
Sec. 2-696. Procedure to provide preference to Coral Gables and Miami-Dade County-based vendors in contracts for goods and general services.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bid means 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.

Coral Gables-based vendor or business means a bidder or proposer that has a local business tax receipt issued by the city at least ~~six months~~ one year prior to the bid, which authorizes said vendor to provide the subject goods and/or general services, and has its principal 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 principal 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 or her decision on whether a vendor is a Coral Gables-based vendor shall be final. Vendors shall affirm in writing their compliances with the foregoing at the time of submission of their bid or proposal to be eligible for consideration as a Coral Gables-based vendor under this section.

Miami-Dade County-based vendor or business means a bidder or proposer that has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and its principal place of business is located within the limits of Miami-Dade County. The vendor must own or lease the principal place of business and the address or another principal place of business where the owner maintains the appropriate business permits, must have served as the place of employment for at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission. Miami-Dade County-based vendors who provided goods or services which are exempt from Miami-Dade Business Tax Receipt requirements shall be required to submit documentation, to the City's satisfaction, demonstrating the physical business presence of the firm within the limits of Miami-Dade County for at least one year prior to bid or proposal submission. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a Miami-Dade County-based vendor unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submission their bid or proposal to be eligible for consideration as a Miami-Dade County-based business under this section.

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

Goods includes, but is not limited to, supplies, equipment, materials and printed matter.

Principal Place of Business means the nerve center or the center of overall direction, control, and coordination of the activities of the bidder. If the bidder has only one business location, such business location shall be its principal place of business.

- (b) *Exemptions.* The provisions of this section do not apply to:
- (1) Purchases or contracts with an estimated cost of \$50,000.00 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.

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- (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.
 - (8) State or Federal law prohibits the use of local preferences.
 - (9) The work is funded in whole or in part by a governmental entity where the laws, rules, regulations or policies prohibit the use of local preferences.

(c) Preference in purchase of personal property and general services by means of competitive bid, . Except where federal or state law, or any other funding source, mandates to the contrary, Coral Gables shall give preference to local businesses in the following manner:

1) Competitive bid. In any competitive bid process where award, if any, is to be made to the responsive and responsible bidder offering the lowest bid (the "Low Bidder" and "Low Bid" respectively), the following shall apply:

A) if the Low Bidder is not a Miami-Dade County-based business, then any and all responsive and responsible Miami-Dade County -based businesses submitting a price within five (5) percent of the Low Bid, the Low Bidder, and any and all responsive and responsible Coral Gables-based businesses submitting a price within five (5) percent of the Low Bid, shall have an opportunity to submit a best and final bid which is at least (1) one percent lower than the Low Bid in accordance with the relevant Procurement Division regulations.

B) if the Low Bidder is a Miami-Dade County-based business which is not a Coral Gables-based business, then any and all responsive and responsible Coral Gables-based businesses submitting a price within five (5) percent of the Low Bid and the Low Bidder shall have an opportunity to submit a best and final bid which is at least one (1) percent lower than the Low Bid in accordance with the relevant Procurement Division regulations.

C) Awards, if any, shall be made to the responsive and responsible bidder offering the lowest best and final bid.

D) Ties in best and final bid scenarios shall be resolved in the following order of priority: Coral Gables-based businesses, Miami-Dade County-based business, another business.

E) If no best and final offer is required in accordance with the provisions above, award, if any, shall be made to the lowest responsive and responsible bidder

F) If following the application of the rules above, a tie occurs between two or more Miami-Dade County businesses, then they will have the opportunity to proceed to negotiations. The most advantageous negotiated proposers' deal will move forward for award.

~~(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 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.~~

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- (d) ~~Preference must be asserted. Said five percent local preference. Any claim of Coral Gables-based or Miami-Dade County-based preference must be asserted by the party seeking it at the time of submission of the bid or proposal. the time the competitive bid is made and shall be calculated by the procurement division in rating competitive bids.~~
- (e) ~~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.~~
- (f) ~~Waiver. The application of the local preference to a particular purchase, contract, or category of contracts in excess of \$100,000.00 for goods and general services may be waived upon written recommendation of the city manager or his or her designee, and approval of the city commission. The application of the local preference to a particular purchase, contract or category of contracts in excess of \$50,000.00, but not exceeding \$100,000.00 may be waived upon written recommendation of the chief procurement officer and approval of the city manager.~~

(Code 2006, § 2-777; Ord. No. 2010-22, § 2, 9-14-2010; Ord. No. CAO 2020-006, 2-14-2020)