

DIVISION 5. BIDDING PREFERENCE FOR LOCAL VENDORS

Sec. 1-74. Definitions.

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited to, pest control, janitorial, laundry, catering, security, lawn maintenance, and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) *Local business* means the vendor has a valid occupational license issued by Broward County at least one year prior to bid or proposal opening to do business in Broward County that authorizes the business to provide the goods, services or construction to be purchased and a physical business address located within the limits of Broward County, 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 Broward County. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, the vendor must provide a copy of the occupational license(s) for the covered period prior to recommendation for award.

(d) *Professional services* includes any services where the county is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area. Professional services does not include those services procured pursuant to Section 287.055, F.S.

(Ord. No. 92-14, § 1, 5-12-92; Ord. No. 95-06, § 1, 2-14-95; Ord. No. 2002-19, § 1, 5-28-02)

Sec. 1-75. Local preference; procedure.

Except where otherwise provided by federal or state law or other funding source restrictions, purchases of goods, general services, or professional services under the Procurement Code shall give preference to local businesses in the following manner:

(a) Under a competitive bid solicitation, when a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within ten percent (10%) of the price submitted by the non-local business, then that non-local business and each of the aforementioned responsive, responsible local businesses shall have the opportunity to submit, within five (5) working days of notice of intent to award, a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

(b) For all other competitive solicitations in which objective factors used to evaluate the responses from vendors are assigned point totals, if, upon the completion of final rankings (technical and price combined, if applicable) by the selection committee, a non-local business is the highest ranked proposer and the ranking of a local proposer is within five percent (5%) of the ranking obtained by the non-local proposer, the highest ranked local proposer shall have the opportunity to proceed to negotiations with the county.

(c) If a tie occurs between two (2) or more local businesses, then the tie may be broken using the tie breaker criteria in the Procurement Code.

(Ord. No. 92-14, § 2, 5-12-92; Ord. No. 2002-19, § 1, 5-28-02; Ord. No. 2004-29, 8-24-04)

Sec. 1-76. Waiver.

The application of local preference to a particular purchase, contract, or category of contracts for which the Broward County Board of County Commissioners is the awarding authority may be waived upon written recommendation of the county administrator and approval of the Broward County Board of County Commissioners. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the Broward County Board of County Commissioners may be waived upon written recommendation of the director of purchasing and approval of the county administrator.

(Ord. No. 92-14, § 3, 5-12-92; Ord. No. 2002-19, § 1, 5-28-02)

Sec. 1-77. Other preferences.

The preferences established herein in no way prohibit the right of the Broward County Board of County Commissioners to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the Broward County Board of County Commissioners from giving any other preference permitted by law instead of the preference authorized herein.

(Ord. No. 92-14, § 4, 5-12-92; Ord. No. 2002-19, § 1, 5-28-02)

Sec. 1-78. Reciprocity.

Should Miami-Dade, Palm Beach, Monroe, Martin, or any other South Florida County extend preferences similar to those set forth herein to vendors whose business locations are within the geographic boundaries of Broward County (substantially as described in Section 1-74(c)), the Broward County Board of County Commissioners may enter into interlocal agreement with such county, wherein the preferences set forth herein shall be extended and made available to vendors whose business location is within the geographic boundaries of such county. In no event shall the amount of the preference accorded by Broward County to non-Broward County vendors exceed the amount of preference that the vendor's home county extends to Broward County vendors competing for its contracts.

(Ord. No. 92-14, § 5, 5-12-92; Ord. No. 2002-19, § 1, 5-28-02)

Sec. 1-79. Exemption of certain contracts.

Co-operative purchases shall be exempt unless all participants in the co-operative purchase agree to apply this local preference ordinance. In addition, particular categories of contracts may be exempted from application of local preference, upon determination by the Broward County Board of County Commissioners that such exemption is in the best interests of the county, and is in furtherance of the county's small developing business enterprise program as that program may be amended from time to time.

(Ord. No. 92-14, § 6, 5-12-92; Ord. No. 2002-19, § 1, 5-28-02)