

CM-EO 2020-08

**EXECUTIVE ORDER OF THE CITY MANAGER
PROVIDING FOR TEMPORARY MEASURES REGARDING
CITY PROCEDURES FOR SEALED BIDS
RELATED TO GOVERNOR'S DECLARATION OF EMERGENCY 20-52**

The following Executive Order was adopted by the City Manager of the City of Melbourne, Florida on the date written below.

WHEREAS, on March 9, Governor DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida pursuant to Chapter 252 of Florida Statutes based upon substantial harm related to COVID-19 ("Governor EO 20-52"); and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued guidance to address COVID-19 advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people, and in states with evidence of community spread, indoor and outdoor venues where groups of people congregate should be closed; and

WHEREAS, on March 20, 2020, Governor DeSantis issued Executive Order 20-69 suspending any Florida Statute requiring a quorum to be present in person or requiring a local government body to meet at a specific public place, and authorizing local government bodies to utilize communications media technology, such as telephonic and video conferencing, for such meetings ("Governor EO 20-69"); and

WHEREAS, pursuant to Section 18-23 of Melbourne City Code, upon the Governor's said declaration of emergency, the city manager is authorized to order appropriate emergency measures as set forth in Section 18-26 of Melbourne City Code.

NOW THEREFORE, IT IS HEREBY ORDERED BY THE CITY MANAGER OF THE CITY OF MELBOURNE, FLORIDA THIS 2nd DAY OF APRIL, 2020:

SECTION 1: That based upon the authority given to me by Sections 18-26(3) and 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby order the following temporary measures regarding City procedures for submission and receipt of sealed bids:

A. Any City Code or City of Melbourne Purchasing Manual provisions that requires a bidder to submit a sealed bid by envelope is temporarily modified to authorize submission and receipt of sealed bids electronically.

B. City staff are directed to identify and approve applications for the submission and receipt of electronic sealed bids.

SECTION 2. That based upon the authority given to me by Section 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby temporarily modify the City of Melbourne Purchasing Manual to authorize pre-bid conferences utilizing communications media technology. Notice of pre-bid conferences, and the administration of pre-bid conferences utilizing communications media technology, shall be consistent with the direction in Sections 3(C) through 3(E) of this Executive Order below.

SECTION 3. That based upon the authority given to me by Sections 18-26(3) and 18-26(4) of City Code during the declared state of emergency set forth in Governor EO 20-52, I hereby order the following temporary measures regarding City procedures for opening sealed bids:

- A. For Procurement Department and Engineering Department bid openings, the requirements in Section 2-575, City Code and the City of Melbourne Purchasing Manual that formal sealed bids be opened at a particular physical location are temporarily suspended. The Procurement Department and Engineering Department may conduct bid openings utilizing communications media technology as set forth below.
- B. For Engineering Department bid openings under Chapter 255, Florida Statutes, and pursuant to Section 255.0525(2), Florida Statutes, I hereby temporarily alter the bid opening procedures to suspend any requirement that the bid opening occur at a particular physical location. The Engineering Department may conduct bid openings utilizing communications media technology. Such bid openings under Chapter 255 shall remain open to the public and minutes of such meetings shall be taken, in accordance with Section 255.0518, Florida Statutes.
- C. City staff are directed that notices of bid openings utilizing communications media technology are to include information on the type of technology being utilized; how interested persons can access the bid opening through the technology; and an address, email, and phone number for interested persons to write or call to submit public comment or request additional information regarding the bid opening.
- D. For bid openings where an initial notice included a particular physical location, City staff are directed to provide supplemental notice that the bid opening will not occur at the location stated in the initial notice, and will instead utilize communications media technology, together with the information stated in subsection C. above.
- E. The Procurement and Engineering Departments are directed to coordinate with the IT Department regarding the operation and administration of communications media technology for the purposes discussed in this Executive Order.

This Executive Order shall take effect immediately upon adoption, and shall remain in effect for the duration of the Governor's Executive Order 20-52 unless this Executive Order of the City Manager is earlier revoked by the City of Melbourne.

BY: _____
Shannon M. Lewis
City Manager of the City of Melbourne