

ORDINANCE NO. 19-44

AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING PROCUREMENT; AMENDING AND RESTATING CHAPTER 2-26, SECTION 2-26-63 CONTRACT CLAIMS AND SECTION 2-26-64 ADMINISTRATIVE HEARINGS; PROVIDING THE PROCEDURE AND REQUIREMENTS FOR FILING A CONTRACT CLAIM; PROVIDING AUTHORITY TO THE PURCHASING OFFICIAL TO RESOLVE CONTRACT CLAIMS; PROVIDING AN ADMINISTRATIVE HEARING FOR REVIEW OF THE PURCHASING OFFICIAL'S DECISION ON A CONTRACT CLAIM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Manatee County Board of County Commissioners (Board) has determined that it is appropriate to amend and revise the contract claim and administrative hearing procedure provided for in Article VI of Chapter 2-26, Sections 2-26-63 and 2-26-64 of the Manatee County Purchasing Code (Code) to address certain legal issues and eliminate procedures that are outdated; and

WHEREAS, the Board finds these amendments to the contract claim procedure provided for in Section 2-26-63 and the administrative hearing procedure in 2-26-64 of the Code to be in the best interests of the County and the entities with whom the County does business.

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

Section 1. Article VI of Chapter 2-26, Sections 2-26-63 and 2-26-64 of the Code are hereby restated in their entirety, as follows:

Section 2-26-63. Contract claims.

(a) *Contract claim.* Claims arising from a fully executed contract with the county shall be filed with the purchasing official. Prior to filing the contract claim, the contractor shall first exhaust all remedies set forth in the contract.

(b) *Contract claim procedure and requirements.*

(1) The contract claim shall be made in writing and filed with the procurement division within sixty (60) calendar days of the date of the final adverse decision or document that is the subject of the contract claim.

(2) The contract claim shall include, at a minimum, the following:

- a. The name and address of the contractor filing the contract claim and any legal counsel;
- b. The address to which the purchasing official should send his or her final decision;
- c. Identification of the final adverse decision or document that is the subject of the contract claim;
- d. Identification of the administrative remedies provided for in the contract that were pursued prior to the claim and the outcome;
- e. A statement of the grounds for each issue to be reviewed and the applicable provisions of the contract, as well as any applicable statutes, laws, ordinances or other legal authorities which the contractor deems applicable to the claim;
- f. A statement of the grounds for each issue raised in the contract claim; and
- g. A copy of the final adverse decision or document that is the subject of the claim and any exhibits, evidence, or documents which the contractor deems applicable to the issues raised in the claim.

(c) *Requested information.* During the purchasing official's review of the contract claim, the purchasing official may request additional information from either party. The parties are to provide the purchasing official with the requested information within the time period set forth in the request. Failure of any party to timely comply may result in resolution of the claim without consideration of the requested information.

- (d) *Authority to resolve formal contract claims.* The purchasing official shall have the authority to settle and resolve a contract claim.
- (e) *Notice to the contractor of the purchasing official's decision.* The written decision of the purchasing official shall be sent to the contractor to the notice address listed on the contract claim or by such other means as agreed to by the parties.
- (f) *Finality of purchasing official's decision; contractor's right to request a hearing.* The purchasing official's decision shall be final and conclusive unless, within ten (10) calendar days from the date of receipt of the decision, the contractor files a written request for a formal administrative hearing pursuant to section 2-26-64.

2-26-64. Administrative hearing.

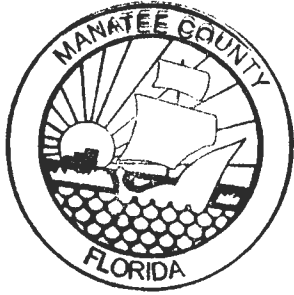
- (a) The purchasing official's decision shall be final and conclusive unless, within ten (10) calendar days from the date of receipt of the decision, the contractor files a written request for a formal administrative hearing.
- (b) The administrative hearing shall be held before a Manatee County hearing officer within ninety (90) days of the date of the request, or within such period as may be agreed upon by the parties.
- (c) The administrative hearing shall be conducted pursuant to section 2-2-107 et seq. of the Manatee County Code, except as otherwise provided herein.
- (d) The hearing officer's decision shall be due within twenty (20) business days from the date of the hearing, or within such period as may be agreed upon by the parties.

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.

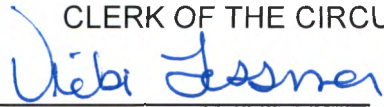
DULY ADOPTED, with a quorum present and voting, this 19th day of November 2019.



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

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 20, 2019

Honorable Angelina Coloneso
Clerk of the Circuit Court
Manatee County
Post Office Box 25400
Bradenton, Florida 34206

Attention: Vicki Tessmer

Dear Ms. Coloneso:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance 19-44, which was filed in this office on November 20, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

From: ords@municode.com
To: [Vicki Tessmer](mailto:Vicki_Tessmer); tammy.larsen@mymanatee.org
Subject: Manatee County, FL Code of Ordinances - 1981 (10428) Supplement 109
Date: Friday, November 22, 2019 11:12:03 AM
Attachments: [ATT00001.bin](#)
[ATT00002.bin](#)

THIS IS AN AUTOMATICALLY GENERATED EMAIL

Below, you will find the material that we have received/recorded to your account. This material is being considered for inclusion in your next/current update, Supplement 109

Document	Adopted Date	Recorded	Recorded Format
Ordinance No. 19-33	10/8/2019	11/21/2019	Word
Ordinance No. 19-41	10/22/2019	10/24/2019	Word
Ordinance No. 19-43	11/19/2019	11/21/2019	Word
Ordinance No. 19-44	11/19/2019	11/22/2019	Word
Ordinance No. 19-47	11/19/2019	11/21/2019	Word



Update the internet version of your Code more often than a printed supplement. We can update the Internet quarterly, monthly, even weekly.



We can post newly enacted ordinances in the online Code after each meeting.

BRADENTON HERALD

Bradenton.com

AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
665410	0004438061	NOTICE OF PUBLIC HEARING NOTICE IS HER	ORD NO. 19-44	\$107.64	1	9.20 In

Attention: Gwennie Dickson

MANATEE CO PURCHASING
1112 MANATEE AVE W SUITE 803
BRADENTON, FL 34205

**NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN** pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County will conduct a Public Hearing on the **19th day of November, 2019, at 9:00am**, or as soon thereafter as same may be heard at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida, to consider, act upon, enact or reject the following ordinance:

**ORDINANCE NO. 19-44
AN ORDINANCE OF MANATEE COUNTY, FLORIDA REGARDING PROCUREMENT; AMENDING AND RESTATING CHAPTER 2-26, SECTION 2-26-63 CONTRACT CLAIMS AND SECTION 2-26-64 ADMINISTRATIVE HEARINGS; PROVIDING THE PROCEDURE AND REQUIREMENTS FOR FILING A CONTRACT CLAIM; PROVIDING AUTHORITY TO THE PURCHASING OFFICIAL TO RESOLVE CONTRACT CLAIMS; PROVIDING AN ADMINISTRATIVE HEARING FOR REVIEW OF THE PURCHASING OFFICIAL'S DECISION ON A CONTRACT CLAIM; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

Interested parties may appear and be heard at the meeting with respect to the proposed Ordinance pursuant to Section 286.0105, Florida Statutes. Any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

The proposed Ordinance is available for public inspection at the Manatee County Financial Management Department, Procurement Division, 1112 Manatee Avenue West, 8th Floor, Bradenton, FL 34205, during regular business hours. A reasonable charge may be made for the provision of copies.

Americans with Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy includes...

**THE STATE OF TEXAS
COUNTY OF DALLAS**

Before the undersigned authority personally appeared VICTORIA RODELA, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **Public Notice**, was published in said newspaper in the issue(s) of:

1 Insertion(s)

Published On:
November 01, 2019

**THE STATE OF FLORIDA
COUNTY OF MANATEE**

Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

V Rodela

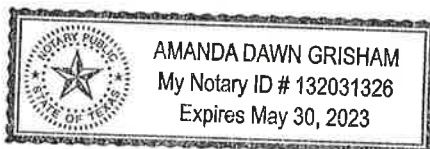
(Signature of Affiant)

Sown to and subscribed before me this
1st day of November in the year of 2019

Amanda Dawn Grisham

SEAL & Notary Public

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS

Manatee County Financial Management Department

Manatee County, Florida

11/1/2019