

CITY OF CORAL GABLES, FLORIDA

ORDINANCE NO. 2010-22

AN ORDINANCE OF THE CORAL GABLES CITY COMMISSION AMENDING THE CITY CODE, CHAPTER 2, ENTITLED "ADMINISTRATION," ARTICLE XIII ENTITLED "PROCUREMENT CODE" BY ADDING A NEW SECTION 2-777, PROCEDURE TO PROVIDE A PREFERENCE TO CORAL GABLES-BASED VENDORS IN CONTRACTS FOR GOODS AND GENERAL SERVICES; PROVIDING FOR SEVERABILITY, REPEALER AND EFFECTIVE DATE.

WHEREAS, it is in the best interest of the City to update the Procurement Code to provide for a local preference policy to promote the Coral Gables economy; and

WHEREAS, the Chief Procurement Officer has analyzed the current procurement code, comparing it with other City procurement codes in regard to local preference policies, and recommends the amendment contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The City Commission does hereby approve an amendment to the City of Coral Gables Code as follows:

Sec. 2-777. Procedure to provide preference to Coral Gables-based vendors in contracts for goods and general services.

(a) *Definitions.* For purposes of this section only, the following definitions shall apply:

(1) Bid shall mean a competitive bid procedure established through the issuance of an invitation for bid. The term "bid," as used herein, shall not include requests for proposals, requests for qualifications, requests for quotes and requests for information.

(2) General services means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise.

(3) Goods include, but are not limited to, supplies, equipment, materials and printed matter.

(4) Coral Gables-based vendor means a bidder that has a local business tax receipt issued by the city at least six (6) months prior to the bid, which authorizes said vendor to provide the subject goods and/or general services, and has its place of business located in the city at which it will provide the goods or perform the general services to be purchased. Post Office boxes are not verifiable and shall not be considered as a place of business. The Chief Procurement Officer shall administratively resolve any issues relating to a vendor's status as a Coral Gables based vendor, and his decision on whether a vendor is a Coral Gables based vendor shall be final.

(b) *Exemptions.*

(1) Purchases or contracts with an estimated cost of \$50,000 or less.

(2) Professional services, which are defined, for purposes of this section, as any services where the city is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area, and also those services procured pursuant to F.S. § 287.055, the Consultants' Competitive Negotiation Act.

- (3) Bids for the purchase of, or contract for, the construction/renovation of public buildings, facilities, public works, or other public capital construction projects.
- (4) Goods or services provided under a cooperative purchasing agreement or utilization of other agency contracts (piggyback contracts).
- (5) Purchases made or contracts let under emergency or noncompetitive situations (sole source, or a special procurements/bid waiver), or for legal services.
- (6) The business is determined to be unqualified to perform the work as determined by the City.
- (7) The business submits a bid that exceeds the projected budget.

(c) *Preference in purchase of goods or general services.* Except where federal, state or county laws, regulations or policies mandates to the contrary, in the purchase of goods or general services by means of a competitive bid, a preference will be given to a responsive and responsible Coral Gables based vendor, who is within five (5) percent of the lowest and best bidder, by way of an opportunity of providing said goods or general services for the lowest responsive bid amount.

(d) *Preference must be asserted.* Said five (5) percent local preference must be asserted by the party seeking it at the time the competitive bid is made and shall be calculated by the Procurement Division in rating competitive bids.

(f) *Comparison of qualifications.* The preferences established herein in no way prohibit the right of the Chief Procurement Officer, City Manager and/or the City Commission, as applicable, to compare quality of goods or general services proposed for purchase and compare qualifications, character, responsibility and fitness of all person, firms or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the City Manager and/or the City Commission, as applicable, from giving any other preference permitted by law instead of the preferences granted herein.

(e) *Waiver.* The application of the local preference to a particular purchase, contract, or category of contracts in excess of \$100,000 for goods and general services may be waived upon written recommendation of the City Manager and approval of the City Commission. The application of the local preference to a particular purchase, contract or category of contracts in excess of \$50,000, but not exceeding \$100,000 may be waived upon written recommendation of the Chief Procurement Officer and approval of the City Manager.

SECTION 3. SEVERABILITY.

If any action, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 4. REPEALER.

It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this "ordinance" may be changed to "section", "article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall become effective ten (10) days after final reading and adoption thereof.

PASSED AND ADOPTED THIS FOURTEENTH DAY OF SEPTEMBER, A.D., 2010.
(Moved: Kerdyk / Seconded: Withers)
(Yea: Kerdyk, Withers, Anderson, Cabrera, Slesnick)
(Unanimous: 5-0 Vote)
(Agenda Item: E-6)

APPROVED:



DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. POEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



ELIZABETH M. HERNNADEZ
CITY ATTORNEY