



To: Billy Y. Urquia, City Clerk

From: Gustavo Ceballos, Assistant City Attorney for the City of Coral Gables

Approved: Miriam S. Ramos, City Attorney for the City of Coral Gables

MSR

RE: Legal Opinion Regarding Procurement Code – Procurement Officer Change

Date: February 14, 2020

In September 2017, a decision was made by the City’s administration to change the title “Chief Procurement Officer” to “Procurement Officer.” However, as an industry best practice, every public entity is encouraged to delegate procurement authority to a position titled Chief Procurement Officer as the person who is accountable to a governing body or chief executive. The Chief Procurement Officer is someone who is responsible overseeing the strategic acquisition and management of goods and services. The Model Procurement Code established in 1979 for State and Local Governments, cites that the creation of the position of the “Chief” Procurement Officer as a fundamental pillar for how public procurement activities are carried out. Accordingly, the City’s administration wishes to resume the use of the title “Chief Procurement Officer,” going forward. Accordingly, "procurement officer" will no longer be in use and will be changed, consistent with applicable administrative authority and industry best practices.

Therefore, the Code must be corrected to reflect this administrative change. The City Attorney has been granted express authority to take such action under section 2-252(e)(9) of the City Code. Accordingly, pursuant to that section, as well as the City Attorney's authority to issue rulings regarding the Procurement Code in section 2-502, please make the following administrative corrections:

1. Change "procurement officer" to "chief procurement officer" throughout the Code.
2. Change the following definition in the Procurement Code:

Procurement officer means the person holding the position as the director of the finance department of the City of Coral Gables, or the duly authorized designee, assuming the responsibility for procuring supplies, equipment, services and construction, and recommending contract approval by the City Manager.

to now read as follows:

Chief procurement officer means the person holding the position as the director of the finance department of the City of Coral Gables, or the duly authorized designee, assuming the responsibility for procuring supplies, equipment, services and construction, and recommending contract approval by the City Manager.

Please note that the additional language in the procurement officer definition is consistent with the procurement officer's authority in other provisions of the procurement code (including section 2-585), and would thereby improve the format and understandability of the Code to include here and may be administratively included pursuant to sections 2-252(e)(9) and 2-502 of the City Code.

The Municipal Code Corporation should be notified of these administrative corrections.

This opinion is issued pursuant to Sections 2-252(e)(1) and (9) of the City Code.

From: [Ceballos, Gustavo](#)
To: [Paulk, Enga](#)
Subject: FW: Procurement Officer Code Change
Date: Friday, February 14, 2020 1:12:32 PM
Attachments: [image27.png](#)
[image27.png](#)
[Chief Procurement Officer Code Change - Final.docx](#)
[image27.png](#)
[image27.png](#)

Please print on letterhead. Thanks!

Gustavo J. Ceballos, Esq., B.C.S.

Assistant City Attorney

Board Certified by the Florida Bar in
City, County, and Local Government Law
City of Coral Gables

405 Biltmore Way, 3rd Floor

Coral Gables, Florida 33134

Main Phone: (305) 460-5218

Direct Dial: (305) 569-1852

Email: gceballos@coralgables.com



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From: Ramos, Miriam <mramos@coralgables.com>

Sent: Tuesday, February 4, 2020 6:27 PM

To: Ceballos, Gustavo <gceballos@coralgables.com>

Subject: RE: Procurement Officer Code Change

Please see attached with my edits.

Miriam Soler Ramos, Esq., B.C.S.

City Attorney

*Board Certified by the Florida Bar in
City, County, and Local Government Law
City of Coral Gables*

405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
(305) 460-5084 direct dial



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From: Ceballos, Gustavo
Sent: Tuesday, February 4, 2020 2:07 PM
To: Ramos, Miriam <mramos@coralgables.com>
Subject: RE: Procurement Officer Code Change

Spoke with Diana and made a few changes but attached is the final version she is happy with.

Gustavo J. Ceballos, Esq., B.C.S.

Assistant City Attorney

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City, County, and Local Government Law
City of Coral Gables

405 Biltmore Way, 3rd Floor
Coral Gables, Florida 33134
Main Phone: (305) 460-5218

Direct Dial: (305) 569-1852

Email: gceballos@coralgables.com



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From: Ramos, Miriam <mramos@coralgables.com>
Sent: Wednesday, January 22, 2020 7:11 PM
To: Gomez, Diana <dgomez@coralgables.com>; Ceballos, Gustavo <gceballos@coralgables.com>
Cc: Walker-Harmon, Celeste <cwalker@coralgables.com>; Suarez, Cristina <csuarez@coralgables.com>
Subject: RE: Procurement Officer Code Change

Diana, given the explanation you have provided and the desire of the City Manager to make the change, we will work on drafting an opinion that reinstates “Chief Procurement Officer” throughout the City Code where appropriate.

Gus, please see below and attached and draft an opinion for my review.

Thanks,

Miriam Soler Ramos, Esq., B.C.S.

*City Attorney
Board Certified by the Florida Bar in
City, County, and Local Government Law
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Coral Gables, FL 33134
(305) 460-5084 direct dial*



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From: Gomez, Diana
Sent: Wednesday, January 22, 2020 12:46 PM
To: Ramos, Miriam <mramos@coralgables.com>
Cc: Walker-Harmon, Celeste <cwalker@coralgables.com>
Subject: Procurement Officer Code Change

Hi Miriam,

The position of “Procurement Officer” should be updated in the City of Coral Gables Code to the title of “Chief Procurement Officer”... this was the title in the Code prior to September 2017 when my office requested to drop the “Chief” per the direction of a prior administration.

The title of Chief Procurement Officer establishes that the person holding the position is someone who has the expertise and qualifications to carry out the roles and responsibilities of the position. As an industry best practice, every public entity is encouraged to delegate procurement authority to a position titled Chief Procurement Officer as the person who is accountable to a governing body or chief executive. The Chief Procurement Officer is someone who is responsible overseeing the strategic acquisition and management of goods and services. The Model Procurement Code established in 1979 for State and Local Governments, cites that the creation of the position of the “Chief” Procurement Officer as a fundamental pillar for how public procurement activities are carried out.

I have discussed this change with the City Manager and he has agreed (approved) that the change is warranted.

Can you please request the City Clerk to change “Procurement Officer” to “Chief Procurement Officer” throughout the Code as an administrative item as done previously. I have attached

the opinion and email of the former City Attorney requesting the change that was made at that time.

If you need additional information, please let me know.

Regards,

Diana M. Gomez

Finance Director

City of Coral Gables

dgomez@coralgables.com

PH: 305.460.5275

FX: 305.460.5376

