

ORDINANCE NO. 1398

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "FINANCE", BY AMENDING ARTICLE III, ENTITLED "PROCUREMENT CODE", SPECIFICALLY AT SECTION 7-151, ENTITLED "PROCEDURE TO PROVIDE PREFERENCE TO LOCAL BUSINESS IN CITY CONTRACTS" TO REQUIRE THE SUBMISSION OF A COMMUNITY BENEFITS PLAN AND LOCAL HIRING INITIATIVES IN BID PROPOSALS FOR CITY-FUNDED PROJECTS EXCEEDING TWO HUNDRED FIFTY THOUSAND (\$250,000.00); PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") believes in doing business with persons and business entities which adhere to corporate principles confirming a commitment for being good corporate citizens and which value the goals and importance of community goodwill by providing tangible benefits back to the community in which they do business; and

WHEREAS, the City is a diverse and talented community of skilled workers, crafts persons and laborers available for work in the various trades; and

WHEREAS, the City annually expends a considerable amount of public funds on capital projects which regularly exceed several million dollars in cost and the expenditure of those funds could create jobs for qualified City residents; thereby, enhancing the local workforce and improve the economic conditions in the City; and

WHEREAS, the purpose of this Ordinance is to encourage the hiring of city residents for city-funded capital projects for which more than Two Hundred Fifty Thousand Dollars (\$250,000.00) of public funds are expended; and

WHEREAS, persons and business entities seeking City-funded contracts or grants are also encouraged to identify, develop and furnish benefits back to the local community in the form of a Community Benefit Plan; and

WHEREAS, the Mayor and City Council find that the proposed ordinance, will serve the best interests of all City residents by promoting employment opportunities within the community.

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

Section 1. The Mayor and City Council of the City of North Miami, Florida, hereby amend Chapter 7 of the City of North Miami Code of Ordinances, entitled "Finance", by amending Article 3, entitled "Procurement Code", specifically at section 7-151, entitled "Procedure to provide preference to local business in city contracts" as follows:

CHAPTER 7. FINANCE

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ARTICLE 3. PROCUREMENT CODE

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Sec. 7-151. - ~~Procedure to provide preference to~~ 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 (\$250,000.00) dollars create employment opportunities for local North Miami residents.

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

- (1) The purchasing agent or other city manager designee, working with 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.
- (4) The purchasing agent or other city manager designee will monitor and enforce compliance with this chapter.

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Section 2. Repeal. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. Conflicts. In the event that the provisions of this Ordinance are in conflict with any other ordinance, rule or regulation, the provisions of this Ordinance shall prevail.

Section 4. 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 by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall

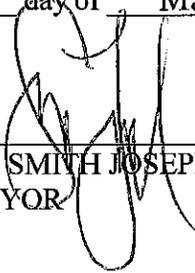
remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Codification. It is the intention of the City Council of the City of North Miami 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, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "ordinance" may be changed to "section," "article" or any other appropriate word.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption on second reading.

PASSED AND ADOPTED by a 4 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 8th day of March, 2016.

PASSED AND ADOPTED by a 4 - 1 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 22nd day of March, 2016.



DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



ROLAND C. GALDOS
INTERIM CITY ATTORNEY

SPONSORED BY: VICE MAYOR ALIX DESULME

Moved by: Galvin

Sponsored by: Joseph

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
<u>X</u>	(Yes)	_____	(No)
_____	(Yes)	<u>X</u>	(No)
<u>X</u>	(Yes)	_____	(No)

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