the City Commission has determined the revised procurement regulations and procedures are in the City's best interest.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH FLORIDA, HEREBY ORDAINS:

SECTION 1. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The City Manager is hereby authorized to take all necessary actions to implement the procurement regulations and procedures established herein.

SECTION 3. Sections 2-281 through 2-286 of the Code of Ordinances are hereby repealed and replaced as Section 2-281 through 2-295 below:

Section 2-281. Purpose and Intent

The purpose of this Procurement Ordinance is to maximize the value received for public funds through procurement; to provide safeguards for maintaining a procurement system of quality and integrity, such as cone of silence; and to provide for fair and equitable treatment of all persons involved in public procurement. It is the goal of the City to develop a comprehensive procurement system that will provide greater cost effectiveness and public accountability in the procurement process.

Section 2-282. Definitions.

For the purposes of this Ordinance, the following words and phrases shall be defined as follows:

Artistic services means the rendering by a contractor of its time and effort to create or perform an artistic work in the fields of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, or tape and sound recording.

Award means the acceptance of a bid or proposal by the proper authorized designee. The City Commission must approve all awards over the authority of the City Manager, with the exception of emergency purchases.

Bidder or Proposer means an individual or business that submits a bid or proposal in response to a solicitation issued by the City

Change order means a unilateral or bilateral written order amending a Contract.

City means the City of St. Pete Beach, Florida.

City Clerk means an individual appointed by the City Commission to keep and have the care and custody of the books, records, papers, legal documents and journals of proceedings of the City Commission.

City Manager means the City Manager of the City of St. Pete Beach, Florida or his designee.

Commission means the Mayor and City Commission of the City of St. Pete Beach, Florida.

Competitive Negotiations means a one or two-step solicitation issued under the competitive sealed procurement process where proposals are sought and the City enters into competitive negotiations to determine the proposal that is most advantageous to the City.

Cone of silence means a prohibition on any communication in regards to a particular RFP, RPQ, RFQ or any other advertised solicitation between a potential proposer, offeror, respondent, bidder or consultant and the city's staff including but not limited to the City Manager, selection/evaluation committee(s), Mayor, City Commission and their respective staff. The prohibition of communication shall be between the release of the

solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays.

Consultants' Competitive Negotiation Act (CCNA) means a state law governing the procurement of Professional Services performed by any architect, professional engineer, landscape architect or registered surveyor and mapper in connection with their professional practice (287.055 Florida Statutes, as amended).

Contract means all types of binding agreements, including purchase orders, executed by the City Manager.

Contractor or Vendor means any individual or business having a contract with the City.

Cooperative Procurement means a procurement conducted by or on behalf of more than one public procurement entity.

Debarment means the exclusion of a person or company from participating in a procurement activity for an extended period of time because of previous illegal or irresponsible action.

Evaluation Committee means a group of three or more persons appointed by the City Manager to review proposals received in response to an RFP

Green Business Certified means a Bidder or Proposer having a recognized and official third-party certification demonstrating environmental stewardship, such as the B Corps Certification.

Invitation to Bid (ITB) means an advertised competitive solicitation which includes minimum qualifications and a definitive scope of work or precise specifications, where award(s) is made to the lowest responsive and responsible bidder.

Notice of Intent to Protest means the written notice by a contractor or vendor of their intent to protest to a competitive procurement decision pursuant to Section 2-293 of this Ordinance. Proof of notice shall be a time stamped copy of a delivery receipt by e-mail, proof of mailing by the postal service, or private delivery service shall constitute proof of notification.

Procurement means the buying, purchasing, renting, leasing or otherwise acquiring of any supplies, services, or construction. It also includes all functions that pertain to the obtaining of any supply, service, or construction including description of requirements, selection and solicitation of sources, preparation and award of contract.

Procurement Manager means the person holding the position as defined by the Procurement Ordinance section 2-283 Authority and Duties of the Procurement Manager

Professional Services (excluding CCNA) means any service where the City is obtaining advice, instruction or specialized work from an individual or business specifically qualified in a particular area where the main thrust is in intellectual ability, and whose profession is regulated by the State of Florida. Such services do not lend themselves

solely to price competition but to qualifications and price. Including but not limited to legal services, accountants, etc.

Protest means a written complaint presented to the Procurement Manager in reference to the award of a contract which resulted from an RFP, RFQ, or bid.

Protestor means a person or entity that submits a formal, written document submitted by an interested party to challenge the notice of intended decision to a competitive procurement.

Public Entity means any agency of the federal, state, any local government, or any nonprofit organization.

Purchase Manual means the written purchasing procedures and practice to use in processing goods and services for the City.

Request for Price Quote (RPQ) means an informal solicitation where written responses are obtained from businesses, without formal advertising or receipt of sealed bids.

Request for Proposals (RFP) means a written solicitation used for competitive procurement of proposals for commodities and/or services for which the scope of work, specifications, or contractual terms and conditions cannot always be defined. The most advantageous proposer will be selected.

Request for Qualifications (RFQ) means a formal solicitation typically used for professional services where the initial ranking and selection is based on businesses qualifications without price being used as a factor.

Responsible Bidder or Proposer means any person, firm or corporation who has the capability in all respects to fully perform the contract requirements.

Responsive Bidder means any individual or business who has submitted a response which conforms in all material respects to the solicitation.

Single Source Procurement means the purchase of a good or services for which there is no other vendor who can compete, and an equal product or service is not available from any other source.

Solicitation means an invitation to bid, request for proposal, request for quotation or any document issued by the City for the purpose of obtaining bids, proposals, or other offers from businesses for the purposes of procurement.

Submittal means the document(s) submitted by a bidder or proposer in response to a solicitation.

Section 2-283. Exemptions.

The following shall be exempt from the procurement ordinance:

- A. Federal or State of Florida funded or governed procurements where their rules and regulations supersede this ordinance (e.g., Consultants' Competitive Negotiation Act).
- B. Contracts for those professional services specified in the City Charter, as well as hiring of independent contractors under the Charter.
- C. Procurements for utility services.
- D. Real estate property.
- E. Persons retained as expert consultants.
- F. City-sponsored events at venues not owned by the City, inclusive of rental of the facility, and all other associated goods and services.
- G. Entertainment services for City-sponsored events.
- H. Purchase of groceries for declared emergencies.
- I. Donation of goods and services from 501 (C)(3) not-for-profit organizations
- J. Service on any of the City Committees.
- K. Artistic Services.

Section 2-284. Authority and Duties of the Procurement Manager.

The City Manager shall have the authority to appoint a Procurement Manager who shall have authority for the implementation of procurement policies, procedures and the day-to-day management of procurement activities in accordance with the provisions of Florida Statutes applicable to local government entities, which shall include, but not be limited to:

- A. Procure or facilitate the procurement of all goods and services.
 - 1. Determine the best procurement methodology.
 - 2. Issue solicitations.
 - 3. Determine if solicitation responses are responsive and assist in the determination of responsibility.
 - 4. Manage the evaluation, selection and award process.
 - 5. Recommend the award of solicitations, except for solicitation where proposals are reviewed by an Evaluation Committee and the recommendation of award is provided by the Evaluation Committee.
 - 6. Recommend the renewal of contracts by the City Manager.

- 7 Assist in the development of specifications/Scope of Work and ensure, to the extent practical, that they are competitive.
- B. Development/implementation/administration of procurement policies and procedures, and operations manuals.
- C. Manage contract compliance including but not limited to contract performance, required insurance coverage, payment of subcontractors, resolution of disputes, claims, and protests.
- D. Manage the evaluation vendor/contractor performance process.
- E. Perform other duties as may be assigned or directed by the City Manager or designee.

The City Manager and Mayor retain sole authority to execute contracts, agreements, purchase orders, and change orders as referenced in Section 3.03 and 4.04 of the City's charter.

Section 2-285. Authority to Award.

Approval authority is based on the value of the award. Requirements for goods or services shall not be broken down into lesser amounts to avoid approval authority.

- A. The City Manager shall be authorized to award the following without submittal to the City Commission:
 1. Contracts for goods and services, including professional services, up to \$25,000 procured in accordance with this Ordinance.
 2. Change Orders where the City Commission has authorized the City Manager to expend additional budgeted funds, for the goods or services, at the time of the initial award; where the cumulative amount does not exceed the City Manager's approval authority; and the total cumulative value of the contract including the amendment(s) and change orders does not exceed \$25,000
 3. Emergency procurements procured in accordance with the provisions of this Ordinance. All such purchases exceeding \$15,000 shall be reported to the City Commission within thirty (30) business days of such action.
 4. Exercise contract options to renew where such authority has been delegated at the time of initial award approval by the City Commission if required.
 5. Reject all Submittals or waive any minor irregularities contained in the Submittals or in the solicitation process.
- B. The following items require authorization by the City Commission:
 1. All contracts exceeding the City Manager's authority.

2. Change Orders in excess of the City Manager's authority.
- C. The City Commission may reject the City Manager's recommendation of award and reject all Bids or Proposals.

Section 2-286. Procurement Methodology.

- A. Purchases to be authorized by the City Manager:
1. Purchases not exceeding \$2,500 shall require payment approval by a department director.
 2. Purchases in excess of \$2,500, up to \$25,000, shall require three (3) RPQs and a purchase order authorized by the City Manager.
- B. Competitively Sealed Procurements. Procurements in excess of \$25,000 shall require competitive solicitation, except as otherwise provided in this Division.
1. Solicitation documents will be published on the City's website. Other resources may also be utilized, including online bidding platforms, cooperative resource-sharing pools and newspaper advertisements.
 2. ITBs shall be awarded to the lowest responsive and responsible Bidder as determined by the City Manager.
 3. Competitive negotiations will be awarded to the Proposer providing the most advantageous Proposal to the City, as determined by the City Manager.
 4. RFPs and RFQs shall be awarded to provide for the City's best interest, as determined by the City Manager.
 5. Submittals will be received by the City Clerk. The City Clerk will open the Submittals at the stated time in the presence of the Procurement Manager. The name of the Bidder or Proposer shall be read aloud and recorded in writing.
- C. Architectural and Engineering Services. All such services shall be procured in accordance Section 287.055 Florida Statute, as amended, (the "CCNA").
- D. The City Manager may request written authorization from the City Commission to waive the requirements of this Division based on specific circumstances where it is not practical to comply with the requirements of this Division

Section 2-287. Post-Award.

Contract amendment(s) which provide for the alteration of specifications or similar provisions of a contract, without changing the original scope of the project, may be approved by the City Manager if the total cumulative value of the contract including the

amendment(s) does not exceed \$25,000. Otherwise, City Commission approval will be required.

Section 2-288. Emergency Procurements.

- A. All normal procurement procedures and requirements may be suspended in accordance with the provisions of City's Charter and Code of Ordinances during a declared state of emergency, and authorize the emergency procurement of goods or services, using the most efficient and effective procurement methods, when there exists a clear and present danger to public health, safety, welfare, or other substantial loss to the City. The City Commission shall be notified, after the fact, of such procurement in excess of \$25,000. Such notification shall include the basis for the emergency, the contractor's name, the amount and type of contract, and the number of the purchase order or contract, if any.
- B. Declared State of Emergency Procurements.
1. In the event of or in anticipation of a natural disaster or catastrophic event, the City Manager is authorized to declare a state of emergency for purchasing purposes and suspend all normal procurement procedures and requirements and authorize the emergency procurement of goods or services, using the most efficient and effective procurement methods.
 2. The City Manager may request another municipality to purchase for the City any needed emergency supplies, materials or equipment or the City may purchase from another municipality any needed emergency supplies materials or equipment such municipality has available.
 3. Purchases made during an emergency exceeding \$25,000 shall be reported by the City Manager at the next regularly scheduled City Commission meeting with a full written report of the circumstances of the emergency.
 4. Purchases made during a declared federal emergency shall be consistent with the Code of Federal Regulations, 44 CFR 13.36, as amended.

Section 2-289. Contracts with other Public/Non-Profit Entities.

The City Manager may authorize the purchase of goods and services from current contracts of other public, governmental, state/federal funded agencies, non-profit entities, or cooperative resource-sharing pools, where the contracts have resulted from a formal competitive procurement process and do not exceed \$25,000. The Procurement Manager shall conduct an analysis to determine that the pricing under the contract is the most advantageous procurement method available to the City.

Section 2-290. Single Source Procurement.

Purchase of goods or services may occur without competition when the City Manager makes a determination that the required goods or services are available from only one source or when it is determined that competitive bidding is not feasible or not advantageous to the City.

Section 2-291. Cooperative Procurement.

The Procurement Manager may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for the procurement of goods and services with one or more public entities. Cooperative procurement may include, but is not limited to, joint or multiparty contracts between public entities.

Section 2-292. Green Business Certified Preference.

Green Business Certified Bidders or Proposers determined to be responsive and responsible shall have the opportunity for preference. For awards based solely on price, Green Business Certified Bidders who are not the original lowest bidders but are within five percent (5%) of the lowest responsive and responsible bid, shall have the opportunity to re-submit by matching the original lowest responsive and responsible bid. For awards based on additional criteria and determined by points, Green Business Certified Proposers will receive additional consideration not to exceed two percent (2%) of the total weighted criteria.

Section 2-293. Contract Administration.

- A. Management. City Departments shall be responsible for the day-to-day management of all contracts and the initial resolutions of performance related issues. All issues related to contract interpretation shall be handled by the Procurement Manager. Where the vendor's performance potentially places it in default of its contract the Department shall work with the Procurement Manager. The Procurement Manager shall notify the vendor in writing that its performance has placed it in potential default, and the Procurement Manager shall assist the Department Director in the resolution of the performance issues.
- B. Disputes. The City Manager shall establish a procedure (located in the City's "Purchase Manual") for the resolution of contract disputes, including applicable timelines, which provides provisions for the vendor to initially request a review and decision by the Procurement Manager, and then allow for an appeal of the Procurement Manager's decision to the City Manager. The procedures shall mandate that this process must be followed prior to the vendor seeking relief through judicial means.

- C. Evaluations. The Procurement Manager shall establish a vendor performance evaluation program that will then be used in considering contract terminations, contract renewals, and future procurement awards.

Section 2-294. Protests

The Procurement Manager shall establish written policies and procedures for protests of solicitations of \$25,000 or less. Protests of solicitations in excess of \$25,000 shall follow the below procedures:

A. *Filing of Protest*

1. The written protest must be filed with the Procurement Manager, with a copy to the City Clerk, based on the following timeframes.
 - i. A prospective Bidder/Proposer who perceives that it is precluded from submitting a response to a solicitation due to the requirements of the solicitation, including the terms and conditions, specifications or drawings, may file a protest with the Procurement Manger. The protest shall be submitted to the Procurement Manager, with a copy to the City Clerk, within four (4) business days after the solicitation is either posted on the City's website or an announcement is placed in a newspaper, whichever is earlier.
 - ii. A prospective Bidder/Proposer who has submitted a solicitation response under the solicitation may protest the recommended award to the Procurement Manager. The protest shall be filed with the Procurement Manager, with a copy to the City Clerk, within four (4) business days after notice has been sent to the Bidder/Proposer of the City Manager's or Procurement Manager's, as applicable, written recommendation of award. A time stamped copy of a delivery receipt by e-mail, proof of mailing by the postal service, or private delivery service shall constitute proof of notification.

A written protest received by the Procurement Manager after the stipulated timeframe shall not be considered.

2. The written protest cannot challenge the minimum qualifications or evaluation criteria or the scoring of Submittals during the evaluation process based on the evaluation criteria.
3. The written protest shall state with specificity the facts and law upon which the protest is based and shall include all pertinent documents and evidence and shall be accompanied by the required filing fee(s) as provided below. This shall form the basis for review of the written protest and no facts, grounds, documentation or evidence not contained in the protester's submission to the Procurement Manager at the time of filing the protest shall

be permitted in the consideration of the written protest or any appeal thereof.

- B. *Authority to resolve protests.* The Procurement Manager shall have the authority to settle and resolve timely protests. During the evaluation of the protest the Procurement Manager shall have the authority to obtain written clarification of the supporting documentation and evidence from the party submitting the protest. The Procurement Manager shall have fifteen (15) business days to issue a written decision on the protest. A copy of the decision will be forwarded to the Protestor and filed with the City Clerk.
- C. *Appeal of Procurement Manager's written decision.* The Protestor may appeal the Procurement Manager's written decision by filing a written request of appeal to the City Manager, with a copy to the City Clerk, within three (3) business days of notification of the Procurement Manager's written decision. Such notification shall comply with the timeline and proof of delivery as stipulated. The City Manager shall have fifteen (15) business days to issue a written decision on the protest, which shall be based on the pertinent documents and evidence submitted with the initial filing of the protest together with any clarifications obtained by the Procurement Manager. A copy of the decision will be forwarded to the Protestor and filed with the City Clerk.
- D. *Appeal of City Manager's written decision.* The Protestor may appeal the City Manager's written decision after exhausting all administrative remedies to the City Commission by filing a written request for an appeal hearing to the City Clerk, with a copy to the City Manager, within three (3) business days of notification of the City Manager's written decision. Such notification shall comply with the timeline and proof of delivery as stipulated. The following procedures shall apply for an appeal hearing to the City Commission:
1. The Protester shall submit a written request that an appeal hearing be scheduled before the City Commission. The request must state the basis for the request and demonstrate that the Protester has standing to bring the appeal. The basis for demonstrating standing in order to obtain an appeal hearing before the City Commission shall be limited to:
 - i. The decision does not follow established law or legal precedent.
 - ii. The decision was not based on the requirements of the solicitation.
 - iii. The decision was biased, arbitrary and/or capricious.
 2. The City Clerk will place the request for an appeal hearing on the next available City Commission Agenda. Prior to the City Commission meeting the City Manager shall provide to the City Commission a written overview of the facts of the solicitation together with the decision rendered by the City Manager. The City Commission's decision at this meeting will be to

determine whether the Protester has standing and sufficient merit to schedule an appeal hearing on the City Commission's Agenda.

3. Where the City Commission determines that there is standing and sufficient merit, the City Clerk shall schedule the appeal on the next available City Commission Agenda.
 4. The City Manager will provide the City Commission with a detailed report of the solicitation, the specifics of the Protester's appeal and the details of the findings and determinations of the Procurement Manager and the City Manager including any clarification material obtained in response to a request by the City, prior to the appeal hearing by the City Commission. The Protester shall be provided the opportunity to make a presentation to the City Commission, which shall be limited solely to the facts and details included in the initial protest submittal and including any clarification material obtained in response to a request by the City. The Protester shall be precluded from introducing any details, documents or information not included in the initial protest submittal except for any clarification material obtained in response to a request by the City. The City Commission shall base its decision on the existing record and facts as set for hearing.
- E. *Compliance with Protest Procedures.* Failure to comply with the stipulated timeframes for submission of the Notice of Intent to file a protest or the written protest, together with the required documentation and evidence, and the filing fee(s) stipulated below shall constitute the forfeiture of the Protestor's right to protest. Appeal of City Commission decision may be taken to the appropriate court with jurisdiction pursuant to Florida Statute and Rules of Procedure.
- F. *Costs and Filing Fees.*
1. **Written Protest.** The written protest must be accompanied by a filing fee in the form of a money order or cashier's check in the amount of \$200, where the value of award is estimated to be, or is less than \$25,000. For protests where the value of award is estimated to be or is \$25,000 or greater the money order or cashier's check in amount equal to \$500 or 2% of the value of the Bid/Proposal, whichever is greater up to a maximum of \$2,500.
 2. **Appeal to the City Manager.** The written appeal to the City Manager must be accompanied by a filing fee in the form of a money order or cashier's check in the amount \$200, where the value of award is estimated to be or is less than \$25,000. For appeals where the value of award is estimated to be or is \$25,000 or greater, the money order or cashier's check in amount equal to \$500 or 2%, whichever is greater, up to a maximum of \$2,500.
 3. **Appeal to the St. Pete Beach City Commission.** The written request for an appeal to the City Commission must be accompanied by a filing fee in the

form of a money order or cashier's check in the amount \$500, or 2%, whichever is greater, up to a maximum of \$2,500.

4. Refund of Filing Fees. All costs resulting from a protest shall be borne by the Protestor. If a protest is upheld by either the Procurement Manager or City Manager, as applicable, the filing fee shall be refunded to the Protestor less costs incurred by the City. If the protest is denied or the request for an appeal hearing before the City Commission is denied, the filing fee shall be forfeited to the City in lieu of payment of costs incurred by the City.

G. *Stay of Procurement.* Upon the receipt of a written protest, the City shall not proceed further with the solicitation pending resolution of the protest, unless the City Manager issues a written determination that the solicitation process must continue to protect public safety, health, welfare, or the loss of funding.

Section 2-295. Suspension and Debarment.

The City Manager shall, after written notice to a contractor or vendor having a contract with or seeking to do business with the City, have the authority to suspend or debar such Vendor, Contractor, individual, or company from receiving award of contracts from the City.

A. Suspension.

The City Manager may, after consultation with the Procurement Manager and City Attorney, suspend a Bidder/Proposer from receiving award of contracts where the City Manager believes there is probable cause for debarment. Such suspension shall remain in effect pending a determination on debarment. The maximum period for a suspension shall not exceed one (1) year.

B. Debarment.

The City Manager may, after consultation with the Procurement Manager and City Attorney, debar a business or individual from receiving award of contracts for a period of not more than five (5) years. The basis for debarment includes, but is not limited to:

1. Conviction for obtaining or attempting to obtain a public or private contract through fraudulent means.
2. Conviction of financial crimes or other offenses indicating a lack of business integrity.
3. Default on a City contract.
4. Repeated failure to perform in accordance with the requirements of City contract(s), where the failure to perform diminished the quality of the goods or services received by the City and the City's documentation clearly reflects the vendor has been notified of their failure(s) to perform, the Vendor has

been provided the opportunity(ies) to correct its performance, and has failed to do so.

5. Collusion in obtaining or attempting to obtain a City contract.
 6. Refusal to perform under a City Contract.
 7. Repeated failure to provide insurance or bonds to the City where required for the award of a contract or required to be maintained by a City contract.
 8. Businesses that are owned by or employ an individual that has been debarred by the City.
 9. Businesses and individuals debarred by other public or governmental entities.
 10. Any other reason deemed serious enough by the City Manager to justify debarment.
- C. Documentation of Debarment or Suspension. The City Manager shall provide a written document stating the basis for the debarment or suspension which shall be forwarded to the business or individual who has been debarred or suspended, with a copy provided to the City Clerk. The letter shall also state that the action taken can be appealed to the City Manager for reconsideration.
- D. Appeal. The business or individual (appellant) who has been debarred or suspended may submit an appeal once during the term of the debarment or suspension. The appeal must include all documentation to demonstrate that the City Manager's decision was incorrect, there were mitigating circumstances, or that the appellant has taken corrective action of a nature that the City Manager should re-consider the debarment or suspension. Based on the appeal, the City Manager shall issue a written decision to the appellant, with a copy to the City Clerk, either denying the appeal, modifying, or terminating the term of the debarment or suspension. A business or individual appellant shall only be entitled to one appeal during the term of the debarment of suspension. An appeal of the City Manager's decision may be filed with the appropriate court with jurisdiction pursuant to Florida Statutes and Rules of Court.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

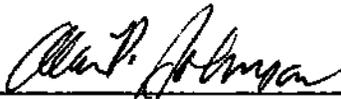
SECTION 6. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 7. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 8. Effective Date. This ordinance shall take effect immediately upon adoption.

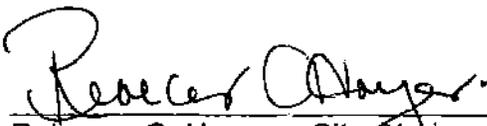
FIRST READING: **06/23/2020**
PUBLISHED: **07/15/2020**
SECOND READING: **07/28/2020**
PUBLIC HEARING: **07/28/2020**

CITY COMMISSION, CITY OF ST. PETE
BEACH, FLORIDA.



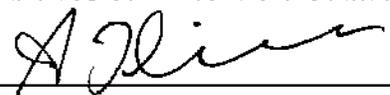
Alan Johnson, Mayor

I, Rebecca C. Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this **28th day of July, 2020**.



Rebecca C. Haynes, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Andrew Dickman, City Attorney