

EXHIBIT "L"

ATTACHED

Sponsored by: Ramsay
Introduction Date: January 13, 2009
Public Hearing Dates: January 13 and 27, 2009
Enactment date: January 27, 2009

CITY OF MARATHON, FLORIDA
ORDINANCE 2009-01

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA,
PERTAINING TO LOCAL PREFERENCE IN PURCHASING;
AMENDING CHAPTER 2, ARTICLE VI, DIVISION 2 OF THE CODE
OF THE CITY OF MARATHON; PROVIDING FOR SEVERABILITY;
PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR
AN EFFECTIVE DATE.

WHEREAS, the City Council finds that it is in the best interests of the City to maintain and expand a preference in procurement for local businesses for certain goods and services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recital is true and correct and incorporated by this reference.

Section 2. **Local Preference.** Chapter 2, Article VI, Division 2 of the Code of Ordinances of the City of Marathon entitled "Purchasing" is hereby amended to read as follows:

Section 2-168. Definitions.

For the purposes of this Chapter, the following word will be defined as follows:

Local Business shall mean a business with a current required Monroe County occupational license or business tax receipt, and has its headquarters within the corporate limits of the City or has a place of business located within the corporate limits of the City at which it will produce the goods or perform the services to be purchased. Post office box numbers or residential addresses alone may not be used to establish status as a Local Business. If a business is a joint venture, it is sufficient for qualification as a Local Business if at least one of the joint venturers meets the test set forth above.

"Professional Services" shall mean services, the value of which is substantially measured by the professional competence of the person or persons performing them, and which are not susceptible to realistic competition of cost of service alone. Professional Services shall include, but not be limited to, services customarily rendered by architects, engineers, attorneys, surveyors, certified public accountants and financial, personnel, systems, planning and management consultants.

Section 2-169. Preference for Local Businesses.

- (a) Any Local Business that replies to a formal competitive sealed bid request shall receive a preference bonus of ten percent (10%) during the tabulation of the bid proposals. After determining all qualified bidders, the preference bonus shall be calculated by multiplying all properly established Local Business bid amounts by 0.90. After comparing these adjusted dollar amounts to all other qualified bidders, should the adjusted value establish the Local Business as the lowest qualified bidder, then the Local Business shall be awarded the bid at the original amount submitted.
- (b) Any Local Business that submits a proposal as part of a request for proposals process shall receive a preference bonus of ten percent (10%) of the overall points received by such Local Business as part of the evaluation and scoring process.
- (c) Any Local Business that submits a proposal as part of a request for qualifications process shall receive a preference bonus of ten percent (10%) of the overall points received by such Local Business as part of the evaluation and scoring process.
- (d) If a local preference is to be employed as provided for by this Section, the invitation for bid documents, the request for qualifications documents, or the request for proposal documents shall set forth such local preference requirements.

Section 2-170. Applicability and Exemptions.

- (a) The local preference shall apply to the purchases of material, supplies, equipment, improvements or services in which the City either solicits competitive, sealed bids, issues a request for proposals, or issues a request for qualifications.
- (b) The local preference provided for by this Chapter shall not be applied where application of the preference would conflict with a statute, administrative rule, or the terms of any grant funding the purchase or contract.

- (c) With regards to contracts for Professional Services, the provisions of this Chapter may be waived by the City Council. If the provisions of this Chapter are waived for a particular award, the Professional Services may be selected based on experience, skill, education, recommendations or any other qualifications the Council finds relevant.

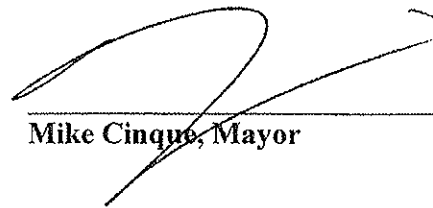
Section 3. Severability. The provisions of this Ordinance are declared to be severable if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, 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 4. Inclusion in the Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the code of The City of Marathon, Florida, that the sections of the 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 5. Effective Date. This Ordinance shall be effective immediately upon enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 27th day of January 2009.

THE CITY OF MARATHON, FLORIDA



Mike Cinque, Mayor

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Diane Clavier

Diane Clavier
City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:

[Signature]
City Attorney