

CITY OF MARATHON, FLORIDA
ORDINANCE 2003-06

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
PERTAINING TO PURCHASING; PROVIDING FOR DEFINITIONS;
PROVIDING FOR A LOCAL PREFERENCE IN PURCHASING;
PROVIDING FOR APPLICABILITY AND EXEMPTIONS; PROVIDING
FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE;
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interests of the City to establish a preference in bidding for local businesses for certain goods and services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recital is true and correct and incorporated by this reference.

Section 2. Local Preference. A new Chapter of the Code of Ordinances of the City of Marathon entitled "Preference for Local Businesses" is created to read as follows:

Section 1. Definitions.

For the purposes of this Chapter, the following word will be defined as follows:

- (1) "Local Business" shall mean a business with a current required occupational license and a place of business located within the corporate limits of the City.
- (2) "Professional Services" shall mean services, the value of which is substantially measured by the professional competence of the person or persons performing them, and which are not susceptible to realistic competition of cost of service alone. Professional Services shall include, but not be limited to, services customarily rendered by architects, engineers, attorneys, surveyors, certified public accountants and financial, personnel, systems, planning and management consultants.

Section 2. Preference for Local Businesses.

- (a) Any Local Business that replies to a formal competitive sealed bid request shall receive a preference bonus of five percent (5%) during the tabulation of the bid proposals. After determining all qualified bidders, the preference bonus shall be calculated by multiplying all properly established Local Business bid amounts by 0.95. After comparing these adjusted dollar amounts to all other qualified bidders, should the adjusted value establish the Local Business as the lowest qualified bidder, then the Local Business shall be awarded the bid at the original amount submitted.
- (b) If a local preference is to be employed as provided for by this Section, the invitation for bid documents shall set forth such local preference requirements.

Section 3. Applicability and Exemptions.

- (a) The local preference shall apply to the purchases of material, supplies, equipment, improvements or services in which competitive, sealed bids are required by state or federal law or by the terms of a grant.
- (b) With regards to contracts for Professional Services, the provisions of this Chapter may be waived by the City Council. If the provisions of this Chapter are waived for a particular award, the Professional Services may be selected based on experience, skill, education, recommendations or any other qualifications the Council finds relevant.

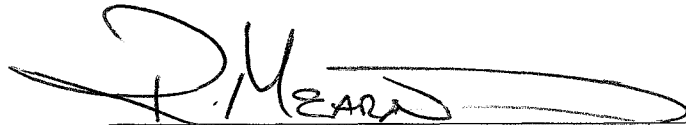
Section 3. Severability. The provisions of this Ordinance are declared to be severable if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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. Inclusion in the Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the code of The City of Marathon, Florida, that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. Effective Date. This Ordinance shall be effective upon adoption on the second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 11 day of March, 2003.

THE CITY OF MARATHON, FLORIDA




Randy Mearns, Mayor

AYES: Worthington, Pinkus, Repetto, Bartus, Mearns
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Cindy L. Ecklund
City Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:



CITY ATTORNEY