

ORDINANCE NO. 1448

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES ENTITLED, "FINANCE", AT ARTICLE III, DIVISION 3 ENTITLED "SOURCE SELECTION AND CONTRACT FORMATION", SPECIFICALLY AT SECTION 7-151 ENTITLED "LOCAL BUSINESS PREFERENCE AND LOCAL HIRING REQUIREMENTS IN CITY CONTRACTS" TO UPDATE THE STANDARDS FOR THE AWARD OF LOCAL BUSINESS PREFERENCE, PROVIDING FOR REPEAL, CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

WHEREAS, the City of North Miami ("City") is desirous of updating its standards for the award of local business preference under the Procurement Code; and

WHEREAS, the City's existing definition of a local business does not require a physical business location within the City's jurisdictional limits; and

WHEREAS, the City is desirous of updating Section 7-151 entitled "Local Business Preference and Local Hiring Requirements in City Contracts" to require a physical business location and to implement a one (1) year qualifying period for local businesses prior to being eligible for local business preference under the Procurement Code; and

WHEREAS, the Mayor and City Council of the City of North Miami have determined that the proposed amendments to Chapter 7 of the Code of Ordinances are 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. Chapter 7 of the City Code of Ordinances, entitled "Finance" is hereby amended at Article III, Division 3 entitled "Source Selection and Contract Formation" at section 7-151 entitled "Local Business Preference and Local Hiring Requirements in City Contracts" as follows:

CHAPTER 7. FINANCE

* * * * *

ARTICLE III. SOURCE SELECTION AND CONTRACT FORMATION

* * * * *

DIVISION 3. SOURCE SELECTION AND CONTRACT FORMATION

* * * * *

Section 7-151. 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 residents.

Local business means the offeror, supplier, or contractor satisfies ~~two (2)~~ of 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 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; or
- (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. Subcontracts at least ten (10) percent of the contractual amount of a city project with subcontractors who are physically located within the city.
- (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 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.

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 **Repeal.** All ordinances or parts of ordinances in conflict or inconsistent are repealed.

Section 3. **Conflict.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

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, 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 relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

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

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on first reading this 14th day of January, 2020, 2020.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, on second reading this 28th day of January, 2020.


PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: MAYOR PHILIPPE BIEN-AIME

Moved by: Galvin
Sponsored by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)

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