

Escambia County
Clerk's Original

Amendment to Local Preference

1/21/2016 5:35 pm P.H.

- ADDED Preference for businesses located on a CRA Boundary
ORDINANCE 2016- 9

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING VOLUME 1, CHAPTER 46, ARTICLE II, DIVISION 3, SECTION 46-110 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES RELATING TO LOCAL PREFERENCE IN BIDDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

*1. Change Bid Documents to include
2. Check on Bid Form*

WHEREAS, by Board action on September 16, 2013, the Board of County Commissioners previously adopted Ordinance Number 2013-43 establishing a local preference in the competitive sealed bid process for the County's procurement of goods and services; and

WHEREAS, the Board of County Commissioners finds that the provisions of the County's ordinance relating to the local preference require amendment in order to encourage the local economy and increase the County's overall tax base; and

WHEREAS, the Board of County Commissioners further finds that the proposed amendment to Sec. 46-110 serves an important public purpose for the benefit of the taxpayers and residents of Escambia County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Recitals. That the foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. That Volume 1, Chapter 46, Sec. 46-110 of the Code of Ordinances of Escambia County, Florida relating to local preference in bidding is hereby amended to read as follows:

Sec. 46-110. - Local preference in bidding.

(a) *Legislative intent.* The Escambia County Board of County Commissioners finds that local businesses are often at a disadvantage when competing with other non-local businesses in that the cost of doing business in Escambia County is higher than other areas of the state and giving local businesses a preference in the procurement of goods and services serves a compelling public purpose for the benefit of the taxpayer and residents of Escambia County as such preference encourages local industry, employment opportunities, and increases the county's overall tax base.

(b) *"Local business" defined.*

Local business. For purposes of this section, "local business" shall mean a business which meets all of the following criteria:

(1) Has had a fixed office or distribution point located in and having a street address within Escambia County or Santa Rosa County for at least one year immediately prior to the issuance of the request for competitive bids by the county. The fixed office or distribution point must be staffed by at least one employee. Post office boxes are not verifiable and shall not be used for the purpose of establishing a physical address;

Date: 1/22/2016 Verified By: J. Lanier

bid offer (i.e., the lowest local bidder) shall have the opportunity to submit an offer to match the price(s) offered by the overall lowest, qualified and responsive non-local bidder.

When a qualified and responsive, non-local business submits the lowest price bid amount in excess of \$1,000,000.00, and the bid submitted by one or more qualified and responsive local businesses is within two percent of the price submitted by the non-local business, then the local business with the apparent lowest bid offer (i.e., the lowest local bidder) shall have the opportunity to submit an offer to match the price(s) offered by the overall lowest, qualified and responsive non-local bidder.

When a qualified and responsive, non-local business submits the lowest price bid amount in excess of \$1,000,000.00, and the bid submitted by one or more qualified and responsive local businesses with a fixed office or distribution point located in a designated CRA is within four percent of the price submitted by the non-local business, then the local business located in a designated CRA with the apparent lowest bid offer (i.e., the lowest local bidder) shall have the opportunity to submit an offer to match the price(s) offered by the overall lowest, qualified and responsive non-local bidder.

In such instances, staff shall first verify whether the lowest non-local bidder and the lowest local bidder are in fact qualified and responsive bidders. Next, the purchasing department shall invite the lowest local bidder in writing to submit a matching offer which shall be submitted in writing to the office of purchasing within five business days thereafter.

If the lowest local bidder does not respond or otherwise submits a written offer that does not fully match the lowest bid from the lowest non-local bidder tendered previously then award shall be made to the lowest overall qualified and responsive non-local bidder.

In the event a local bidder is awarded a contract pursuant to this section, any requests for change orders increasing the cost of the project must be approved by the board of county commissioners.

- (e) *Notice.* All bid solicitation documents shall include notice to vendors of the local preference policy.
- (f) *Waiver of the application of local preference.* The application of local preference to a particular purchase or contract for which the board of county commissioners is the awarding authority may be waived upon approval of the board of county commissioners.
- (g) *Limitations.*
 - (1) The provisions of this section shall apply only to procurements which are above the formal bid threshold as set forth in the Escambia County Purchasing Code.
 - (2) The provisions of this section shall not apply where prohibited by federal or Florida law or where prohibited under the conditions of any grant.
 - (3) The provisions of this section shall not apply to any purchase exempted from the provisions of the Escambia County Purchasing Code.

DONE AND ENACTED this 21 day of January _____ 2016.

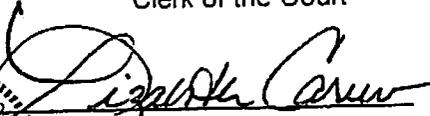
BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: 
Grover C. Robinson, IV, Chairman

ATTEST: PAM CHILDERS
Clerk of the Court

Date Executed

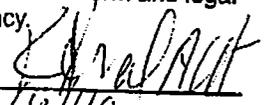
1/21/2016


Deputy Clerk



ENACTED: January 21, 2016
FILED WITH THE DEPARTMENT OF STATE: January 25, 2016
EFFECTIVE DATE: January 25, 2016

Approved as to form and legal
sufficiency.

By/Title: 
Date: 1/26/16