



To: Michael Pounds

From: Bridgette Thornton, Deputy Attorney for the City of Coral Gables

Approved: Craig Leen, City Attorney for the City of Coral Gables 

RE: Legal Opinion Regarding Piggyback Contract

Date: November 7, 2013

My below opinion is in harmony with Craig's prior opinion regarding purchase orders. Your authority is limited to \$600,000 per contract. Our Office has determined that where the City does not sign a contract but instead utilizes purchase orders, then the individual purchase order is the contract. As such, your authority in that context would be limited to \$600,000 per purchase order. I hope this clarifies the matter for you; however, please advise if you have any further questions or concerns.

In response to your below referenced legal advice request, in accordance with Section 2-650(b)(13) of the Municipal Code, as the City's Chief Procurement Officer, you have authority to "[a]pprove purchases from current contracts of other governmental units not to exceed \$600,000.00, with the exception of motor vehicles, which may be approved without limitation, subject to availability of appropriated funds." Therefore, you have authority to enter into a piggyback contract not to exceed \$600,000 and, then, once that contract expires you may enter into another such piggyback contract so long as it does not exceed \$600,000. But because of the limitations set forth in Section 2-650(b)(13) I do not think it would be appropriate for you to issue multiple purchase orders under the same contract where the cumulative total of such purchase orders exceeds \$600,000. For clarity purposes, therefore, when you piggyback a contract there should be an accompanying addendum that sets forth the contract being piggybacked, the relevant term of the contract, the other standard addendum provisions we have provided to you in the past, and your procurement authority under the above cited Code provision. Indeed, using such an addendum will help avoid the Pitney Bowes type problem we are currently dealing with related to your other legal advice request. Please let me know if you have any questions or concerns

Hernandez, Cristina

From: Thornton Richard, Bridgette
Sent: Thursday, November 07, 2013 5:13 PM
To: Pounds, Michael; Leen, Craig
Cc: Katsaris, Pamela; Gomez, Diana; Figueroa, Yaneris; Hernandez, Cristina; Osle, Zilma
Subject: RE: Legal Advice Request

Good Evening Michael,

My below opinion is in harmony with Craig's prior opinion regarding purchase orders. Your authority is limited to \$600,000 per contract. Our Office has determined that where the City does not sign a contract but instead utilizes purchase orders, then the individual purchase order is the contract. As such, your authority in that context would be limited to \$600,000 per purchase order. I hope this clarifies the matter for you; however, please advise if you have any further questions or concerns.

Thank you and have a nice evening,
Bridgette

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
405 Biltmore Way, 2nd Floor
Coral Gables, FL 33134
Office: (305) 460-5084
Cell: (305) 801-5797
Fax: (305) 476-7795

Please Note: Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.

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From: Pounds, Michael
Sent: Thursday, November 07, 2013 3:05 PM
To: Leen, Craig
Cc: Thornton Richard, Bridgette; Katsaris, Pamela; Gomez, Diana
Subject: FW: Legal Advice Request

Craig:

Please provide clarification on whether Procurement can issue additional PO's against a piggyback contract in light of our recent discussion on the issuance of an additional PO not to exceed \$600,000 under the Chief Procurement Officer's authority in Section 2-978 to pay unpaid gasoline invoices, and the opinion below.

Mike Pounds

Chief Procurement Officer
City of Coral Gables
2800 SW 72nd Avenue
Miami, FL 33155
Phone (305) 460-5101

From: Thornton Richard, Bridgette
Sent: Thursday, October 31, 2013 11:51 AM
To: Pounds, Michael
Cc: Leen, Craig; Figueroa, Yaneris; Osle, Zilma; Hernandez, Cristina; Chircut, Pete
Subject: RE: Legal Advice Request

Good Morning Michael,

In response to your below referenced legal advice request, in accordance with Section 2-650(b)(13) of the Municipal Code, as the City's Chief Procurement Officer, you have authority to "[a]pprove purchases from current contracts of other governmental units not to exceed \$600,000.00, with the exception of motor vehicles, which may be approved without limitation, subject to availability of appropriated funds." Therefore, you have authority to enter into a piggyback contract not to exceed \$600,000 and, then, once that contract *expires* you may enter into *another* such piggyback contract so long as it does not exceed \$600,000. But because of the limitations set forth in Section 2-650(b)(13) I do not think it would be appropriate for you to issue multiple purchase orders under *the same contract* where the cumulative total of such purchase orders exceeds \$600,000. For clarity purposes, therefore, when you piggyback a contract there should be an accompanying addendum that sets forth the contract being piggybacked, the relevant term of the contract, the other standard addendum provisions we have provided to you in the past, and your procurement authority under the above cited Code provision. Indeed, using such an addendum will help avoid the Pitney Bowes type problem we are currently dealing with related to your other legal advice request. Please let me know if you have any questions or concerns.

Thank you,
Bridgette

Bridgette N. Thornton Richard
Deputy City Attorney for the City of Coral Gables
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From: Leen, Craig
Sent: Tuesday, October 29, 2013 9:14 AM

To: Thornton Richard, Bridgette; Figueroa, Yanneris
Subject: Fwd: Legal Advise Request

Good morning, Bridgette. Please handle or have Yanneris handle. I have some thoughts on this issue. I will come by to discuss.

Sent from my iPhone

Begin forwarded message:

From: "Pounds, Michael" <mpounds@coralgables.com>
To: "Leen, Craig" <cleen@coralgables.com>
Cc: "Thornton Richard, Bridgette" <bthornton@coralgables.com>, "Katsaris, Pamela" <pkatsaris@coralgables.com>
Subject: Legal Advise Request

Craig:

Please find attached a legal advice request on the issue of piggyback contracts. Thank you in advance for your assistance with this matter.

Mike Pounds
Chief Procurement Officer
City of Coral Gables
2800 SW 72nd Avenue
Miami, FL 33155
Phone (305) 460-5101