

ORDINANCE NO. 2021-XX

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION AMENDING THE CITY OF NORTH MIAMI BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER III ENTITLED "PURCHASING," SECTION 3-4 ENTITLED "MISCELLANEOUS PROVISIONS," CREATING A NEW SECTION 3-4.13, ENTITLED "LOCAL BUSINESS PREFERENCE AND LOCAL HIRING REQUIREMENTS IN CITY CONTRACTS," AND AMENDING SECTION 3-3.15 ENTITLED "AWARD OF THE BIDS; LOCAL PREFERENCE" PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; CODIFICATION; AND FOR AN EFFECTIVE DATE.

WHEREAS, City administration is desirous of stimulating and promoting the local economy, business community as well as to create employment opportunities for local North Miami Beach residents; and

WHEREAS, the City administration seeks to broaden the procurement preference to those vendors, offerors, suppliers or contractors having actual businesses within the City as well as provide employment opportunities to City residents; and

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

WHEREAS, the Mayor and City Council have determined that the proposed amendment to Section 3-4 of the Code of Ordinances, is in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of North Miami Beach, Florida:

Section 1. The foregoing "Whereas" clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. Chapter III, entitled "Purchasing," Section 3-4 entitled "Miscellaneous Provisions;" creating a new Section 3-4.13, entitled "Local Business Preference and Local Hiring Requirements in City Contract," is created as follows:

Sec. 3-4.13. -Local business preference and local hiring requirements 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.

Community benefits plan means a proposed plan that demonstrates identifiable and observable benefits to the city. Said plan shall include but not be limited to specific community benefits to ensure that contractors awarded for bids exceeding two hundred fifty thousand dollars (\$250,000.00) create employment opportunities for local North Miami Beach residents.

Local business means the offeror, supplier, or contractor satisfies the following requirements:
(1) Has a business located in the city with a current city business tax receipt and certificate of use issued at least twelve (12) months prior to the city's issuance of the solicitation for supplies or services; and

(2) Has a physical business address located within the city's limits, in an area zoned for the conduct of such business, from which the vendor operates or performs business on a day-to-day basis, that is a substantial component of the goods or services being offered to the city; and
(3) Has certified in writing and provided all required documentation supporting its compliance with the foregoing at the time of submitting its bid or proposal.

(4) Alternatively, a business who subcontracts at least twenty (20) percent of the contractual amount of a city project with subcontractors who meet the above listed criteria is deemed a local business for award of preference in accordance with this section.

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.

Local hiring plan is the plan presented by the contractor and approved by the city manager outlining strategies to partner with local hiring agencies to promote job vacancy and marketing job availability.

Local resident means an individual whose primary residence is within the City of North Miami Beach city limits.

(b) Preference to local business. 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.

(d) Local hiring plan requirements. The following local hiring requirements shall be obtained for city-funded projects exceeding two hundred fifty thousand dollars (\$250,000.00).

(1) Contractors shall make every effort to provide significant job opportunities for local residents, including marketing job vacancies with local employment agencies.

(2) Contractors must detail proposed local hiring and training efforts as part of the bid proposal.

(3) Contractors are required to submit community benefit plan, which may incorporate local workforce initiatives, as part of their bid proposal. The purchasing agent shall prescribe rules, regulations, and procedures relating to the application, administration, and interpretation of the provisions of this section.

Section 3. Chapter III, of the City of North Miami Beach Code of Ordinances, entitled

PURCHASING”, Section 3-3.15 entitled “Award of Tie Bids; Local Preference” is amended as follows:

3-3.15 Award of Tie Bids; Local Preference. At the discretion of the City Manager or designee, in the case of tie bids, or in cases where all other things being equal, the difference in the bid amount, in context of the overall bid, is de minimus, an award may be made with due consideration to the State of Florida's policy on a drug free workplace; military veterans and, may be given to the bidder whose principal place of business is within the corporate boundaries of the City. ~~For no other reason shall local vendors be given preference.~~

Section 4. The City Manager or his designee is hereby directed to make all necessary changes to the City of North Miami Beach Code of Ordinances to implement the intent of this Ordinance.

Section 5. All ordinances or parts of ordinances in conflict therewith be and the same are hereby repealed.

Section 6. If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 7. It is the intention of the City of North Miami Beach and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of North Miami Beach, Florida. The Sections of this Ordinance may be renumbered or relettered to accomplish this intention and the word Ordinance” may be changed to “Section”, “Article”, or other appropriate word as the Codifier may deem fit.

Section 8. This Ordinance shall become effective ten days after adoption on second reading.

APPROVED BY TITLE ONLY on first reading this ____ day of _____, 2021.

APPROVED AND ADOPTED on second reading this ____ day of _____, 2021.

[SIGNATURE PAGE TO FOLLOW]

ATTEST:

ANDRISE BERNARD
CITY CLERK
(CITY SEAL)

ANTHONY F. DEFILLIPO
MAYOR

APPROVED AS TO FORM, LANGUAGE
AND FOR EXECUTION

HANS OTTINOT, ESQ.
INTERIM CITY ATTORNEY

Sponsored by: Mayor and Commission

Note: Proposed additions to existing City Code text are indicated by underline. Proposed deletions to existing City Code text are indicated by ~~strikethrough~~.