



City of Daytona Beach Shores

"Life is Better Here"

"A Premier, Friendly Place to Be"

AGENDA CITY COMMISSION MEETING JULY 28, 2025

**6:00 PM, Shores Community Center, 3000 Bellemead Drive
Daytona Beach Shores, FL 32118**

Upon being recognized, a member of the public shall proceed to the podium and give his or her name and address and may, thereafter, speak for a maximum of three minutes on any matter relevant to a specific agenda item. During "Audience Comments," a member of the public may speak on any matter relevant to City business which is not on the agenda, for a maximum of three minutes in accordance with Section 2-1.1(d) and 2-2 of the City Code. In accordance with Section 2-2, during periods set aside for public discussion any person desiring to speak shall secure a form located at the agenda table, complete the form and present it to the City Clerk so the speaker can be recognized by the presiding officer. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section. It shall be the duty of the Director of Public Safety, upon the order of the presiding officer at any such meeting, to forcibly, if necessary, evict any person violating the provisions of this section from the Commission Chambers. Any such violation shall subject the offender, upon conviction thereof, to a fine and/or imprisonment as prescribed by Section 1-8.

1. CALL TO ORDER BY MAYOR

2. ROLL CALL BY CITY CLERK

3. PRAYER

4. PLEDGE OF ALLEGIANCE

5. OLD BUSINESS:

A. Ordinance 2025-09 Procurement Policy Updates

6. NEW BUSINESS:

A. Resolution 2025-09 City Manager Procurement Approval Limits

B. Resolution 2025-10 Proposed Millage Rate for FY 25-26

C. City Manager Contract Amendment

7. **CITY ATTORNEY COMMENTS**
8. **CITY MANAGER COMMENTS**
9. **COMMISSION COMMENTS:**
10. **AUDIENCE REMARKS/PUBLIC COMMENTS:**
11. **ITEMS RECOMMENDED FOR THE NEXT AGENDA:**
12. **ADJOURNMENT:**

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED.

NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF DAYTONA BEACH SHORES, 2990 S. ATLANTIC AVENUE, DAYTONA BEACH SHORES, FLORIDA 32118, TELEPHONE NUMBER 386-7635364, CSCHWAB@CITYOFDBS.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 711 or 1 8009558771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.



CITY COMMISSION AGENDA MEMORANDUM JULY 28, 2025 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM: Lory Irwin, Finance Director
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: Ordinance 2025-09 Procurement Policy Updates

SYNOPSIS:

Ordinance 2022-13 was approved by City Commission on July 27, 2022 enacting a city procurement policy. This policy went into effect in November 2022 after city voters approved to have Section 7.08-Bids, contracts, and expenditures removed from the City Charter. This allowed City Commission to govern over purchasing by approving city purchasing policies.

Since Ordinance 2022-13 was approved, the purchasing policy has needed to be updated to account for the lack of qualified vendors in the market, the lack of necessary supplies available to suppliers and buyers, and the increase in the costs associated with all supplies and services. Staff has accessed the needs of the city's current purchasing objectives and have made changes to the current policy to assist in alleviating or at least simplifying current buying inadequacies.

FISCAL IMPACT STATEMENT:

Policy update, will assist in budgeted expense management.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of first reading of Ordinance 2025-09 as written.

SUGGESTED MOTION:

Motion to approve Ordinance 2025-09 as written.

ATTACHMENT: 1. DBS Procurement Ordinance 2025-09 Revised

ORDINANCE NO. 2025-09

AN ORDINANCE OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA, AMENDING THE *MUNICIPAL CODE OF ORDINANCE*, SECTION 2-9 PROCUREMENT; AMENDING ORDINANCE 2022-13 RELATING TO INCREASING PURCHASING AUTHORITY LIMITS; PROVIDING FOR AN INCREASE IN EMERGENCY PURCHASES THRESHOLDS; ADDING FEDERAL AND STATE PROCUREMENT LANGUAGE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT;; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION AND SCRIVERNRE'S ERRORS; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, city commission is authorized pursuant to Chapter 12566, Florida Statutes, to enact Ordinances necessary in the exercise of its powers; and

WHEREAS, the City Commission adopted Ordinance 2022-13 on July 26, 2022, establishing the city Procurement Ordinance; and

WHEREAS, the City Manager is the chief administrative officer of the city, responsible to the City Commission for the administration of all city affairs placed in the City Manager's charge by or under the Charter; and

WHEREAS, the City of Daytona Beach Shores desires to amend Chapter 2 Section 9, Procurement, of the City of Daytona Beach Shores Code of Ordinances increasing the City Manager's authority limit due to the increase in costs of equipment, services, materials, and supplies for the operation of municipal government; and,

WHEREAS, the City desires to enhance and further its goals as outlined herein by increasing its purchasing limits during times of emergencies as set forth by local, county, state and federal agencies; and

WHEREAS, the City has determined that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the health, safety and welfare of the public.

WHEREAS, the City Commission of the City of Daytona Beach Shores desires to amend and restate the Procurement Ordinance as stated herein; and

WHEREAS, the City of Daytona Beach Shores has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance; and

WHEREAS, for purposes of this Ordinance, when text is being amended, strikethrough text represents deletions from the current text of the Code of Ordinances of the City of Daytona Beach Shores while underlined text represents additions.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF DAYTONA BEACH SHORES, FLORIDA, that:

SECTION ONE: LEGISLATIVE FINDINGS AND INTENT.

The City Commission of the City of Daytona Beach Shores hereby adopts and incorporates into this Ordinance the recitals (whereas clauses), City staff report and City Commission agenda memorandum relating to this Ordinance as the legislative and administrative findings and intent of the City Commission.

SECTION TWO: AMENDMENT TO CHAPTER 2 ADMINISTRATION ARTICLE I IN PROCUREMENT. *Section 2-9 of the City of Daytona Beach Shores, Florida* is hereby amended and replaced with the following:

Sec. 2-9. Procurement.

- (a) *In general.* The general purchasing policy of the City of Daytona Beach Shores is that the acquisition of all goods and services shall be conducted on the basis of full and open competition, to the greatest extent possible, with the contract award being made to:
 - (1) The best value proposer under qualitative solicitations that involve pricing as a competitive selection factor.
 - (2) The highest ranked technical proposer with whom a fair and reasonable price may subsequently be negotiated under solicitations that do not involve pricing as an initial competitive selection factor.

- (3) That all specifications or statements of work included in city purchasing actions accurately describe the essential needs of the city and contain no artificial or arbitrary requirements that limit competition.
 - (4) That each purchasing action is conducted in accordance with the best interests of the city, and with the highest level of integrity and fairness to all involved parties throughout the procurement cycle.
 - (5) That all city purchasing operations be conducted in compliance with federal, state, and local laws, as applicable, and ensure the highest degree of ethical standards.
 - (6) That transparency be sustained throughout the purchasing process.
- (b) *Purchasing agent.* The city manager is the purchasing agent for the city, with ultimate responsibility for all procurement, purchasing, and contracting functions. The city manager may delegate some or all purchasing authority, except the authority to make the final decision regarding administrative actions such as bid protests, to any city employee. The city manager shall have the authority to do as follows:
- (1) Serve as the chief procurement officer of the city.
 - (2) Adopt operational procedures governing the internal function of procurement.
 - (3) Purchase or contract for the purchase of commodities, services, or construction for the city.
 - (4) Negotiate and recommend execution of contracts for the purchase of commodities, services, or construction.
 - (5) Act to procure for the city the needed quality in commodities, services, or construction at best value.
 - (6) Discourage uniform bidding and encourage full and open competition on all purchases.
 - (7) Prepare revisions and amendments to the purchasing ordinances set forth herein, as necessary, and recommend such revisions and amendments to the city commission.
 - (8) Adopt policies and procedures governing the procurement, management, and control of commodities, services, and construction procured by the city.
 - (9) Keep informed of current developments in the field of procurement, purchasing, prices, market conditions and new processes.
 - (10) Prescribe and maintain such forms as may be reasonably necessary for procurement and other rules and regulations.
 - (11) Establish and maintain programs for the inspection, testing, and acceptance of commodities, services, and construction purchased to ensure conformance with specifications.
 - (12) Transfer surplus tangible personal property between city departments or facilities as needed.

- (13) Sell, trade, or otherwise dispose of surplus tangible personal property which has become unnecessary or unfit for the city's use.
- (14) Ensure compliance with this Code and other policies and procedures by reviewing and monitoring procurements conducted by any designee, department, or city employee.
- (c) *Quotes and formal solicitations.*
 - (1) *Informal quotes (\$5,000.00 to \$30,000.00).* Except as provided in this policy, procurement of goods or services (including leases) with an estimated value greater than or equal to \$5,000.00 but less than or equal to \$30,000.00 require two or more written quotes in accordance with the procedures adopted by the city.
 - (2) *Formal request (\$30,000.01 to \$50,000.00).* Except as otherwise provided in this policy, procurement of goods or services (including leases) with an estimated value greater than or equal to \$30,000.01 but less than or equal to \$50,000.00 require a formal request for quotes which shall be posted for a minimum of two weeks on the city's website and/or e-procurement platform in an attempt to obtain two or more written quotes. The requesting department shall submit the required specifications to the city clerk or add the request for quote into the e-procurement platform.
 - (3) *Request for formal sealed competitive solicitation (\$50,000.01 or greater).* Except as otherwise provided in this policy, procurement of goods or services (including leases) with an estimated value greater than or equal to \$50,000.01 shall require a formal sealed competitive solicitation. Such solicitations may be in the form of an invitation to bid (ITB), request for proposal (RFP), request for statement of qualifications (RFSQ), request for information (RFI) or any other formal solicitation process.
 - (4) Correction or withdrawal of inadvertently erroneous bids are permitted up to the time of bid opening. After bid opening, no changes in bid prices or other provisions are permitted.
 - (5) Purchases may not be divided to avoid the monetary threshold for competitive solicitation.
 - (6) The solicitation of competitive bids or proposals for professional services covered by the Consultants Competitive Negotiation Act (CCNA) shall be accomplished in accordance with the provisions of Florida Statutes.
 - (7) The solicitation of competitive bids or proposals for any city construction project that is projected to cost more than \$200,000.00, (\$75,000.00 for electrical work) shall be accomplished in accordance with the provisions of Florida Statutes.
 - (8) The solicitation of competitive bids or proposals for city utility projects shall be accomplished in accordance with the provisions of Florida Statutes.
- (d) *Grants.* Grants may be used to procure goods and services.
 - (1) All grant applications must be approved by the city manager prior to submission.
 - (2) Matching grants must have matching funds budgeted for in year of grant award expenditure.

- (e) *Waiver of irregularities.* The city commission grants the city manager the authority to waive any and all non-substantial or minor irregularities in any and all formal bids. Any waiver will be noted in any award recommendation to the commission.
- (f) *Integrity of the competitive solicitation process; no-contact period; public records and meetings.* From the time a competitive solicitation is posted until such time as the contract is awarded by the city or the solicitation is cancelled, all bidders, offerors, respondents, including their employees, representatives, and other individuals acting on their behalf, shall be prohibited from lobbying city officers, city employees, and evaluation committee members. Violation of this section may result in rejection/ disqualification from award of the contract arising out of the competitive solicitation. All questions regarding the competitive solicitation must be directed to the city manager or designee, who will respond in writing and post such response to ensure that all respondents receive the same information during the no-contact period. The penalty for violating the no-contact period may include suspension or debarment.
- (g) *Authority to debar or suspend.*
 - (1) *Debarment or suspension.* After reasonable notice to the vendor involved and reasonable opportunity for that vendor to be heard, the purchasing agent is authorized to debar or suspend a vendor for cause from further consideration for award of contracts with the city. The debarment or suspension shall not be for a period of more than three years.
 - (2) The causes for debarment or suspension include one of the following:
 - a. Conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
 - b. Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification, or destruction of records, receiving stolen property, or any other offense indicating a lack of business integrity or business honesty which seriously and directly affects responsibility as a city vendor.
 - c. Conviction under state or federal anti-trust statutes arising out of the submission of bids or proposals.
 - d. Violation of contract provisions, as set forth below, of a character which is regarded by the purchasing agent to be so serious as to justify debarment action:
 - 1. Deliberate failure without good cause to perform in accordance with the specifications or within the time limit provided in the contract; and
 - 2. Recent failure to perform or unsatisfactory performance in accordance with the terms of one or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the vendor shall not be considered to be a basis for debarment.
 - e. Any other cause the purchasing agent determines to be so serious and compelling as to affect responsibility as a city vendor, including debarment or suspension by another governmental entity for any cause listed in this section.

(h) *Debarment procedures.*

- (1) The city manager shall issue a written decision to debar. The decision shall state the reasons for the action taken and inform the debarred vendor of the right to appeal to the city commission. A copy of the decision of the city manager shall be mailed or furnished immediately to the debarred vendor and the city commission.
- (2) A decision to debar shall be final and conclusive unless within ten days after receipt of the decision the debarred vendor files a written notice of appeal to the city commission.
- (3) Upon a written notice of appeal to the city commission, the city manager shall schedule a hearing before the city commission as soon as reasonably possible, and shall provide written notice of the date and time of the hearing to the debarred vendor. The debarred vendor shall have the opportunity to be heard by the city commission.
- (4) The decision of the city manager shall be deemed final and conclusive if affirmed by the city commission by a majority vote of the members present.

(i) *Exemptions to quotes and formal solicitations.*

- (1) *Small purchases.* All purchases of goods or services under \$5,000.00.
- (2) *Emergency purchase.* An emergency exemption occurs when:
 - a. Certain conditions might adversely affect the life, health, safety and welfare of city employees, or citizens of the city,
 - b. When city property or equipment are endangered,
 - c. When it is necessary to maintain or restore vital services, or
 - d. Situations arise which may cause major financial impact to the city should immediate action not be taken.

In the case of an emergency, the city manager, or designee may authorize certain imminent needs purchases. Those delegated the authority to implement emergency purchases are authorized to waive the bid process within twice their authority. A report listing all emergency purchases and the circumstances of the emergency shall be submitted to the city commission at the next commission meeting after the purchase and the termination of the emergency. It shall be the responsibility of all authorized personnel implementing this exemption to ensure such emergency purchase is accomplished in accordance with city policy and that emergency purchase procedures are invoked properly and not used solely to circumvent the regular established purchasing procedures.

- (3) *Piggybacking.* Piggybacking is a procedure of procuring goods or services without the formal solicitation process by means of utilizing another public entities' entity's award of an invitation for bid or request for proposal or any other formal solicitation process consistent with law. This procedure includes but is not limited to piggybacks of state contracts with the State of Florida, department of management services, and division of purchasing, and Federal GSA contracts.

- a. The city may forego the formal solicitation process by piggybacking. The award will be in accordance with all the terms and conditions, prices, time frames, and other criteria as included in the other public entities' invitation for bid or request for proposal. Additional options may be included in a procurement unless the total dollar value of the options is in excess of the city's bid limit. Expired bids cannot be piggybacked.
 - b. The city manager, or his designee may make purchases/awards, utilizing other public bids, provided the contract being piggybacked is approved by city commission, if applicable, the amounts are within the city commission approved budget and the purchase is made in the best interests of the city. For amounts within the city manager's approval authority, the city manager must approve the piggyback or contract after review by the finance director. For amounts within the department head's approval authority, the department head must approve the piggyback or contract after review by the finance director.
- (4) *Sole source.* Sole source purchasing is when there is only one person or company that can provide the goods and/or services needed because of the specialized or unique characteristics of the goods and/or services.
- a. The following criteria must be met in order to procure goods and services that are a sole source.
 - 1. It is the only item that will produce the desired results (or fulfill the specific need) and,
 - 2. The item is available from only one source of supply, or
 - 3. The item is available from more than one vendor, but due to other circumstances (such as exclusive sales territory by manufacturer, prohibitive delivery time and cost, etc.), only one vendor is suited to provide the goods or services.
 - ~~b. Any purchase of goods and/or services with an estimated value greater than the limits set by subsection (m) 2-9 (c) of this section that is intended to be purchased from a sole source, must be electronically posted for at least 15 7 business days, in accordance with Florida Statutes. The notice must include a request that potential vendors provide information regarding their ability to supply the goods and/or services described.~~
 - ~~c.~~ Purchases of goods and/or services from a sole source are exempt from competitive requirements upon written approval of the city manager, or designee and other appropriate city personnel within their expenditure authority.
 - ~~d.~~ The request for sole source purchases shall set forth the purpose and need, an explanation why the item will exclusively produce the desired results (or fulfill the specific need) and the criteria. Compatibility to existing equipment shall be an acceptable justification for this exemption, provided the item is only available from a sole source of supply.

- ed. The requesting department and/or the buyer shall attempt to locate competition (alternate sources of supply).
 - fe. The requesting department shall keep a log of sole source purchases, which includes the vendor's name, the amount, item description, justification, and the purchase order number, which shall be reported quarterly to the city commission by the requesting department.
 - gf. The requesting department shall conduct negotiations, as appropriate, as to price, delivery, and terms.
- (5) *Cooperative purchasing.* The city manager may elect to purchase through or join with other governmental units in cooperative purchasing ventures when the best interest of the city would be served thereby, provided the same is in accordance with all applicable laws. If the city manager should elect to purchase through or join with other governmental agencies in cooperative purchasing ventures, all purchases in excess of ~~\$50,000.00~~ the city manager's purchasing authority would require commission approval before the purchasing contracts are entered into.
- (6) *Direct purchase.* Procurement of supplies or materials may be made without competitive selection where the supplies or materials are procured by the city as an owner direct purchase for incorporation into a public work as defined by applicable state law, and the contract for the project was previously awarded by the city and included the cost of the supplies or materials. In such event, the city will procure the supplies or materials in accordance with Florida Statutes and regulations related to owner direct purchases by governmental entities.
- a. The city commission finds that an exception is warranted for the city manager's purchase order authority when it is necessary to purchase materials pursuant to the direct purchase sales tax savings of a public works construction project.
 - b. The city manager shall have the authority to issue a purchase order for materials that will be incorporated into a public works project of the city, the purchase is pursuant to the owner direct purchase sales tax savings and the funds for the project, including the materials to be purchased, are included in the city's budget for the project.
 - c. The city manager will report all purchase orders to the city commission that are issued pursuant to this exception at the next commission meeting.
- (7) *Special circumstances.* Under circumstances where, after competitive bidding, no bids meeting bid requirements are received, all bids are rejected for failure to meet bid requirements, or no bids are submitted the city commission may re-solicit bids, solicit competitive proposals, or make the required purchase by any other legal means.
- (8) *Additional exemptions.* The purchase of the following goods and services is exempt from quotes and formal solicitations:
- a. Water, sewer, gas, electrical and other utility services; telecommunication services including, but not limited to, cable television, telephone lines, internet connectivity,

data and voice circuits, voice over internet protocol ("VOIP"), cellular/wireless phones, wide area network ("WAN") connectivity, pagers, and wireless adapters for cellular data ("air cards").

- b. Postage.
 - c. Advertisements.
 - d. Membership fees.
 - e. Subscriptions.
 - f. Any items covered under the city's travel policy.
 - g. Software/technology maintenance and support renewal fees for existing software or technology licenses. (Does not include new purchases.)
 - h. Goods and/or services provided by governmental and quasi-governmental entities.
- (9) Competition is favored even though this section may allow an exemption. Such exemptions shall be submitted as formal requests from the requesting department and include a detailed justification for the exemption. The city manager may establish procedures that support the competitive process regardless of the exemption status.
- (j) *Single response to solicitation.* If only one response is received for a solicitation, then an award may be made to such respondent pursuant to the following requirements:
- The city manager will determine:
- (1) That the price and other terms as submitted are fair and reasonable
 - (2) That other prospective respondents had a reasonable opportunity to respond; and
 - (3) That the purchase is in the best interest of the city.
- (k) *Contract renewals.* The city manager shall have the authority to exercise, in subsequent years, any renewal options initially included in the bid solicitation, provided they are approved by commission at the initial award of the contract, and the terms and conditions as well as current market conditions are favorable for the city. Such renewals are subject to the availability of funds. This shall include all contracts executed by city commission prior to adoption of the ordinance from which this section is derived.
- (l) *Alterations or modifications of contracts.*
- (1) Where in the opinion of the department head it becomes necessary for the prosecution of any work or improvement under contract to make alterations or modifications in such contract, such alterations or modifications may only be affected as follows:
 - a. *Unforeseen conditions allowance.* The city manager. or his designee as set forth in writing, shall have the authority to approve expenditures up to the total amount of the allowance for unforeseen conditions if established upon award of the contract.
 - b. *Change orders by city manager authority.* The city manager, or his designee as set forth in writing, shall have the authority to approve change orders up to ten percent of the original contract amount or ~~\$50,000.00~~ up to the city manager's purchasing

limit per occurrence if an allowance is not included in the contract, but not to go over his authority threshold. Any change order above the city manager's approval threshold must be approved by commission.

- c. *Emergency event.* The city manager or his designee as set forth in writing, shall have the authority to approve and execute change orders that increase the contract price beyond the unforeseen conditions allowance only for an emergency event that occurs during the performance of the contract and requires immediate resolution to avoid one or more of the following:

1. Additional costs that were not reasonably anticipated;
2. Delay to the project that increases costs; or
3. Endangerment to the public.

Each change order issued because of an emergency event shall be brought to the city commission for ratification at the next available meeting if the approval authority of the city manager has been exceeded or if the allowance has been exceeded.

- d. *Scope and time.* City commission approval shall be required for changes in project time over 30 days

- (2) Except as expressly modified in a change order, all other terms and conditions of the modified contract shall remain in full force and effect.

(m) *Approval requirements.*

- (1) City commission approval shall be required for all contracts and bid awards, piggybacking awards, and sole source awards with an estimated value greater than ~~\$50,000.00~~ the city manager's purchasing authorization limit.
- (2) The city manager or designee shall have approval authority ~~as follows:~~ up to and including the
 - a. ~~Any purchases less than or equal to \$50,000.00~~ amount as set forth by resolution; or
 - b. ~~Any purchases of capital items, goods, and services pursuant to contracts and bid awards, piggybacking awards, and sole source awards approved by city commission and/or as set out in the annual budget as adopted by the city commission.~~
- (3) Department heads or their designee shall have authority to approve purchases of capital items, goods, and services up to and including the amount approved by the city manager, where such purchase does not exceed the item and/or department budget limit.
- (4) Emergency purchases shall be accomplished in accordance with subsection (i)(2).

(n) *Performance and payment bonds.*

- (1) A contractor or vendor may be required to provide a corporate surety bond from a surety company authorized to do business in Florida to guarantee the full and faithful performance of the contract obligations and the payment of labor and material expended pursuant to the contract whenever and in such amounts as are deemed

necessary by the city manager. All such bonds shall be approved as to form by the city attorney.

- (2) The city commission delegates to the city manager the authority to waive in whole or in part, the payment and performance bond requirements on city projects for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work, unless otherwise required by law, and when the cost of the work to be completed is estimated to be less than or equal to the city manager's authority threshold.

(o) *Disposal of surplus property.*

- (1) The city manager has authority to dispose of surplus city tangible personal property by trade, sealed bid, donation, or sale at public auction depending on the item, its value, or other factors all as may be in accordance with law and city policy.
- (2) If the surplus property is determined to be only of scrap value or have no commercial value, the city manager is authorized to sell the surplus property as scrap if possible or dispose in any other manner.
- (3) The city manager may transfer surplus items to another department which has need of it.
- (4) City commission approval is required prior to disposal of any real property. Commission shall adopt an ordinance to convey or lease or authorize the conveyance or lease of any city real property. Commission may authorize the city manager to dispose of the surplus real property by the method or methods deemed most advantageous, convenient, and economical.

(p) *Bid protest procedures.*

- (1) In any case where a bidder or interested bidder wishes to protest either the results of or intended disposition of any bid, the following action is required:
 - a. The bidder or interested bidder must file a written notice with the city clerk explaining in detail the nature of the protest and the grounds on which it is based. This notice must be received by the city clerk no later than three business days after the city's notice of intent to award. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.
 - b. The city clerk shall respond in writing to the written protest in a timely manner, determine whether the protest is with or without merit, and revise the administrative decision or recommendation, if necessary.
- (2) In any case where a bidder, or interested bidder wishes to appeal the determination by the city clerk, the following action is required:
 - a. The bidder or interested bidder must file a written appeal to the city manager explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by the city manager no later than three business days after the city clerk's written response. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed. Each

written appeal must be accompanied by a bid protest appeal bond in the form of a certified check, cashier's check or money order made payable to the City of Daytona Beach Shores, in the amount not less than five percent of the lowest responsible bid and in an amount to secure any city damages or costs arising from the appeal, to be determined by the city clerk.

- b. Upon timely receipt of the formal written protest and bid protest appeal bond, the city manager shall respond in writing to the written appeal, determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.

(3) In any case where a bidder, or interested bidder wishes to appeal the determination by the city manager, the following action is required:

- a. The bidder or interested bidder must file a written appeal to city commission, addressed to the city clerk, explaining in detail the nature of the appeal and the grounds on which it is based. This notice must be received by the city clerk no later than three business days after the date of the city manager's written response. At that time, the final bid award shall be delayed until the protest procedure, herein described, has been completed.
- b. The city clerk shall schedule the bid protest appeal to be heard at an upcoming city commission meeting and provide all relevant documents in the agenda package.
- c. The bidder or interested bidder must attend the scheduled city commission meeting. City staff and the bidder or interested bidder will be provided an opportunity to present evidence related to the bid protest appeal.
- d. At the scheduled city commission meeting, city commission will determine whether the appeal is with or without merit, and revise the administrative decision or recommendation, if necessary.

(4) The bid bond protest bond shall be forfeited to the city if one of the following occurs:

- a. The bid protest appeal is determined to be without merit or non-valid by the city manager and no further appeal is filed.
- b. The bid protest appeal is determined to be without merit or non-valid by the city commission, or
- c. The bidder or interested bidder who filed the appeal did not attend the scheduled city commission meeting.

(q) *Procurement by lease and multi-year procurements.*

- (1) A procurement contract may be entered into for any period of time deemed to be in the best interest of the city unless otherwise prohibited by law. Threshold spending limits are based on the life of the contract (excluding extensions) not on the individual annual amounts.
- (2) Unless the city commission expressly approves otherwise or the contract states otherwise, every contract for procurement of goods by lease will provide the city the

right to terminate without cause on 90 or fewer days' notice or the right to terminate based on non-appropriation.

- (3) Unless the city commission expressly approves otherwise or the contract states otherwise, every contract for a multi-year procurement will provide the city the right to terminate without cause on 90 or fewer days' notice, or the right to terminate based on non-appropriation; and will further provide that in the event of termination as described above the maximum reimbursement available to the contractor will be the reasonable value of goods and services delivered and accepted through the termination date.
- (r) *Indefinite quantity contracts.* The city commission may award indefinite quantity contracts whenever it is impractical to determine in advance the precise quantities of goods or services needed. In approving an indefinite quantity contract, the city commission may authorize the city manager to make expenditures up to a maximum stated amount or to expend such sums as may be budgeted and appropriated for purchase orders under the contract.
- (s) *Conflicts of interest.* No employee of the city shall contract with or for any business dealing with the city whereby he may derive income or benefits other than those provided as remuneration from the city for his employment except when the city commission has made a prior determination that such dealings are in the best interest of the city.
- (t) *Encumbrance of funds.* Except in cases of emergency, the city manager shall not issue any order for delivery on a contract or purchase, unless there is to the credit of the department concerned a sufficient funds on deposit to defray the amount of such an order, or a budget amendment/transfer is in process for approval by the city commission.
- (u) *Appropriations lapse at end of year.* All appropriations shall lapse at the end of the budget year to the extent they shall not have been expended.
- (v) *Federal and state law requirements when federal or state funds are to be received or expended as applicable.*
 - (1) Procurement procedures authorized or required by federal or state law are deemed authorized by this subsection when federal or state funds are to be received or expended, as applicable.
 - (2) Where the procurement involves the expenditure of federal assistance or contract funds, the procurement will be conducted in accordance with applicable federal law and regulations.
 - (3) Where the procurement involves the expenditure of state assistance or contract funds, the procurement will be conducted in accordance with applicable state law and regulations.
 - (4) If there is any conflict between the provisions of this purchasing policy and any applicable provision of federal or state law, the provisions of the federal or state law apply when federal or state funds are to be received or expended, as applicable.

SECTION THREE: Implementing Administrative Actions. The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take

any and all necessary administrative actions to include, but not be limited to, the adoption of administrative policies.

SECTION FOUR: Severability. If for any reason any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

SECTION FIVE: Codification. This Ordinance shall be incorporated into the City of Daytona Beach Shores Code. Any section, paragraph number, letter and/or any heading may be changed or modified by the code codifier as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alternations, and omissions not affecting the construction of meaning of this Ordinance or the City Code may be freely made.

SECTION SIX: Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION SEVEN: Effective Date. This Ordinance shall become effective immediately upon enactment.

CITY OF DAYTONA BEACH, FLORIDA

NANCY MILLER, MAYOR

KURT D. SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

VOSE LAW FIRM, CITY ATTORNEY

Passed on first reading this _____ day of _____, 2025.

Adopted on second reading this _____ day of _____, 2025.



**CITY COMMISSION AGENDA MEMORANDUM
JULY 28, 2025 AGENDA**

TO: Honorable Mayor and Members of the City Commission

FROM:

PREPARED BY: Lory Irwin, Finance Director

SUBJECT: Resolution 2025-09 City Manager Procurement Approval Limits

SYNOPSIS:

Ordinance 2025-09 is making updates to the city's procurement policy, Ordinance 2022-13. Among the updates is allowing City Manager procurement authority limits to be set by resolution. As ordinance 2025-09 is having its second reading, a resolution is needed to set the authority limit of the City Manager.

If has been recommended to increase the City Manager's approval limit to \$100,000 due to the current economic environment.

FISCAL IMPACT STATEMENT:

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. Resolution 2025_09 City Manager Procurement Approval Limit

RESOLUTION 2025-09

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROCUREMENT POLICY AUTHORIZATION LIMITS OF THE CITY MANAGER PER ORDINANCE 2025-09; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Daytona Beach Shores adopted a procurement policy, Ordinance 2022-13 on July 26, 2022 ; and

WHEREAS, the city desired to make updates to the city procurement policy with Ordinance 2025-09; and

WHEREAS, the city wanted to separate the authorization of city manager purchasing limits from the procurement policy; and

WHEREAS, it is in the best interest of the city and its residents to set the city manager procurement approval limit at \$100,000.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:

SECTION ONE: The City Commission of the City of Daytona Beach Shores, Florida, hereby approves and authorizes setting the city manager's procurement approval authority at \$100,000.

SECTION TWO: This resolution shall become effective immediately upon adoption.

CITY OF DAYTONA BEACH SHORES, FL

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER CHERYL SCHWAB, CITY CLERK

Approved as to form and legality:

VOSE LAW FIRM, CITY ATTORNEY

Adopted on first reading this _____ day of _____, 2025.



CITY COMMISSION AGENDA MEMORANDUM JULY 28, 2025 AGENDA

TO: Honorable Mayor and Members of the City Commission
FROM:
PREPARED BY: Lory Irwin, Finance Director
SUBJECT: Resolution 2025-10 Proposed Millage Rate for FY 25-26

SYNOPSIS:

The City Charter requires the City Manager to submit a proposed budget to the City Commission. A budget workshop allowed city staff and commission to discuss the proposed Fiscal Year 2025-2026 proposed budget and to give staff direction on the operating budget and proposed property tax millage rate.

FISCAL IMPACT STATEMENT:

The proposed millage of \$4.5880 per \$1,000 reflects a 3.03% increase over the roll-back rate of 4.4529%. This proposed rate is the same millage rate as last year, FY 2024-25.

BACKGROUND:

The budget is based upon long-term financial trends that are regularly monitored, including consumer price indices for inflation on operating expenses and health insurance rates which impact the budget. The budget workshop discussed the tax rate incorporated into the proposed budget of \$4.5880 per \$1,000 which reflects a 3.03% increase in tax assessment from FY 2024-2025; this rate is 3.03% higher than the roll back rate of 4.4529 mills.

With the increase in Daytona Beach Shores' property values certified by the Volusia County Property Appraiser the proposed tax rate is 3.03% above the roll back rate.

LEGAL REVIEW:

RECOMMENDATION:

Staff recommends approval of a proposed millage rate for fiscal year 2025-2026 based on the budget workshop discussion.

SUGGESTED MOTION:

Adopt Resolution 2025-10 as written or amended by Commission's discussion at the budget workshop.

ATTACHMENT: 1. Resolution 2025-10 Proposed Millage

RESOLUTION 2025-10

A RESOLUTION OF THE CITY OF DAYTONA BEACH SHORES, VOLUSIA COUNTY, FLORIDA, SETTING THE PROPOSED MILLAGE RATES FOR THE CITY FOR FISCAL YEAR 2025-2026; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Statutes, including Chapter 200.065(2)(e)1., provide that the City Commission shall adopt a proposed millage rate, and;

WHEREAS, the Volusia County Property Appraiser has certified a rolled-back rate of \$4.4529 per \$1,000 of taxable value for the City of Daytona Beach Shores.

NOW, THEREFORE, BE IT ADOPTED BY THE CITY COMMISSION OF THE CITY OF DAYTONA BEACH SHORES, FLORIDA:

SECTION ONE: The millage rate for the current fiscal year 2025-2026 is \$4.5880 per \$1,000 of taxable value for the general operating budget.

SECTION TWO: There is hereby adopted a proposed millage rate of \$4.5880 per \$1,000 of taxable value for the general operating budget for the fiscal year 2025-2026. This proposed millage rate is an increase of 3.03% above the rolled-back rate of \$4.4529 mills.

SECTION THREE: The date and time of the Tentative Millage Rate hearing shall be Monday, September 8, 2025 at 6:00 pm in the Commission Chambers located at 3000 Bellemead Drive, Daytona Beach Shores, Florida 32118 and shall be followed immediately by the Tentative Budget Hearing.

SECTION FOUR: This Resolution shall be effective immediately upon its adoption.

CITY OF DAYTONA BEACH SHORES, FL

NANCY MILLER, MAYOR

KURT SWARTZLANDER, CITY MANAGER

CHERI SCHWAB, CITY CLERK

Approved as to form and legality:

VOSE LAW FIRM, CITY ATTORNEY

Passed and Adopted on this _____ day of _____, 2025



**CITY COMMISSION AGENDA MEMORANDUM
JULY 28, 2025 AGENDA**

TO: Honorable Mayor and Members of the City Commission
FROM: Kurt Swartzlander, City Manager
PREPARED BY: Cheri Schwab, City Clerk
SUBJECT: City Manager Contract Amendment

SYNOPSIS:

During the July 1 City Commission meeting the commission asked for an amendment to be brought back for the City Manager's contract to include the CM in the existing merit pay plan that all other employees participate in.

FISCAL IMPACT STATEMENT:

Any changes to the city manager's salary will need to be included within any adopted budget each fiscal year.

BACKGROUND:

LEGAL REVIEW:

RECOMMENDATION:

SUGGESTED MOTION:

ATTACHMENT: 1. City Manager second amendment KS - 2025 - FINAL

SECOND AMENDMENT TO EMPLOYMENT AGREEMENT

THIS SECOND AMENDMENT TO EMPLOYMENT AGREEMENT, which is made and entered into this 28th day of July, 2025, amends that certain Employment Agreement by and between the **CITY OF DAYTONA BEACH SHORES**, Florida, a municipal corporation, hereinafter referred to as “Employer” or “City”, and **KURT D. SWARTZLANDER**, hereinafter referred to as “Employee” or “City Manager”, both hereinafter collectively referred to as “the parties”, with an effective date of June 3, 2022, (hereinafter referred to as “Original Agreement”), as previously amended by the First Amendment to Employment Agreement, with an effective date of February 15, 2023 (hereinafter “Amended Agreement”).

WITNESSETH:

WHEREAS, Section 3.03 of the Charter of the City of Daytona Beach Shores provides that “The city council shall establish the salary and other benefits of the city manager, and shall at least annually review the salary. On the occasion of the annual salary review the council shall make a systematic evaluation of the performance of the manager which shall be made a matter of public record.” This Section anticipates a potential for a review of the salary of the City Manager more often than once per year, as shown by the reference to “at least annually”; and

WHEREAS, on July 1, 2025, the City Commission reviewed the salary of the City Manager, evaluated the performance of the City Manager at that public meeting, and unanimously voted to increase the salary of the City Manager each year going forward beginning on October 1, 2025, by an amount equal to any increase granted across-the-board to all salaried city employees for any market-based, or cost-of-living wage adjustments (including the existing city merit pay increase plan with the appropriate conversion as to rating scales). In addition, the City agrees to increase the base salary and/or benefits of Employee in such amounts and to such extent as the City Commission by majority vote determines desirable on the basis of any salary and/or benefits review of Employee (whether an annual review or otherwise).

NOW, THEREFORE, In consideration of the mutual covenants herein contained, the parties amend the Original Agreement as follows:

1. Section 4 of the Amended Agreement is further amended to read:

Section 4. Salary.

A. Employee’s base salary shall be increased as of October 1, 2025, in accordance with any increase granted across-the-board to all salaried city employees for any market-based, or cost-of-living wage adjustments (including the existing city merit pay increase plan with the appropriate conversion as to rating scales). In addition, the City agrees to increase the base salary and/or benefits of Employee in such amounts and to such extent as the City Commission by majority vote determines desirable on the basis of any salary and/or benefits review of Employee (whether an annual review or otherwise). In the event of an increase of salary or benefits

under this paragraph, this Agreement shall be deemed amended to reflect the increased salary and/or benefits.

2. All other terms and conditions of the Original Agreement as amended by the Amended Agreement remain the same.

IN WITNESS THEREOF, the City of Daytona Beach Shores has caused this Second Amendment to Employment Agreement to be signed and executed in its behalf by its Mayor and duly attested by its City Clerk, and the Employee has signed and executed this Agreement, both in duplicate.

CITY OF DAYTONA BEACH SHORES

Nancy Miller, Mayor

Date

EMPLOYEE

Kurt D. Swartzlander, Employee

Date

CITY CLERK

Cheri Schwab

Date