

# ORDINANCE 2017-35

AN ORDINANCE OF THE CITY OF OCALA, FLORIDA, CONCERNING LOCAL VENDOR PREFERENCE; AMENDING SECTION 22-2, PROVIDING FOR LOCAL VENDOR PREFERENCE AND REPEAL OF LOCAL VENDOR PREFERENCE FOR PROFESSIONAL SERVICES RENDERED BY ARCHITECTS, PROFESSIONAL ENGINEERS, LANDSCAPE ARCHITECTS, OR REGISTERED SURVEYORS AND MAPPERS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Ocala, Florida as follows:

**Section 1.** That Section 22-2 of the Code of Ordinances, City of Ocala, Florida, is hereby amended to read as follows:

**Sec. 22-2. - Local vendor preference.**

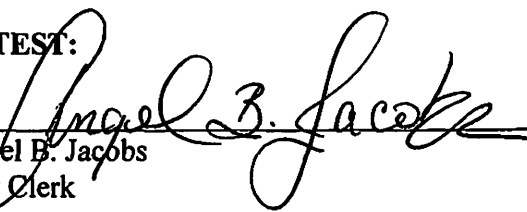
- (a) A local vendor is a business that meets all of the following requirements:
- (1) Has its headquarters, manufacturing facility, home office, locally-owned franchise, or an operating branch physically located within Marion County, Florida;
  - (2) Has been in operation in Marion County for a minimum of one year prior to the issuance of the city's formal bid solicitation; and
  - (3) Within one year of the date of the city's formal bid solicitation has paid commercial real property tax, paid/filed a tangible personal property tax form with Marion County; has received a City of Ocala Home Occupation Permit, or has received a City of Ocala business tax certificate.
- (b) *Local vendor preference policy.* For any contracts for procurement of personal property, materials, contractual services, or for construction improvements to real property or to existing structures, the city may give a preference to local vendors in awarding such contracts as follows:
- (1) Local vendor preference applies to any formal competitive bid in excess of \$50,000. When a non-local vendor submits the lowest price bid, and if a bid submitted by one or more local vendors is within five percent (5%) of the lowest bid, then the lowest bidding local vendor shall be awarded the contract if local vendor agrees to enter into a contract with the city that is one percent (1%) lower than the bid submitted by the non-local vendor.

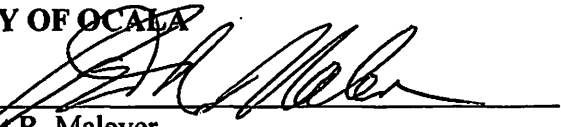
- a. The local vendor to which a written notice has been issued via email, or otherwise transmitted, must respond to the city in writing and provide an executed Local Vendor Affidavit within two (2) business days of the notice and agree to reduce their bid amount to one percent (1%) lower than the bid submitted by the non-local vendor.
  - b. If the lowest local vendor fails to contract with the city at one percent (1%) less than the lowest bid submitted, then the next lowest local vendor within five percent (5%) of the lowest bid will have the same opportunity to contract with the city at one percent (1%) lower than the bid submitted by the non-local vendor. This process shall continue until a contract is entered, or until the last local vendor within five percent (5%) of the lowest bid is given the opportunity to contract with the city, but fails to do so. In that case, the original low bidder shall be awarded the contract with the city.
  - c. In the case of a tie bid between a local vendor and a non-local vendor, the contract award shall be made to the local vendor if local vendor agrees to contract for an amount one percent (1%) lower than the bid submitted by the non-local vendor. In the case of a tie between two (2) or more local vendors, the vendors will be asked to provide a best and final offer (BAFO), and award shall be to the lowest bidder of the BAFO.
- (2) The Procurement and Contracting Officer reserves the right to apply local vendor preference to solicitations or procurement actions under \$50,000 when it is in the best interest of the city.
  - (3) The value of any bid eligible for local vendor preference does not include optional items. Optional items shall be clearly defined within the solicitation, and are not considered for award.
  - (4) The requirements of the city's local preference policy shall be posted on the city's procurement website.
  - (5) The City of Ocala Procurement and Contracting Department may request proof of office location from the local vendor at any time. The Procurement and Contracting Officer shall be the sole judge of the acceptance or denial of local vendor applicability, and may request additional documentation to validate location and eligibility. Should the Procurement and Contracting Officer find the local vendor affidavit to be invalid, the vendor who submitted the false statement will be subject to a (1) year bidding suspension, and up to a possible three (3) year bid debarment.
- (c) *Exceptions.* Exceptions to this policy shall include, but are not limited, to the following:
- (1) Purchases or contracts with an estimated value of \$50,000.00 or less, unless the Procurement and Contracting Officer deems otherwise if in the best interest of the city;
  - (2) Purchases funded in whole or in part by assistance from any federal, state or local agency that disallows local preference;

- (3) Purchases made through a cooperative agreement (i.e., one or more agencies combining requirements in order to benefit from discounts that may be obtained through volume purchasing);
  - (4) Purchase made from another agency's agreements or contracts (i.e., piggybacking);
  - (5) Purchases subject to Florida Statute, § 287.055, the Consultants Competitive Negotiation Act; or,
  - (6) Procurements subject to formal proposal; such as an Invitation to Negotiate, Letter of Interest, or Request for Proposal where price may not be the only part of the evaluation criteria.
- (d) *Eligibility.* Under any applicable solicitation, vendors desiring to receive local preference under this policy must submit a local vendor preference affidavit affirmatively demonstrating that they satisfy all the requirements of this ordinance. Vendors must submit this documentation upon notice or request from the Procurement and Contracting Department. This affidavit is good for only one (1) year.

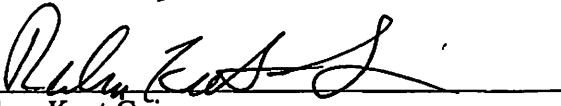
**Section 2.** That Section 22-3 of the Code of Ordinances, City of Ocala, Florida, is hereby repealed.

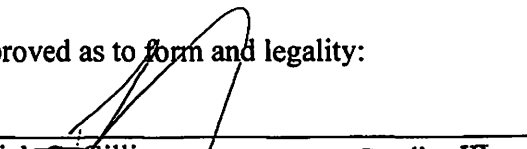
ATTEST:

By:   
 Angel B. Jacobs  
 City Clerk

CITY OF OCALA  
 By:   
 Brent R. Malever  
 President, Ocala City Council

Approved/Denied by me as Mayor of the City of Ocala, Florida, on 3/7, 2017.

By:   
 Reuben Kent Guinn  
 Mayor

Approved as to form and legality:  
 By:   
 Patrick G. Gilligan      W. James Gooding III  
 City Attorney              Assistant City Attorney

Ordinance No: 2017-35  
 Introduced: 2/21/2017  
 Adopted: 3/7/2017  
 Legal Ad No: OSB047953 2/24/17