ORDINANCE NO. 050896
0-06-33

An ordinance of the City of Gainesville, Florida, amending Ordinance 001261 of the City of Gainesville relating to local preference in purchasing; repealing the review and sunset clause so that the ordinance remains in force and effect; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

WHEREAS, at least 10 days notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of a Public Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at which hearing the parties in interest and all others had an opportunity to be and were, in fact, heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 9 of Ordinance 001261, adopted by the City Commission on March 29, 2004, is hereby repealed, in part, only as to the City Commission review date (October 1, 2005) and as to the repeal date (March 31, 2006).

Section 2. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 3. All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 4. This ordinance shall become effective immediately upon adoption.

CODE: Words stricken are deletions; words underlined are additions.
PASSED AND ADOPTED this 27th day of March, 2006.

ATTEST:

KURT M. LANNON
CLERK OF THE COMMISSION

PEGEEN HANRAHAN,
MAYOR

Approved as to form and legality

MARIAN J. RADSON, CITY ATTORNEY
MAR 28 2006

This Ordinance passed on first reading this 13th day of March, 2006.

This Ordinance passed on second reading this 27th day of March, 2006.
ORDINANCE NO. 001261
0-04-26

An ordinance of the City of Gainesville, Florida, creating Article X of
Chapter 2 of the Code of Ordinances of the City of Gainesville relating to
local preference in purchasing, making findings, providing for definitions,
preference and exceptions, providing directions to the codifier; providing a
severability clause; providing a repealing clause; and providing a prospective
effective date and sunset provisions.

WHEREAS, at least 10 days notice has been given once by publication in a
newspaper of general circulation notifying the public of this proposed ordinance and of a Public
Hearing in the Auditorium of City Hall in the City of Gainesville; and

WHEREAS, a Public Hearing was held pursuant to the published notice described at
which hearing the parties in interest and all others had an opportunity to be and were, in fact,
heard;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF GAINESVILLE, FLORIDA:

Section 1. Section 2-620 of Article X, entitled “Local Preference Policy” of Chapter 2 of the
Code of Ordinances of the City of Gainesville is hereby created to read as follows:

ARTICLE X. LOCAL PREFERENCE POLICY

Sec. 2-620. Findings of Fact.

The City 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 city limits of

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Gainesville, and the City Commission has determined that funds generated in the 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 to give a preference to Local Businesses in the corporate city limits of Gainesville 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. Section 2-621 of the Code of Ordinances of the City of Gainesville is hereby created to read as follows:

Sec. 2-621. Definition.

Local Business means the vendor has a valid occupational license, issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the vendor 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. In order to be eligible for local preference, the vendor must provide a copy of the occupational license.

Section 3. Section 2-622 of the Code of Ordinances of the City of Gainesville is hereby created to read as follows:

Sec. 2-622. Local preference in purchasing and contracting

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the Purchasing Policies, the City Commission, or other purchasing authority, may give a preference to Local Businesses in making such purchase or awarding such

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contract in an amount not to exceed five (5) percent of the Local Business’ total bid price, as
described below, and in any event the cost differential should not exceed twenty-five thousand
dollars ($25,000.00). 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 authority. In the case of requests
for proposals, letters of interest, best evaluated bids, qualifications or other solicitations and
competitive negotiation and selection in which objective factors are used to evaluate the
responses, Local Businesses are assigned five (5) percent of the total points of the total
evaluation points.

Section 4. Section 2-623 of the Code of Ordinances of the City of Gainesville is hereby
created to read as follows:

Sec. 2-623. Exceptions to local preference policy.

The preference set forth in this article X shall not apply to any of the following
purchases or contracts:

1. Good or services provided under a cooperative purchasing agreement;

2. Contracts for professional services procurement of which is subject to the
Consultants’ Competitive Negotiation Act (§ 287.055) or subject to any competitive
consultant selection Policy or Procedure adopted or utilized by the City Commission or Charter
Officer.

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; or

4. Purchases made or contracts let under emergency or noncompetitive situations, or

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for litigation related legal services, etc., as such are described in the city’s Purchasing Policies.

6. Purchases with an estimated cost of $50,000 or less.

6. 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 of the Charter Officer and approval of the City Commission.

The preferences established herein in no way 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. Further, the preferences established herein in no way prohibit the right of the City Commission or other purchasing authority from giving any other preference permitted by law in addition to the preference authorized herein.

Section 5. Section 2-624 of the Code of Ordinances of the City of Gainesville is hereby created to read as follows:

Sec. 2-624. Application, enforcement.

The local preference shall apply to new contracts for supplies, materials, equipment and services first solicited after October 1, 2004. This Article shall be implemented in a fashion consistent with otherwise applicable City Purchasing Policies and Procedures.

Section 6. It is the intention of the City Commission that the provisions of Sections 1 through 5 of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Gainesville, Florida, and that the Sections and Paragraphs of this Ordinance may be renumbered or relettered in order to accomplish such intentions.

Section 7. If any section, sentence, clause or phrase of this ordinance is held to be invalid or

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unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
the validity of the remaining portions of this ordinance.

Section 8. All ordinances or parts of ordinances in conflict herewith are to the extent of such
conflict hereby repealed.

Section 9. This ordinance shall become effective October 1, 2004, and shall be reviewed by
the City Commission October 1, 2005, and unless extended by action of the City Commission,
shall be deemed repealed effective March 31, 2006, provided that it shall remain applicable to
new contracts solicited prior to repeal.

PASSED AND ADOPTED this 29th day of March, 2004.

THOMAS D. Busseng, MAYOR

ATTEST:

KURT MCCANNON
CLERK OF THE COMMISSION

Approved as to form and legality
MARIAN H. RADNOR, CITY ATTORNEY

This Ordinance passed on first reading this 15th day of March, 2004.

This Ordinance passed on second reading this 29th day of March, 2004.