

ORDINANCE NO: 210-06-119

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAUDERHILL, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE III, DEPARTMENTS OF GOVERNMENT, DIVISION 8, DIVISION OF PURCHASING; AMENDING SECTION 2-139, FORMAL CONTRACT PROCEDURE, SUBSECTION f (3), LOCAL VENDOR PREFERENCE PROGRAM; CREATING A PART 2, TARGET MARKET PROGRAM; PROVIDING FOR AN EFFECTIVE DATE (REQUESTED BY COMMISSIONER MELISSA P. DUNN)

SECTION 1. That the City of Lauderhill Code of Ordinances Chapter 2, Administration, Article III, Departments of Government, Division 8, Division of Purchasing, Section 2-139, Formal Contract Procedure is hereby amended to read as follows:

Sec. 2-139. Formal contract procedure.

* * *

(f) *Award of contract.*

- (1) *Authority of purchasing officer.* The purchasing officer or the user department director shall have the authority to recommend award of contracts to the city commission for action. The purchasing officer shall post a written notice of intent to award indicating the recommendation to the city commission of which bidder is the lowest responsive/responsible bidder.
- (2) *Lowest fully responsive and responsible bidder.* Contracts shall be awarded to the lowest fully responsive and responsible bidder. In determining "lowest bidder," in addition to price, the purchasing officer may consider:
 - a. The ability, capacity and skill of the bidder to perform the contract or provide the service required.
 - b. Whether the bidder can perform the contract or provide the service promptly or within the time specified, without undue delay.
 - c. The character, integrity, reputation, judgment, experience and efficiency of the bidder.
 - d. The quality of previous performances by the bidder.
 - e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service.
 - f. The sufficiency of the financial resources and ability of the bidder to perform the contract or provide the service.
 - g. The quality, availability and adaptability of the supplies or contractual services offered to the particular use required, including the availability of recycled materials.
 - h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

- i. The number and scope of conditions attached to the bid.

(3) **Local Vendors.**

PART I. LOCAL VENDOR PREFERENCE PROGRAM.

~~Local vendor preference program.~~ The city hereby establishes the following amended local vendor preference program to facilitate local business and/or local residents participating in the bidding process.

- a. This section shall not apply to professional services procured pursuant to the State of Florida consultants competitive Negotiations Act, nor to "cooperative" purchasing plans and proposals that the city participates in with other governmental agencies; nor to sole source or single source purchases; nor where 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 preference; nor where state or federal law prohibits the use of local preference; nor where the tier 1, tier 2, or tier 3 local vendor is either non-responsive or non-responsible; nor where all bids submitted exceed the budgeted amount for the project; nor for emergency purchases. The city manager and/or city commission may exempt any competitive solicitation, RFP or bid from the local vendor preference program.

PART II. TARGET MARKET PROGRAM

- a. **Reserved for Only Local City of Lauderhill Vendor Bids.** Provided there are at least three (3) qualified Local City of Lauderhill Vendors and the estimated annual cost does not exceed \$100,000, bids for the following target markets: advertising services, automotive, catering, disc jockey services, electrical services, fencing, HVAC, janitorial services, janitorial supplies, locksmith, painting, pool cleaning, plumbing, printing services, sprinkler/irrigation, transcription services, and tree trimming/landscaping services shall be procured by "Reserved for Only Local City of Lauderhill Vendors to Bid." Any Local City of Lauderhill Vendor is permitted to be awarded up to three (3) local vendor bid contracts in a single fiscal year.
- b. **Bid Language.** The following language shall be included in all Reserved for Only Local City of Lauderhill Vendor bids:

"Local City of Lauderhill Vendor Bids": The City of Lauderhill Code has determined that this bid shall be reserved for participation by Local City of Lauderhill Vendors only. No vendor shall receive more than three (3) target market bid award contracts in a single fiscal year. Any Local City of Lauderhill Vendor that has received at least one local vendor bid award contract in each of three (3) consecutive fiscal years, shall not be eligible to participate in local vendor bids for the following fiscal year. If the bid prices received from Local City of Lauderhill Vendors are not economically comparable to normal market pricing, the procurement shall be cancelled.
- c. **Definition.** For purposes of Local City of Lauderhill Vendor bids, "local vendor" shall mean a business entity that has maintained a permanent place of business with full-time employees within the City limits for a minimum of one (1) year prior to the date of issuance of this bid. The permanent place of business must be the primary

place of business of the entity and may not be a post office box or a personal residence. A business occupying a co-working space, shall be deemed a permanent place of business if all other conditions are met. The business must actually distribute goods, supplies, materials, equipment or services from the permanent place of business. The business must have a current valid Local Business Tax Receipt and a Certificate of Use from the City of Lauderhill and must not be publicly traded. All supporting documentation (e.g., City of Lauderhill valid Local Business Tax Receipt, City of Lauderhill Certificate of Use, and any required State or County licenses if applicable) for local preference eligibility must be received with the bid package prior to the bid opening date and time.

- (g) *Prohibition against subdivision.* No contract of purchase shall be subdivided to intentionally avoid the requirements of this section or of section 2-140.
- (h) *Bidders list.* The purchasing officer shall also solicit sealed bids from all reasonable prospective suppliers who have requested their names to be added to a "bidders list" which the purchasing officer shall maintain, by sending them a copy of such newspaper notice or such other notice as will acquaint them with the proposed purchase. In any case, invitations sent to the vendors on the bidders list shall be limited to commodities that are similar in character and ordinarily handled by the trade group to which the invitations are sent.
- (i) *No bids received.* If no bids for contractual services or supplies are received, the mayor or any employee designated by him/her may negotiate with any companies or firms which provide the services or supplies sought.

SECTION 2. All ordinances or parts of ordinances, all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed as to the extent of such conflict.

SECTION 3. This ordinance shall take effect immediately upon its passage and adoption.

DATED this ____ day of _____, 2021.

PASSED on first reading this ____ day of _____, 2021.

PASSED AND ADOPTED on second reading this ____ day of _____, 2021.

PRESIDING OFFICER

ATTEST:

CITY CLERK

MOTION
SECOND

FIRST READING

SECOND READING

M. DUNN
D. GRANT
L. MARTIN
S. MARTN
K. THURSTON

