



Legislation Text

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An Ordinance of the City Commission of Coral Gables amending the City Code, Chapter 2, entitled “Administration,” Article XIII entitled “Procurement Code,” by adding a new Section 2-780, Procedure to provide a Buy American Preference in contracts for goods and general services; providing for a repealer provision, severability clause, and providing for an effective date.

(Sponsored by Commissioner Lago)

As there are economic and sustainability benefits to Buying American, a Buy American Preference Policy is submitted for consideration by the City Commission that would provide businesses located in the United States a preference in submitting bids on City contracts for goods and general services. The proposed Buy American Procurement Preference policy has been developed after a review of Buy American Preference ordinances, policies, and literature (see attached Sustainable and Buy American Preference Report).

The proposed policy provides a Buy American Preference of 5% on bids for goods and general services. This preference provides an opportunity for a responsive and responsible bidder supplying American manufactured, assembled, or produced good or general service, which is within 5% of the bid of the lowest responsive and responsible bidder to match the lowest responsive and responsible bidder’s bid.

The Buy American Preference is not automatically given, it must be asserted under the new policy by the bidder. The Buy American Preference Policy in no way prohibits the right of the Chief Procurement Officer, City Manager and/or the City Commission, when applicable, to compare the quality of goods or general services proposed for purchase and to compare qualifications of all persons, firms or corporations submitting bids. The Buy American Preference Policy for purchases or contracts in excess of \$100,000 may be waived by the City Commission upon the recommendation of the City Manager, while the Buy American Preference on contracts falling in the range of \$50,000 to \$100,000 may be waived by the City Manager upon the recommendation of the Chief Procurement Officer.

Purchases exempt from the Buy American Preference Policy are those with an estimated cost of \$50,000 or less, professional services, bids for construction projects; goods or services provided under cooperative purchasing agreements or piggyback contracts; purchases under emergency or noncompetitive situations (sole source, or a special procurements/bid waiver), or for legal services; businesses unqualified to perform the work as determined by the City; and bids that exceed the projected budget.