

**AGENDA ITEM SUMMARY**  
**GLADES COUNTY BOARD OF COUNTY COMMISSIONERS**

<b>SUBJECT:</b> Draft Ordinance: Local Bidders Preference ( <i>Pringle</i> )	
<b>DEPT/DEPT REQUEST:</b>	
<b>BACKGROUND/DETAIL OF REPORT:</b>  At the February 22, 1010 Board of County Commissioners meeting, the Board asked that a draft subject ordinance be available for comment at the March 9, 2010 BOCC Meeting.  Attached is that Draft Ordinance and questionnaire.  Does the BOCC wish to proceed?	
<b>BUDGET IMPACT: Yes / No – If Yes, how much? From where?</b>  None	
<b>COORDINATION WITH:</b>  County Manager	
<b>MOTION</b>  I move to	
<b>REQUEST BY:</b>  Board of County Commissioners	<b>Meeting Date:</b> March 9, 2010
	<b>Agenda #</b>

GLADES COUNTY ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF GLADES COUNTY RELATING TO A BIDDING PREFERENCE FOR LOCAL CONTRACTORS AND VENDORS, AS DEFINED; PROVIDING FOR QUALIFICATION; PROVIDING FOR THE PREFERENCE NOT TO EXCEED \_\_\_\_\_ PERCENT (\_\_\_%) OF THE BID OR QUOTE AMOUNT; PROVIDING FOR ADMINISTRATIVE PROCEDURES; PROVIDING FOR SUPPLEMENTAL AUTHORITY, SEVERABILITY, CODIFICATION AND EFFECTIVE DATE.**

WHEREAS, Glades County ("County") is a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners ("Board") is the governing body in and for Glades County; and,

WHEREAS, the Board has the authority to contract for the purchase of goods and services that serve a public purpose, and are in the best interest of the citizens of Glades County; and,

WHEREAS, the Board has a valid public interest in promoting local industry and enterprise; and,

WHEREAS, Florida law recognizes local bid preferences under certain circumstances, and that the physical location of a bidder's principal place of business is a relevant factor in the public procurement process; and,

WHEREAS, it is not the intent of the Board by the adoption of this Ordinance to prohibit, exclude, discourage or disadvantage persons, firms, businesses or corporations that are non-local in nature from providing goods or services to Glades County as part of the competitive selection process; and,

WHEREAS, it is the intent of the Board to provide the Local Bidder's Preference on an optional basis when facts and circumstances warrant that Glades County grant the preference amount.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS that:

**SECTION ONE.**                    **INCORPORATION OF RECITALS.**

1.1     The above recitals are incorporated herein and are hereby adopted in their entirety as a part of this Ordinance.

**SECTION TWO.**                    **DEFINITIONS.**

The terms as used in this Ordinance, unless otherwise defined herein, shall be as those terms are defined in Chapter 287, Florida Statutes, Part I, or shall have their ordinary meaning in common usage.

2.1     "Local Contractor/Vendor" shall mean: a) any person, firm, partnership, company or corporation whose place of business, in the sole opinion of Glades County, is located within the boundaries of Glades County, Florida; or b) any person, firm, partnership, company or corporation that has provided goods or services to Glades County on a regular basis for the preceding consecutive five (5) years, and that has the personnel, equipment and materials located within the boundaries of Glades County sufficient to constitute a present ability to perform the service or provide the goods.

**SECTION THREE.**

**QUALIFICATION AS A “LOCAL CONTRACTOR/  
VENDOR”.**

- 3.1 Potential contractors and/or vendors to Glades County who desire to be considered for the Local Bidder's Preference for Glades County procurements must qualify and be approved by Glades County for such consideration.
- 3.2 Qualification as a Local Contractor/Vendor shall be made on questionnaires/applications provided by Glades County, generally on a case by case basis.
- 3.3 Only Contractors/Vendors who are found to meet the definition of a Local Contractor/Vendor by Glades County will be allowed to claim the Local Bidders' Preference as provided for by this Ordinance for any Glades County procurement, either for goods or services, where allowed by law. The Contractor/Vendor qualification for a Local Contractor/Vendor designation shall not be considered as a basis for any Formal Protests of contract awards under Glades County's procurement processes.
- 3.4 If an application for a Local Contractor/Vendor designation is denied by Glades County, the applicant may then appeal such decision to the Board of County Commissioners, who shall hear such appeal at a regular Board meeting, and whose decision shall be final.

**SECTION FOUR.**

**APPLICATION OF THE “LOCAL CONTRACTOR/  
VENDOR” PREFERENCE.**

- 4.1 The Local Contractor/Vendor Preference may be awarded to qualified parties submitting either Bids or Quotes or Proposals to Glades County pursuant to a request for same by Glades County.
- 4.2 The Local Contractor/Vendor Preference shall not exceed \_\_\_\_\_ (Possibly 3%)percent (\_\_\_\_\_% ) of the total Bid, or Quote, or Proposal for Glades County’s purchase of either services or goods.
- 4.3 The Board reserves the exclusive right to exercise the option as to whether or not to apply the Local Contractor/Vendor Preference to any procurement. The Board recognizes that Glades County’s ability to exercise the option to apply the Local Contractor/Vendor Preference to any procurement shall be subject to the provisions of Federal and Florida law. Additionally, Glades County will state whether or not the Local Contractor/Vendor Preference will apply as a part of the disclosures in Glades County’s Request for Bids, Request for Proposals or Request for Quotes documents.
- 4.4 The Board reserves the exclusive right to compare, contrast and otherwise evaluate the qualifications, character, responsibility and fitness of all persons, firms, partnerships, companies or corporations submitting bids or quotes or proposals in any procurement for goods or services when making an award which is in the best interests of Glades County.

**SECTION FIVE.**

**ADMINISTRATIVE PROCEDURES.**

- 5.1 The Board hereby authorizes and directs that appropriate Glades County Staff to develop and implement all necessary procedures, forms and documents to carry out the expressed purposes and intent of this Ordinance.
- 5.2 The Board may authorize the County Manager and his designee(s) to apply the provisions of this Ordinance to Glades County procurements in designated situations as facts may warrant and as the law may allow.

**SECTION SIX.**

**SUPPLEMENTAL AUTHORITY.**

- 6.1 This Ordinance shall be deemed to provide an additional and alternative method for the procurement of Glades County goods and services and shall be regarded as supplemental and additional to the powers conferred by other laws, and shall not be regarded as being in derogation of any Glades County powers now existing or which may hereafter come into existence. Further, the additional and alternative method for the procurement of Glades County goods and services described herein using a Local Contractor/Vendor Preference shall only be exercised by Glades County upon a decision by Glades County to do so, in Glades County's sole discretion, and as allowed by law.

**SECTION SEVEN.**            **SEVERABILITY.**

7.1    If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision herein shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

**SECTION EIGHT.**            **CODIFICATION .**

8.1    It is hereby the intention of the Board and it is hereby provided that the provisions of this Ordinance shall become and be made a part of the Code of Glades County, Florida, and that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

**SECTION NINE.**            **LIBERAL CONSTRUCTION**

9.1    The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

**SECTION TEN.**

**EFFECTIVE DATE.**

10.1 This Ordinance shall take effect upon its adoption by the Board of Commissioners of Glades County, Florida, and upon a filing of a certified copy hereof with the Florida Secretary of State.

The foregoing Ordinance was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_, and being put to a vote, the vote was as follows:

ROBERT L. GIESLER	_____
KENNETH S. JONES	_____
DONNA STORTER LONG	_____
PAUL S. BECK	_____
RUSSELL ECHOLS	_____

This Ordinance was duly passed and adopted this \_\_\_\_\_ day \_\_\_\_\_, 2010.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

GLADES COUNTY, FLORIDA,  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

BY: \_\_\_\_\_  
Richard W. Pringle,  
County Attorney

BY: \_\_\_\_\_  
Russell Echols  
Chairman

ATTEST:

SEAL:

BY: \_\_\_\_\_  
Joe Flint, Clerk of Courts

**LOCAL VENDOR/CONTRACTOR QUESTIONNAIRE**

If a responder wants to be considered as a “Local Vendor/Contractor” as defined by Glades County Ordinance No. \_\_\_\_\_ for purposes of the subject Request for Bids, Request for Qualifications, or Request for Proposals, the responder must complete this Questionnaire. “Local Vendor/Contractor” is defined by Ordinance No. \_\_\_\_\_ as follows:

“any person, firm, partnership, company or corporation whose place of business, in the sole opinion of Glades County, is located within the boundaries of Glades County, Florida; or b) any person, firm, partnership, company or corporation that has provided goods or services to Glades County on a regular basis for the preceding consecutive five (5) years, and that has the personnel, equipment and materials located within the boundaries of Glades County sufficient to constitute a present ability to perform the service or provide the goods.”

1. Please describe the responder’s business address within Glades County or the business address of the responder’s office that is closest to Glades County:

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2. Please list the number of contracts and/or projects the responder has performed in Glades County within each year of the last five (5) calendar years (include the contracting parties’ names, addresses, and telephone numbers. Please attach additional pages as necessary):

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3. In consideration of possibly being defined as a local contractor/vendor as described in Glades County Ordinance No. \_\_\_\_\_, the undersigned hereby waives all claims and actions against Glades County related to Glades County's application of and interpretation of Ordinance No. \_\_\_\_\_ to approve or not approve the undersigned as a local contractor/vendor.
  
4. The undersigned, who being first duly sworn, acknowledges and affirms that all the statements made in this response are true, correct and accurate and no false statements are made herein. The undersigned further acknowledges that he or she has full knowledge of Florida law regarding sworn statements and the penalties, including perjury, resulting from the making of any false statements or misrepresentations herein.

[NEXT PAGE FOR SIGNATURE]