BOARD OF COUNTY COMMISSIONERS
Agenda Item Summary

Meeting Date May 19, 2004 **Division** **County Attorney**

AGENDA ITEM WORDING

Public hearing of an ordinance amending Sec. 2-541(i)(1), Monroe County Code, revising the requirement for bid bonds to apply only to construction projects estimated to exceed $150,000.

ITEM BACKGROUND

This revision is requested by the Management Services Division due to cost and efficiency factors.

PREVIOUS RELEVANT BOCC ACTION

Approval to advertise for one public hearing at the April 21, 2004 meeting.

CONTRACT/AGREEMENT CHANGES

STAFF RECOMMENDATIONS

Approval.

TOTAL COST BUDGETED Yes No

COST TO COUNTY SOURCE OF FUNDS

APPROVED BY: County Attorney ■ OMB/Purchasing ! Risk Management !

DIVISION DIRECTOR APPROVAL: John R. Collins 04/27/04
JOHN R. COLLINS

DOCUMENTATION: Included ! To Follow ! Not Required !

AGENDA ITEM # Q2

ORDINANCE NO. _____ - 2004

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, AMENDING SECTION 2-541(i)(1) MONROE COUNTY CODE, REVISING THE REQUIREMENT FOR BID BONDS TO APPLY ONLY TO CONSTRUCTION PROJECTS ESTIMATED TO EXCEED $150,000; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HEREWITH; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Management Services Division of the County has recommended revision of the threshold for requiring bid bonds due to cost and efficiency factors; now, therefore

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA:

Section 1. Sec. 2-541(i)(1), Monroe County Code, is hereby amended to read:

> (i) (1) Each bid for construction projects estimated to exceed $150,000 must be accompanied by a bid security in an amount equal to five (5) percent of the bid price either in the form of a certified check made payable to the county or in a bond from a surety company authorized to do business in Florida. A project may not be divided into sub-parts to avoid the requirement for the bid security. The bid securities will remain in the custody of the OMB director until forfeited or released as provided elsewhere in this subsection. If, after the board accepts the bid the bidder refuses to execute the contract or commence the work or provide the goods called for, then the bid security will be forfeited to, and become the property of, the county as liquidated damages for the county's loss of bargain. If the successful bidder executes the contract and commences performance, then the bid security will be returned. The bid securities of unsuccessful bidders and bid securities in the county's possession for more than ninety (90) days from the date of bid opening must also be returned.

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 4. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment

thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 5. This ordinance shall take effect immediately upon receipt of official notice from the Office of the Secretary of State of the State of Florida that this ordinance has been filed with said Office.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the _____ day of _____, 2004.

Mayor Nelson	_____
Mayor Pro Tem Rice	_____
Commissioner McCoy	_____
Commissioner Neugent	_____
Commissioner Spehar	_____

(SEAL)
Attest: DANNY L.KOLHAGE, Clerk

By_____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By_____
Mayor/Chairperson

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:
SUZANNE A. HUTTON
ASSISTANT COUNTY ATTORNEY
Date 3/16/04

jordbidbond