

ORDINANCE NO. 526

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SPRINGFIELD, BAY COUNTY, FLORIDA, PROVIDING FOR LOCAL BUSINESS PREFERENCE FOR BAY COUNTY INDIVIDUALS, FIRMS OR COMPANIES WITH REGARD TO THE PROCUREMENT OF PRODUCTS, MATERIALS AND SERVICES BY THE CITY OF SPRINGFIELD; PROVIDING THAT QUALIFIED LOCAL BUSINESSES SHALL IN CERTAIN CIRCUMSTANCES BE GIVEN A PREFERENCE OVER THE LOWEST RESPONSIVE BID SUBMITTED BY A NON-RESIDENT REASONABLE BIDDER; PROVIDING THAT ALL OTHER PROVISIONS OF THE CITY'S PURCHASING POLICY AND APPLICABLE LAW SHALL REMAIN IN EFFECT AND APPLY TO AND GOVERN PURCHASES BY THE CITY; PROVIDING FOR CONFLICT, SEVERABILITY, EFFECTIVE DATE AND AUTOMATIC REPEAL.

WHEREAS, the City Commission of the City of Springfield, Florida has determined and does hereby find that there is a need to promote business enterprises that operate businesses and offices and pay taxes within Bay County, Florida; and

WHEREAS, the City Commission of the City of Springfield, Florida has determined and does hereby find that it is in the best interest of the City of Springfield, its citizens and the business community of Springfield and Bay County to create and establish a local business preference with regard to the procurement of products, materials and services for a period of two years.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF SPRINGFIELD, FLORIDA THAT:

SECTION 1. Purpose.

The City of Springfield annually spends significant amounts on purchasing personal property, materials, and contractual services and in constructing improvements to real property or to existing structures. The dollars used in making those purchases are derived, in large part, from taxes, fees, and utility revenues derived from local businesses in the corporate limits of Bay County. The City Commission has determined that funds generated in and from the local community should, to the extent possible, be placed back into the local economy. Therefore, the City Commission has determined that it is in the best interest of the City of Springfield to give a preference to local businesses in Bay County in making such purchases whenever the application of such a preference is reasonable in light of the dollar-value of proposals received in relation to such expenditures.

SECTION 2. Definitions.

“*General services*” means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited to, pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

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

“*Local business*” means a vendor or contractor who has a valid occupational license or business tax receipt issued by the applicable governmental entity within the geographical limits of Bay County for at least six months prior to bid or proposal opening date, does business in Bay County by providing goods, services, or construction, and maintains a physical business addresses located within the jurisdictional limits of Bay County in an area zoned for the conduct of such business from which the vendor or contractor operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address.

“*Professional services*” includes any services where the City is obtaining advice, instruction or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

SECTION 3. Local Preference in Purchasing and Contracting

(a) In bidding for, or letting contracts for procurement of goods, general services and professional services as described in the purchasing policies of the City, the City Commission, or other authorized purchasing authority, may give a preference to local businesses in making purchases or awarding contracts in an amount not to exceed

- (1) Five percent (5%) for purchases \$50,000.00 or less;
- (2) Four percent (4%) for purchases \$50,000.01 to 250,000.00;
- (3) Three percent (3%) for projects \$250,000.01 to \$500,000.00,
- (4) Two percent (2%) for projects \$500,000.01 to \$1,000,000.00;
- (5) One percent (1%) for projects \$1,000,000.01 to \$2,000,000.00;
- (6) Zero percent (0%) for projects \$2,000,000.01 and above.

(b) An additional 0.5% preference will be given to those qualified local businesses located within the city limits of the City of Springfield holding a local business tax receipt issued by the City of Springfield.

(c) The total bid price shall include not only the base bid price, but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the City Commission or other appropriate authority.

(d) In the case of requests for proposals or qualification, letters of interest, or other solicitations in which objective factors are used to evaluate the responses, local businesses shall be assigned 3% of the total points of the total evaluation points.

SECTION 4. Exceptions to Local Preference Policy.

(a) The procurement preference set forth in this Ordinance shall not apply to any of the following purchases or contracts:

- (1) Goods or services provided under a cooperative purchasing agreement or interlocal agreement;
- (2) Contracts for professional services, procurement of which is subject to the Consultants' Competitive Negotiation Act or subject to any competitive consultant selection policy or procedure adopted or utilized by the City Commission;
- (3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference;
- (4) Purchases made or contracts let under emergency or noncompetitive situations, or for litigation related legal services, or
- (5) Purchases with an estimated cost of less than \$5,000.00.

(b) Application of local preference to a particular purchase, contract, or category of contracts for which the City Commission is the awarding authority may be waived upon written justification and recommendation by the Mayor and approval of the City Commission.

(c) The preference established in this Ordinance does not prohibit the right of the City Commission or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.

(d) The bid preference established in this Ordinance does not prohibit the City Commission, or other authorized purchasing authority, from giving any other preference permitted by law in addition to the preference authorized in this Ordinance.

SECTION 5. Application and Enforcement of Preference Policy

(a) The local preference policy established in this Ordinance shall apply to new contracts and procurements solicited after the effective date of this Ordinance.

(b) This article shall be implemented in a fashion consistent with otherwise applicable City purchasing policies and procedures.

SECTION 6. Promulgation of Rules

(a) The Mayor is hereby authorized to adopt administrative rules supplemental to the provisions of this Ordinance as deemed necessary and appropriate to implement the provisions of this Ordinance.

(b) The provisions of this Ordinance and the rules adopted by the Mayor shall be provided to potential bidders, vendors and contractors to the widest extent practicable.

SECTION 7. Severability.

It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a 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 hereof.


SECTION 8. Conflict.

Any portion of any Springfield Ordinance or Resolution or part thereof in conflict with this Ordinance is hereby repealed to the extent of such conflict.

SECTION 9. Effective Date.


This Ordinance shall take effect upon its adoption as provided by law, thereafter shall sunset and be automatically repealed two years from the date of its adoption.

PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Springfield, Florida, this 20th of July, 2015.



Mayor Ralph Hammond

ATTEST:



D. Lee Penton, City Clerk