

To: The Honorable Mayor and City Council

From: Ruby Crenshaw-Johnson, Director  
Purchasing Department



Date: **November 26, 2013**

RE: **REQUEST TO AMEND ARTICLE III UNDER CHAPTER 7 OF THE CODE OF ORDINANCES ENTITLED "PROCUREMENT CODE" BY AMENDING SECTION 7-151 TO INCLUDE A PREFERENCE TO CONTRACTORS HAVING AN OWNERSHIP INTEREST IN RESIDENTIAL PROPERTY LOCATED WITHIN THE CITY OF NORTH MIAMI AND DESIGNATED AS HOMESTEAD PROPERTY BY THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER**

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**RECOMMENDATION**

Staff is recommending to amend the Local Preference Ordinance to North Miami Homeowners that own a Homestead Property in the City of North Miami and a business that is located within the Tri-County Area (Miami-Dade, Broward & Palm Beach Counties). The focus is towards improving local economic conditions by providing the 10% preference points to local homeowners who participate in projects that are performed within the City boundaries.

**BACKGROUND**

The City's current Local Preference Program has three (3) different avenues to receive the 10% preference: (1) for companies located in the City of North Miami; (2) for companies whose workforce is compiled of 10% local residents; (3) for businesses that subcontract 10% of a project to local businesses. This request will allow for a fourth preference for taxpaying homeowners who own a business.

To qualify for this preference requires that the homeowner's property is current on property taxes and the company must be located within the Tri-County Area in good standing with the State of Florida.

**Attachments**

Revised Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING ARTICLE III UNDER CHAPTER 7 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "PROCUREMENT CODE", BY SPECIFICALLY AMENDING SECTION 7-151 ENTITLED, "PROCEDURE TO PROVIDE PREFERENCE TO LOCAL BUSINESS IN CITY CONTRACTS," TO INCLUDE A LOCAL BUSINESS PREFERENCE TO THOSE VENDORS, OFFERORS, SUPPLIERS OR CONTRACTORS HAVING AN OWNERSHIP INTEREST IN RESIDENTIAL PROPERTY SITUATED WITHIN THE CITY OF NORTH MIAMI AND DESIGNATED AS HOMESTEAD PROPERTY BY THE MIAMI-DADE COUNTY OFFICE OF THE PROPERTY APPRAISER; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, on October 23, 2007, the Mayor and City Council of the City of North Miami ("City") passed and adopted Ordinance No. 1244, updating the preexisting procurement code and establishing a unified and centralized purchasing system to maximize the purchasing power of public funds ("Ordinance"); and

**WHEREAS**, on November 24, 2009, the Mayor and City Council passed and adopted Ordinance No. 1289, amending Section 7-151 of the Ordinance, to provide a procurement preference to those local businesses which could demonstrate that at least ten (10) percent of its total workforce reside within the City, prior to the issuance of the procurement solicitation; and

**WHEREAS**, on October 26, 2010, the Mayor and City Council passed and adopted Ordinance No. 1308, amending Section 7-151 of the Ordinance, to include a procurement preference to those local businesses which could demonstrate that at least ten (10) percent of the total contract amount would be applied to subcontractors physically located within the City; and

**WHEREAS**, City administration is seeking to broaden the procurement preference to those vendors, offerors, suppliers or contractors with a business situated within Miami-Dade County, Broward County, or Palm Beach County, and whose owner or principal also has an ownership interest in residential property situated within the City, which is designated as homestead property by the Miami-Dade County Office of the Property Appraiser; and

**WHEREAS**, the new procurement preference will provide, to those that qualify, a local preference of either ten (10) percent of the total evaluation points to be awarded, or ten (10) percent of the total contract price with the City; and

**WHEREAS**, the Mayor and City Council are desirous of stimulating and promoting, at every opportunity, the local economy and the employment outlook of City residents; and

**WHEREAS**, the Mayor and City Council have determined that the proposed amendment to Section 7-151 of the Code of Ordinances, is in the best interest of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, THAT:**

**Section 1.** **Amendment to Procurement Code.** The Mayor and City Council of the City of North Miami, Florida, hereby amend Article III under Chapter 7 of the City of North Miami Code of Ordinances, entitled “Procurement Code”, by specifically amending Section 7-151 entitled, “Procedure to Provide Preference to Local Business in City Contracts,” to include a local business preference to those vendors, offerors, suppliers or contractors having an ownership interest in residential property situated within the City of North Miami and designated as homestead property by the Miami-Dade County Office of the Property Appraiser, as follows:

**CHAPTER 7. FINANCE**

**ARTICLE III. PROCUREMENT CODE**

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**DIVISION 3. SOURCE SELECTION AND CONTRACT FORMATION.**

**Sec. 7-150. Maximum practicable competition.**

All specifications shall seek to promote overall economy for the purposes intended and encourage competition in satisfying the city's needs, and shall not be unduly restrictive. The director of the purchasing department shall review specifications written by user departments to assure that the specifications allow for open and free competition.

**Sec. 7-151. Procedure to provide preference to local businesses in city contracts.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the following meanings, except where the context clearly indicates a different meaning:

*Business location* means a permanent office or other site where the local business conducts, engages in, or carries on all or a portion of its business. A post office box or a location at a postal service center shall not constitute a business location.

*Local business* means: the offeror, supplier, or contractor: (1) has a business located in the city with a current city business tax receipt issued prior to the city's issuance of the solicitation for supplies or services; (2) has at least ten (10) percent of its total workforce residing in the city prior to the city's issuance of the solicitation for supplies or services ~~and/or~~; (3) subcontracts at least ten (10) percent of the contractual amount of a city project with subcontractors who are physically located within the city; or (4) has a business situated within Miami-Dade County, Broward County or Palm Beach County, and whose owner or principal also maintains an ownership interest in residential property within the city, which is designated as homestead property by the Miami-Dade County Office of the Property Appraiser. The offeror, supplier, or contractor seeking the local business preference has the burden to show that it qualifies for the preference, to the satisfaction of the city.

(b) *Preference to local businesses.* Except where federal or state law mandates to the contrary, in the purchase of supplies or services in which objective factors used to evaluate the submittals received from offerors are assigned point totals, a preference of ten (10) percent of the total evaluation points, or ten (10) percent of the total price, shall be given to a local business.

(c) *Comparison of qualifications.* The preferences established in no way prohibit the right of the city to compare quality of supplies or services proposed for purchase and to compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids or proposals. Further, the preferences established in no way prohibit the right of the city from giving any other preference permitted by law instead of the preferences granted, nor prohibit the city to select the bid or proposal which is the most responsible and in the best interests of the city.

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**Section 2.** **Conflicts.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 3.** **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 4.** **Codification.** The provisions of this Ordinance may become and be made a part of the Code of Ordinances of the City of North Miami, Florida. The sections of the

Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

**Section 5. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**PASSED AND ADOPTED** by a \_\_\_\_\_ vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
LUCIE M. TONDREAU  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

Mayor Lucie M. Tondreau	_____ (Yes)	_____ (No)
Vice Mayor Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Carol Keys, Esq.	_____ (Yes)	_____ (No)
Councilperson Philippe Bien-Aime	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)

Additions shown by underlining. Deletions shown by ~~overstriking~~.