

RESOLUTION NO. 2009-59

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, ADOPTING A LOCAL BUSINESS PURCHASING PREFERENCE POLICY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that the foundation of a strong local economy are programs to encourage businesses to locate within the City of Palm Bay and to hire Palm Bay residents as employees, and

WHEREAS, the City Council adopted Resolution No. 2008-76 on September 4, 2008, implementing a local business purchasing preference policy in order to infuse additional dollars into the local economy, and

WHEREAS, the local business purchasing preference policy is scheduled to expire on September 30, 2009, and the City Council desires to continue the policy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Adoption of Local Business Purchasing Preference Policy.

The City Council hereby adopts a Local Business Purchasing Preference Policy as set forth herein.

SECTION 2. Definitions.

A. The term "Business" shall mean a person, firm, corporation or other business entity which is duly licensed and authorized to engage in a particular work in the State of Florida. Business shall be broken down into four (4) types of classes:

1. Class A Business – shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City and shall maintain a staffing level of the prime contractor for the proposed work of at least fifty percent (50%) who are residents of the City.

2. Class B Business - shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City or shall maintain a staffing level of the prime contractor for the proposed work of at least fifty percent (50%) who are residents of the City.

3. Class C Business - shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of Brevard County.

4. Class D Business - shall mean any Business that does not qualify as either a Class A, Class B, or Class C business.

a. Provided that:

1) A Business can only qualify for one class preference level;

2) A Business with outstanding liens, fines or violations with the City shall not be eligible to qualify for Class A, Class B, or Class C status;

3) A Business which operates through the use of a post office box, mail house or a residential/home address shall not be eligible to qualify as either a Class A, Class B or Class C Business, with respect to the business's location; and

4) The City may require, at the City's discretion, from a Class A or Class B business, evidence of employee's residency through the production of current Florida Drivers Licenses, copies of Brevard County tax bills; current utility bills (i.e. water, electric), or other type of similar documentation that demonstrates that the employee's residence is physically located within the City of Palm Bay Post office boxes or mail house mailing addresses do not qualify.

5) A Business may receive a conditional classification as a Class A or Class B Business if that Business certifies in writing to the Purchasing Manager that it will meet the requirements of the specific class within three (3) months of being awarded the work.

B. The term "Budget Cost" shall mean the estimated cost of the project as determined by the appropriate Department Head and certified to the Purchasing Manager after a proposal is submitted to the City but prior to the opening of said proposal. For multi-year agreements, "Budgeted Cost" will be calculated on the actual estimated annual expenditure; for one-time purchases, calculation will be based on the current year budgeted amount.

SECTION 3. Procedures for Granting Local Preference in Purchasing and Contracting.

A. For purchases of twenty-five thousand dollars (\$25,000) or less, departments shall utilize their best efforts to purchase from Businesses located in the City.

B. For purchases in excess of twenty-five thousand dollars (\$25,000) which typically are obtained through a formal competitive request for proposal process, vendors may be given a preference for being a local business. Preferences may be given for purchasing or letting of contracts for procurement of personal property, materials, certain contractual services, and construction of improvements to real property or to existing structures.

C. Preferences will be considered after the completion of the final rankings. Preference shall be applied to Businesses as follows:

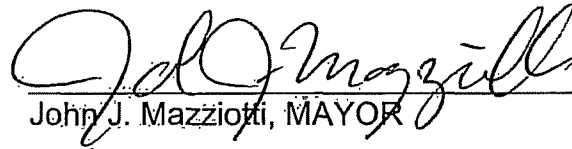
1. Class A Business - ten percent (10%) preference;
2. Class B Business – seven and one-half percent (7.5%) preference;
3. Class C Business – five percent (5%) preference.

D. The local preference shall not be applied in the following circumstances:


1. The Business submits a proposal that exceeds the projected Budget Cost;
2. The proposal is in excess of one million dollars (\$1,000,000.00);
3. State or federal law prohibits the use of local preferences;
4. The work is funded in whole or in part by a governmental entity where the laws, rules, regulations or policies which prohibit the use local preferences;
5. Emergency purchases;
6. Sole source purchases;
7. Cooperative purchasing agreements or utilization of other agency contracts;
8. Revenue contracts;
9. The Business is determined to be unqualified to perform the work as determined by the City.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting No. 2009-35, of the City Council of the City of Palm Bay, Brevard County, Florida, held on October 1, 2009.


John J. Mazziotti, MAYOR

ATTEST:


Alice Passmore, CITY CLERK

