

SUNRISE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 5 “FINANCE AND TAXATION,” ARTICLE V “PURCHASING AND CONTRACTING,” DIVISION 3 “PROCEDURE,” BY AMENDING SECTION 5-179 “LOCAL CONTRACTOR PREFERENCE” TO CONFORM WITH AMENDMENTS TO STATE LAW; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2025 legislative session, via House Bill 683, the Florida Legislature amended Section 255.0992, Florida Statutes, to prohibit local governments from penalizing a bidder for performing a larger volume of construction work or rewarding a bidder for performing a smaller volume of construction work for the local government when scoring or evaluating bids for a public works project; and

WHEREAS, Section 5-179(c) of the Code of the City of Sunrise, Florida, prohibits bidders or offerors from having “more than three (3) awarded and incomplete qualified construction projects with the city at any given time”; and

WHEREAS, City staff have reviewed Section 255.0992, Florida Statutes, as amended, and recommend amending Section 5-179 of the City Code to conform with state law.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. That section 5-179 of the Code of the City of Sunrise, Florida, is hereby amended to read as follows:

Section 5-179. - Local contractor preference.

- (a) For a qualified construction project, the bid shall include a minimum requirement that twenty (20) percent of the work be performed by local contractors. The bid shall include a certification from the responsible bidder attesting to the satisfaction of the minimum requirement for local contractors. In addition, the contractor shall be required to attest to the continued satisfaction of the minimum requirement for local

contractors prior to receiving final payment. Upon determination by the procurement manager that the contractor has failed to comply with this subsection, the contractor shall be immediately suspended from bidding on any bids, quotes, or requests for proposals until one year following final payment on the qualified construction project where compliance was not achieved.

(b) The procurement manager shall have the authority to waive the twenty (20) percent local contractor requirement of this subsection provided that the procurement manager and the associated department director have concurrently determined in writing that there is insufficient competition within the county.

~~(c) A responsible bidder or offeror may have no more than three (3) awarded and incomplete qualified construction projects with the city at any given time. For purposes of this subsection, a qualified construction project is considered completed once all related purchase orders have been performed in their entirety by the contractor and paid in full by the city.~~

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Inclusion in the Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this _____ DAY OF _____, 2026.

PASSED AND ADOPTED upon this second reading this _____ DAY OF _____, 2026.

Mayor Michael J. Ryan

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

CLARKE: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

SECOND READING

MOTION: _____
SECOND: _____

CLARKE: _____
GUZMAN: _____
KERCH: _____
SCUOTTO: _____
RYAN: _____

Approved by the City Attorney
as to Form and Legal Sufficiency

Thomas P. Moss