

ORDINANCE NO. 2005-17-55

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY MIAMI GARDENS, FLORIDA, AMENDING ORDINANCE 2005-10-48 TO AMEND THE REQUIREMENTS FOR THE LOCAL PREFERENCE PROGRAM; PROVIDING FOR ADOPTION OF REPRESENTATIONS; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INCLUSION IN CODE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has adopted a Purchasing Procedures Ordinance, which included a local preference program, and

WHEREAS, the City Council wants to make certain that local businesses located within the City of Miami Gardens are given preference with respect to all purchases governed by the Purchasing Ordinance,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS;

SECTION 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas Clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

SECTION 2. AMENDMENT: Section 16 of Ordinance No. 2005-10-48 is amended as follows:

**Section 16: Local Preference in Bidding.**

Except where federal or state law or funding source restriction mandates to the contrary, in the purchase of goods, general services, or professional services governed by the Procurement Code, preference shall be given awarded to licensed local businesses, entities with physical addresses in the City of Miami Gardens ("local business") in the following manner:

(A) Competitive Bid: When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local

businesses is within 5% of the price submitted by the non-local business, then that non-local business and each of the aforementioned local businesses shall have the opportunity to submit, within five (5) working days of the bid opening, a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

(B) Request for proposals, letters of interest, qualifications or other solicitations and competitive negotiations, and selections in which objective factors used to evaluate the responses from vendors are assigned point totals: If, following the completion of final rankings (technical and price combined, if applicable) by the selection committee, a non-local business is the highest ranked proposer, and the ranking of a local proposer is within 5% of the ranking obtained by the non-local proposer, then the highest ranked local proposer shall have the opportunity to proceed to negotiations with the City.

(C) The location of qualified entities shall be considered in determining the qualifications for professional services governed by the Consultants Competitive Negotiation Act.

(D) If a non-local respondent submits a bid or proposal that includes subcontractors that qualify as local businesses, in order to receive local preference consideration, a non-local respondent must certify and agree to issue a letter of intent, on a form to be provided by the city, that any local subcontractor(s) included in any bid or proposal will actually perform a percentage of the services to be provided. Non-local respondents shall also certify in the letter of intent, the percentage of the contract amount that shall be awarded to any local subcontractor(s).

~~(C)(E)~~ If a tie occurs between two (2) or more local businesses, then for those contracts that are to be awarded by the City Manager, the City Manager shall determine to whom the bid will be awarded. For those contracts to be awarded by the City Council, the City Council shall determine to whom the bid will be awarded.

~~(D)(F)~~ Waiver: The application of local preference to a particular purchase, contract, or category of contracts for which the City Council is the awarding authority may be waived upon written recommendation of the City Manager and approval of the City Council. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the City Council may be waived upon written recommendation of the director of purchasing and approval of the City Manager.

~~(E)(G)~~ Other preferences: The preference established herein in no way prohibits the right of the City Council to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preference established herein in

no way prohibits the right of City Council from giving any other preference permitted by law instead of the preference authorized herein.

~~(F) Exemption of certain contracts: All contracts awarded pursuant co-operative purchases, or the Competitive Consultant Negotiation Act.~~

SECTION 3. CONFLICT: All ordinances or Code provisions in conflict herewith are hereby repealed.

SECTION 4. SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

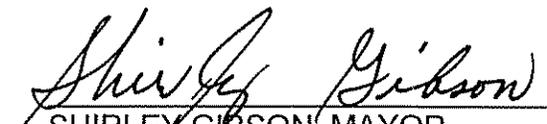
SECTION 5. INCLUSION IN CODE: It is the intention of the City Council of the City of Miami Gardens that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Miami Gardens and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof or the provisions contemplated thereby shall not be codified.

SECTION 6. EFFECTIVE DATE: This Ordinance shall become effective immediately upon its final passage.

PASSED ON FIRST READING ON THE 13th DAY OF April, 2005.

PASSED ON SECOND READING ON THE 27<sup>th</sup> DAY OF APRIL, 2005.

ADOPTED AND PASSED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON THE 27<sup>TH</sup> DAY OF APRIL, 2005.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, CMC, CITY CLERK

ORDINANCE NO. 2005-17-55

Reviewed by SONJA K. KNIGHTON, ESQ.  
City Attorney

SPONSORED BY: Councilman Oscar Braynon

MOVED BY: Councilman Braynon  
SECONDED BY: Councilman Bratton

VOTE: 5-0

Mayor Gibson	<u>    </u> (Yes)	<u>    </u> (No)	Out of town
Vice Mayor Campbell	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Melvin L. Bratton	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilman Oscar Braynon, II	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Audrey J. King	<u>    </u> (Yes)	<u>    </u> (No)	Not present
Councilwoman Sharon Pritchett	<u>  x  </u> (Yes)	<u>    </u> (No)	
Councilwoman Barbara Watson	<u>  x  </u> (Yes)	<u>    </u> (No)	

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