

**ORDINANCE NO. 18-21**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING PROCUREMENT; AMENDING CHAPTER 2-26, SECTION 2-26-3; MODIFYING THE LIST OF EXCLUSIONS FROM THIS CHAPTER TO ADD AN EXCLUSION FOR LOCAL HOUSING ASSISTANCE SERVICES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Manatee County Board of County Commissioners has determined that it is appropriate to amend Article VI of Chapter 2-26, Section 2-26-3 of the Manatee County Purchasing Code to include an exclusion for local housing assistance services provided by the County.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA:**

**Section 1.** Article VI of Chapter 2-26, Section 2-26-3 of the Code is hereby amended as follows:

**Section 2-26-3. Exclusions from this chapter.**

- (a) *Grants and gifts.* This chapter shall not apply to purchases made with the proceeds from any grant, gift, bequest, or donation to the extent the application of this chapter would conflict with the requirements, conditions, or limitations attached to the grant, gift, bequest, or donation.
- (b) *Lease of real property.* This chapter shall not apply to the acquisition of real property by lease or license unless the board determines to acquire such interest by a competitive solicitation.
- (c) *Legal services.* This chapter shall not apply to retaining services of law firms or other outside counsel for any reason, nor to expert witnesses, appraisal services, trial consultants or similar persons or firms deemed by the county attorney as necessary to address the county's legal needs. Such firms or persons shall be selected by the county attorney or his or her designee.
- (d) *Self insurance fund.* Funds expended pursuant to the self insurance ordinance to obtain goods and services which may be required to implement the self insurance program.
- (e) *Insurance policies.* This chapter shall not apply to the purchase of insurance policies to protect the property and other interests of the county.

- (f) *Where specified by general law, ordinance or policies.* This chapter shall not apply to any purchase governed by explicit provisions of general law or other county ordinance or board policies unless the solicitation indicates the applicability of this chapter, and this chapter shall apply only to the extent set out in the solicitation.
- (g) *County bonds.* This chapter shall not apply to professional services required for the issuance of county bonds and county investments related thereto.
- (h) *Fee and rate programs.* This chapter shall not apply to programs established by the board pursuant to which the board pays a specified fee for the furnishing of goods, services, or construction for eligible recipients provided by eligible vendors at a set fee or rate as established by ordinance or resolution of the board.
- (i) *Sale or conveyance of county owned real property.* This chapter shall not apply to the sale, conveyance or other disposition of real property owned by the county or any interest therein.
- (j) *Veterinary services.* This chapter shall not apply to acquisition of professional veterinary services provided to animals in the custody of the animal services division where the dollar value of any such agreements do not exceed purchasing category three.
- (k) *Health benefits services.* This chapter shall not apply to acquisition of independent contractor fitness instruction services, medical director services, or nutrition counseling services where the dollar value of any such agreements do not exceed purchasing category two.
- (l) Local housing assistance services. This chapter shall not apply to the award of contracts for projects paid for with funding assistance to eligible households in Manatee County's Local Housing Assistance Plans and Manatee County's Five-Year Consolidated Plan, provided that the County's Director of Redevelopment and Economic Opportunity shall exercise the authority and functions assigned to the purchasing official hereunder for the award of such contracts, in accordance with this chapter and the administrative procedures adopted pursuant to this chapter.

Nothing herein shall limit the board's authority to adopt policies governing any acquisition excluded from this chapter.

**Section 2.** The publisher of this County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Section 1 into the Code.

**Section 3.** If any clause, phrase, provision, section or sentence of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**Section 4.** This Ordinance shall take effect immediately upon filing with the Department of State.

**DULY ADOPTED**, with a quorum present and voting, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
Chairperson

ATTEST: ANGELINA COLONNESO  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk