

ORDINANCE NO. 1500

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES ENTITLED, "FINANCE", AT ARTICLE III, ENTITLED "PROCUREMENT CODE" BY AMENDING DIVISION 1, SPECIFICALLY AT SECTION 7-121 ENTITLED "EXEMPTIONS" TO PROVIDE FOR THE EXEMPTION OF TELECOMMUNICATIONS, INTERNET, AND CYBERSECURITY SERVICES FROM THE PROCUREMENT PROCESS; PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") Information Technology Department is committed to providing City departments with quality and dependable telecommunication and internet connections for the purpose of sharing and accessing resources including phone, television, file servers, software products, and the Internet; and

WHEREAS, there are only two (2) providers in the South Florida region that offer telecommunications and internet services comparable with the current level of service utilized by the City departments and facilities; and

WHEREAS, the City's ability to retain cybersecurity services on an expedited basis is critical as local government agencies have increasingly become targets for cyberattacks; and

WHEREAS, the procurement process is geared toward obtaining competitive pricing for services and products among multiple providers; and

WHEREAS, due to the low level of providers in the area, the procurement process is not conducive for the selection of telecommunication and internet providers; and

WHEREAS, City staff recommends an exemption to the procurement requirements for telecommunications, internet, and cybersecurity services to ensure access to the appropriate level of services and to ensure that there are no business disruptions to the City's services; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that it is in the best interest of the residents of the City to amend Chapter 7 to exempt telecommunications, internet, and cybersecurity services from the procurement process.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:

Section 1. Chapter 7 of the City Code of Ordinances, entitled “Finance” is hereby amended at Article III entitled “Procurement Code” at Division 1 to provide for the exemption of telecommunications, internet, and cybersecurity services from the procurement process as follows:

CHAPTER 7. FINANCE

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ARTICLE III. PROCUREMENT CODE

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DIVISION 1. – GENERALLY

Sec. 7-121. - Exemptions.

Unless otherwise ordered by administrative regulation, the following supplies and services are exempted from this code and may or may not, be procured through the purchasing department, but shall nevertheless be procured, whenever possible, in accordance with the requirements of this code:

- (1) Dues and memberships in trade or professional organizations;
- (2) Registration fees for trade and career fairs;
- (3) Subscriptions for periodicals and newspapers;
- (4) Advertisements;
- (5) Postage;
- (6) Expert witnesses, legal services, special magistrates, mediator services, paralegal services;
- (7) Real estate brokerage and appraising, options of title or abstracts of titles for real property;
- (8) Title insurance for real property;
- (9) Public utility services from regulated utilities, including but not limited to electric, water and sewer;

- (10) Copyrighted materials or patented materials including but not limited to technical pamphlets, published books, maps, testing or instructional materials;
- (11) Fees and costs of job-related seminars and training;
- (12) Lectures by individuals;
- (13) Meeting rooms;
- (14) Works of art for public places, and art design and conservation services;
- (15) Hotel accommodations and travel services on city business;
- (16) Purchase of public transportation services;
- (17) Purchase of tickets for special events, tourist attractions and amusement parks;
- (18) City sponsored events as authorized in the yearly city budget;
- (19) Entertainment services (including banquets and similar food services) and, artistic services for city sponsored events; and
- (20) Purchases of motor vehicle license plates from a government regulated entity or a government agency;
- (21) Telecommunications, Internet, and Cybersecurity Services.

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Section 2. **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

Section 4. **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 5. **Codification.** It is the intention of the City Council of the City of North Miami, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word “Ordinance” shall be changed to “Section” or other appropriate word.


Section 6. **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 7th day of November, 2022.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 18th day of November, 2022.



PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Estimé-Irvin

Seconded by: Galvin

Vote:

Mayor Philippe Bien-Aime	<u>X</u>	(Yes)	_____	(No)
Vice Mayor Alix Desulme, Ed.D.	<u>X</u>	(Yes)	_____	(No)
Councilman Scott Galvin	<u>X</u>	(Yes)	_____	(No)
Councilwoman Kassandra Timothe, MPA	<u>X</u>	(Yes)	_____	(No)
Councilwoman Mary Estimé-Irvin	<u>X</u>	(Yes)	_____	(No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.