



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

Fiscal Years	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative	_____	_____	_____	_____	_____

Is Item Included In Current Budget? Yes \_\_\_ No \_\_\_  
 Budget Account No.: Fund \_\_\_ Dept \_\_\_ Unit \_\_\_ Object \_\_\_  
 Program

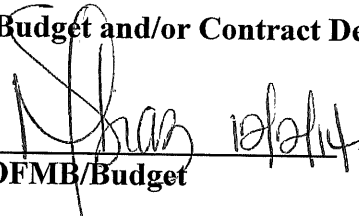
**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

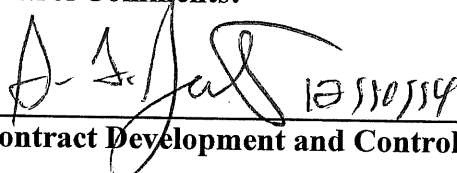
Since the Local Preference Ordinance will now apply to purchases of goods and services through the RFQ and RFS solicitation processes, it is anticipated that there will be an additional increase to the operating budget. The increase is indeterminable at this time and will depend upon the number of awards made to local vendors responding to an RFQ who are within 5% of the lowest quote submitted by a non-local vendor, and will also depend upon the number of local vendors responding to an RFS who receive 5 points in the scoring criteria for being a local vendor.

**C. Departmental Fiscal Review:**

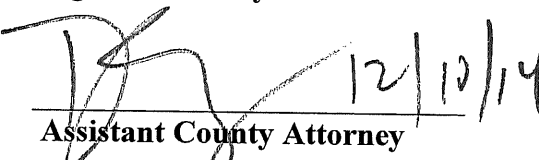
**III. REVIEW COMMENTS**

**A. OFMB Budget and/or Contract Dev. and Control Comments:**

  
 \_\_\_\_\_  
 OFMB/Budget

  
 \_\_\_\_\_  
 Contract Development and Control

**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

This summary is not to be used as a basis for payment.

**SUMMARY OF SUBSTANTIVE RECOMMENDED  
CHANGES TO THE LOCAL PREFERENCE ORDINANCE**

<u>Section</u>	<u>Page</u>	<u>Change and Rationale</u>
2(b)and throughout	2	By adding the words "quote" and "quoter", the Local Preference Ordinance is extended to include the Request for Quote (RFQ) solicitation process.
3	3	This provision makes the Local Preference Code applicable to <i>all</i> solicitations governed by the Purchasing Code, including Requests for Quotes (RFQs) and Requests for Submittals (RFSs). Historically, the Local Preference Code has <i>only</i> been applicable to goods and services procured via the Information for Bid (IFB) and the Request for Proposal (RFP) processes. Also, this provision encourages the use of local vendors in procuring goods and services that are exempt from the requirements of the Purchasing Code.
5.	4	This provision clarifies the intent that the Local Preference Code is to apply to Glades businesses when a good or service is utilized in the Glades or when a construction project is located in the Glades.
8(b)	7	This provision provides that, unless prohibited by federal, state or local law or under the conditions of any grant, local preference shall be addressed through the evaluation criteria set forth in a Request for Proposal (RFP) and Request for Submittal (RFS).

ORDINANCE NO. 2015-\_\_\_\_\_

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
5 SETTING FORTH AND AMENDING SECTIONS 2-80.41  
6 THROUGH 2-80.48 OF THE PALM BEACH COUNTY  
7 CODE, THE “LOCAL PREFERENCE IN PURCHASING  
8 ORDINANCE”; AMENDING SECTION 2-80.41 “TITLE”;  
9 AMENDING SECTION 2-80.42 “DEFINITIONS”; ADDING  
10 SECTION 2-80.43 “APPLICABILITY OF LOCAL  
11 PREFERENCE”; AMENDING SECTION 2-80.44  
12 “PREFERENCE FOR LOCAL BUSINESSES”; AMENDING  
13 SECTION 2-80.44.1 “PREFERENCE FOR GLADES  
14 BUSINESSES”; AMENDING SECTION 2-80.44.2  
15 “PREFERENCE FOR THE USE OF GLADES  
16 SUBCONTRACTORS BY LOCAL BUSINESSES”;  
17 AMENDING SECTION 2-80.45 “RECIPROCITY”;  
18 AMENDING SECTION 2-80.47 “LIMITATIONS”;  
19 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;  
20 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
21 INCLUSION IN THE CODE OF LAWS AND ORDINANCES;  
22 AND PROVIDING FOR AN EFFECTIVE DATE.

23  
24 WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (“Board”)   
25 enacted Ordinance No. 2002-065 which established a local preference for the procurement of   
26 goods, services, and the construction of public works projects; and

27 WHEREAS, due to the unique geographic and economic issues of businesses located in the   
28 Glades and the desire to stimulate the Glades economy, the Board enacted Ordinance No. 2009-095   
29 which provided for a Glades Local Preference; and

30 WHEREAS, in order to clarify the intent as to reciprocity and to limit the application of the   
31 local preference for purchases made on behalf of the Glades Utility Authority, the Board enacted   
32 Ordinance No. 2010-011; and

33 WHEREAS, it is necessary to clarify the intent of and expand the applicability of the local   
34 preference for purchases made in accordance with the Purchasing Code and, wherever possible, to   
35 goods and services that are exempt from the Purchasing Code and those that are designated as an   
36 alternate source selection as provided in said Code; and

37 WHEREAS, the Board of County Commissioners desires to amend the existing Local   
38 Preference in Purchasing Ordinance as set forth herein.

39  
40 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY   
41 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 Section 1. Sec. 2-80.41 of the Palm Beach County Code is hereby amended as follows:

2  
3

TITLE:

4  
5

This Ordinance shall be entitled the Palm Beach County Local Preference ~~in Purchasing~~  
6 ~~Ordinance Code.~~

7 Section 2. Sec. 2-80.42 of the Palm Beach County Code is hereby amended as follows:

8  
9

DEFINITIONS:

10  
11

(a) "Glades business" means a bidder or ~~proposer~~ quoter which has a permanent place  
12 of business within the Glades and which holds a business tax receipt issued by Palm Beach County  
13 that authorizes the bidder or ~~proposer~~ quoter to provide the solicited construction or non-  
14 construction related goods, or services, or construction to be built and which is issued prior to the  
15 issuance of the invitation for bids/request for ~~proposals~~ quotes for which a preference is sought. If  
16 the business is a joint venture/partnership, it is sufficient for qualification as a Glades business if at  
17 least one of the joint venturers/partners meets the requirements set forth in this subsection.

18

(b) "Glades subcontractor" means a subcontractor participating in a bid or ~~proposal~~  
19 quote for ~~goods, services or construction~~ construction or non-construction related goods or  
20 services, which has a permanent place of business within the Glades and which holds a business tax  
21 receipt issued by Palm Beach County that authorizes the Glades subcontractor to provide the  
22 construction or non-construction related goods, or services or construction services and which is  
23 issued prior to the issuance of the invitation for bids/request for ~~proposals~~ quotes for which a  
24 preference is sought. If the subcontractor is a joint venture/partnership, it is sufficient for  
25 qualification as a Glades subcontractor if at least one of the joint venturers/partners meets the  
26 requirements set forth in this subsection.

27

(c) "Local business" means a bidder or ~~proposer~~ quoter which has a permanent place of  
28 business within Palm Beach County and which holds a business tax receipt issued by Palm Beach  
29 County that authorizes the bidder or ~~proposer~~ quoter to provide the solicited construction or non-  
30 construction related goods, or services or construction to be purchased and which is issued prior to  
31 the issuance of the invitation for bids/request for ~~proposals~~ quotes for which a preference is sought.  
32 If the business is a joint venture/partnership, it is sufficient for qualification as a local business if at  
33 least one of the joint venturers/partners meets the test set forth in this subsection.

1 (d) "Non-local business" means a bidder or ~~proposer~~ quoter which is not a local  
2 business.

3 (e) "Permanent place of business" means headquarters which are located within Palm  
4 Beach County or within the Glades for Glades businesses, or a permanent office or other site  
5 located within Palm Beach County or within the Glades for Glades businesses, from which a bidder  
6 or ~~proposer~~ quoter will produce a substantial portion of the goods or perform a substantial portion  
7 of the services to be purchased and which was in existence prior to the issuance of the invitation for  
8 bids/request for ~~proposals~~ quotes. A post office box or location at a postal service center shall not  
9 constitute a permanent place of business.

10 All other terms and definitions used herein shall have the same meaning as set forth in the  
11 Palm Beach County Purchasing Code Ordinance ("Purchasing Code"), as it may be amended.

12 Section 3. Sec. 2-80.43 of the Palm Beach County Code is hereby added as follows:

13 APPLICABILITY OF LOCAL PREFERENCE:

14 Unless otherwise stated below, the provisions of this part shall apply to the solicitation of  
15 construction and non-construction related goods and services by the County which are governed by  
16 the Purchasing Code (Sections 2-51 through 2-58 of the County Code as may be amended).  
17 Additionally, the County should utilize a solicitation process which encourages the use of local  
18 vendors for those items which are exempt from the requirements of the Purchasing Code and those  
19 which are designated as an alternate source selection as provided for therein.

20 Section 4. Sec. 2-80.44 of the Palm Beach County Code is hereby amended as follows:

21 PREFERENCE FOR LOCAL BUSINESSES:

22 In the event the lowest responsive, responsible bidder or ~~the highest ranked responsive,~~  
23 ~~responsible proposer~~ quoter in the procurement of ~~goods, services or the construction of public~~  
24 ~~works projects~~ construction or non-construction related goods and services is a non-local business,  
25 the bids or ~~proposals~~ quote of ~~all the next lowest responsive, responsible bidder or quoter who is a~~  
26 local business ~~responsive, responsible local businesses~~ may be adjusted downward by five percent  
27 (5%), solely for the purpose of determining bid award. ~~The bid price of local businesses will be~~  
28 ~~adjusted downward by~~ This five percent (5%) downward adjustment to the bid or quote is made  
29 solely for the purposes of ranking bidders. ~~The proposal score of local businesses will be adjusted~~  
30  
31

1 upward by five percent (5%) of the total possible points for purposes of ranking proposers. In no  
2 event, however, shall the application of this adjustment change the actual bid or quote amount.

3 The determination as to whether a bidder or proposer quoter is a local business shall be  
4 made by County staff based upon documentation submitted by the bidder or proposer quoter at the  
5 time of bid or proposal quote submission and pursuant to this Local Preference Code Ordinance  
6 and to any rules and regulations promulgated by the Purchasing Department. County staff may  
7 require a bidder or proposer quoter to provide additional information at any time prior to the award  
8 of the contract.

9 Section 5. Sec. 2-80.44.1 of the Palm Beach County Code is hereby amended as follows:

10 PREFERENCE FOR GLADES BUSINESSES:

11 For any good or service to be utilized in the Glades and for any construction project located  
12 in the Glades, the preference described in this Section shall apply and take precedence over the  
13 ~~local preference in Section 4 Preference For Local Businesses in Section 2-80.44 herein 4 of this~~  
14 ~~Ordinance. In the event the lowest responsive, responsible bidder or quoter in the procurement of~~  
15 ~~any good or service to be utilized in the Glades, or for any construction project located in the~~  
16 ~~Glades, is a non-Glades business, the bid or quote of the next lowest responsive, responsible bidder~~  
17 ~~or quoter who is a Glades business may be adjusted downward by five percent (5%), solely for the~~  
18 ~~purpose of determining award. This five percent (5%) downward adjustment to the bid or quote for~~  
19 ~~a Glades bidder or quoter is made solely for the purpose of ranking. The bids or proposals of all~~  
20 ~~responsive, responsible Glades businesses may be adjusted by five percent (5%), solely for the~~  
21 ~~purpose of determining bid award. The bid price of all responsive, responsible Glades businesses~~  
22 ~~will be adjusted downward by five percent (5%) for purposes of ranking bidders. The proposal~~  
23 ~~score of all responsive, responsible Glades businesses will be adjusted upward by five percent (5%)~~  
24 ~~of the total possible points for purposes of ranking proposers. In no event, however, shall the~~  
25 application of this adjustment change the actual bid or quote amount. A local business which is not  
26 a Glades business, but which utilizes Glades subcontractors may be eligible for the preference set  
27 forth in Section 2-80.44.2 herein.

28 The determination as to whether a bidder or proposer quoter is a Glades business shall be  
29 made by County staff based upon documentation submitted by the bidder or proposer quoter at the  
30 time of bid or proposal quote submission and pursuant to ~~the this~~ Local Preference Code Ordinance  
31

1 and to any rules and regulations promulgated by the Purchasing Department. County staff may  
2 require a bidder or ~~proposer~~ quoter to provide additional information at any time prior to the award  
3 of the contract.

4 Section 6. Sec. 2-80.44.2 of the Palm Beach County Code is hereby amended as follows:  
5

6 PREFERENCE FOR USE OF GLADES SUBCONTRACTORS BY LOCAL  
7 BUSINESSES:

8 For any construction project located in the Glades, the preference described in this Section  
9 shall apply and take precedence over the ~~local preference~~ Preference For Local Businesses in  
10 Section 2-80.44 herein ~~4 of this Ordinance~~. A bidder or ~~proposer~~ quoter in the procurement of  
11 construction of public works projects who is a local business, but not a Glades business and who  
12 utilizes Glades subcontractors for a minimum of fifteen percent (15%) of the work may receive a  
13 local preference of three percent (3%), solely for the purpose of determining ~~bid~~ award. The bid  
14 ~~price or quote~~ of local businesses utilizing Glades subcontractors for a minimum of fifteen percent  
15 (15%) of the work may be adjusted downward by three percent (3%) for purposes of ranking  
16 bidders. ~~The proposal score of local businesses utilizing Glades subcontractors for a minimum of~~  
17 ~~15% of the work will be adjusted upward by three percent (3%) of the total possible points for~~  
18 ~~purposes of ranking proposers.~~ In no event, ~~however,~~ shall the application of this adjustment  
19 change the actual bid or quote amount.

20 A bidder or ~~proposer~~ quoter in the procurement of construction of public works projects  
21 who is a local business and who utilizes Glades subcontractors for a minimum of thirty (30%) of  
22 the work may receive a local preference of four percent (4%), solely for the purpose of determining  
23 ~~bid~~ award. The bid ~~price or quote~~ of local businesses utilizing Glades subcontractors for a  
24 minimum of thirty (30%) of the work ~~will~~ may be adjusted downward by four percent (4%) for  
25 purposes of ranking bidders. ~~The proposal score of local businesses utilizing Glades subcontractors~~  
26 ~~for a minimum of 30% of the work will be adjusted upward by four percent (4%) of the total~~  
27 ~~possible points for purposes of ranking proposers.~~ In no event, ~~however,~~ shall the application of  
28 this adjustment change the actual bid or quote amount.

29 For the purposes of determining Glades subcontractor participation under this Section, the  
30 total of Glades subcontractor participation described below will apply:



1 (a) the local business may count towards its preference only that portion of the total  
2 dollar value of a contract performed by a Glades subcontractor;

3 (b) the local business may count towards its preference the entire expenditures for  
4 materials and equipment purchased by a Glades subcontractor provided that the Glades  
5 subcontractor has the responsibility for the installation of the purchased materials and equipment;

6 (c) the local business may count towards its preference the entire expenditure to a  
7 Glades subcontractor who is a manufacturer (i.e., a supplier that produces goods from raw materials  
8 or substantially alters the goods before resale);

9 (d) the local business may count towards its preference sixty percent (60%) of its  
10 expenditures to Glades subcontractors that supply the material but do not manufacture or  
11 substantially alter the material; and

12 (e) the local business may count towards its preference second and third tier Glades  
13 subcontractors, provided that the local business identifies the Glades subcontractors as second and  
14 third tier subcontractors in its bid/~~proposal~~ or quote.

15 The determination as to whether a subcontractor is a Glades subcontractor shall be made by  
16 County staff based upon documentation submitted by the local bidder or ~~proposer~~ quoter at the time  
17 of bid or ~~proposal~~ quote submission and pursuant to this Local Preference Code Ordinance and any  
18 rules and regulations promulgated by the Purchasing Department. County staff may require a  
19 bidder or ~~proposer~~ quoter to provide additional information at any time prior to the award of the  
20 contract ~~with regard to the subcontractor's place of business when a preference is being applied.~~

21 Section 7. Sec. 2-80.45 of the Palm Beach County Code is hereby amended as follows:

22 RECIPROCITY:

23 Should Miami-Dade, Broward, Martin, or Hendry counties extend their local preferences to  
24 Palm Beach County businesses, the preference for local businesses set forth herein may be made  
25 available to those businesses whose permanent place of business are within said counties.  
26 However, the bid or quote received from the lowest responsive, responsible local business within  
27 Palm Beach County ~~or the proposal received from the highest ranked responsive, responsible local~~  
28 ~~business~~ shall not be supplanted by a Miami-Dade, Broward, Martin, or Hendry County business  
29 utilizing the Palm Beach County local preference. ~~through reciprocity.~~

30 Section 8. Sec. 2-80.47 of the Palm Beach County Code is hereby amended as follows:

1           LIMITATIONS:

2           ~~(a) — The provisions of this Ordinance shall apply only to procurements which are above~~  
3 ~~the formal bid threshold as set forth in the Palm Beach County Code.~~

4           ~~(ab) The provisions of this Local Preference Code Ordinance shall not apply where~~  
5 ~~prohibited by federal, state or Florida law or where prohibited under the conditions of any grant.~~

6           ~~(e) — The provisions of this Ordinance shall not apply to any purchase exempted from the~~  
7 ~~provisions of the Palm Beach County Purchasing Code.~~

8           ~~(b) Unless prohibited by federal, state or local law or where prohibited under the~~  
9 ~~conditions of any grant, the location of a business shall be addressed through the evaluation criteria~~  
10 ~~set forth in the Request for Proposal or the Request for Submittal solicitations.~~

11           ~~(cd) The provisions of this Local Preference Code Ordinance shall in no way limit the~~  
12 ~~right of the Board of County Commissioners to compare the quality of the goods and/or services~~  
13 ~~proposed for purchase and the qualifications, character, responsibility and fitness of any person or~~  
14 ~~entity submitting bids or proposals quotes or to make an award it deems to be in the best interest of~~  
15 ~~the County.~~

16           ~~(de) In procurements where price is the only factor for selection, The provisions of this~~  
17 ~~Local Preference Code Ordinance shall not be applied where its application would result in an~~  
18 ~~award which exceeds the otherwise lowest responsive, responsible bid by \$100,000.00.~~

19           ~~(eg) A local business or a Glades business or a local business utilizing Glades~~  
20 ~~subcontractors receiving a preference under the Palm Beach County Small Business Enterprise~~  
21 ~~Ordinance for a particular purchase shall not be eligible to receive a local preference as established~~  
22 ~~under this Local Preference Code the preferences established in this Ordinance for that same~~  
23 ~~purchase. In case of any inconsistency between the provisions of this the Local Preference Code~~  
24 ~~Ordinance and the Small Business Enterprise Ordinance, the Small Business Enterprise Ordinance~~  
25 ~~shall take precedence.~~

26           ~~(i) — The provisions of this Ordinance shall not be applied to any procurement where the~~  
27 ~~local nature of a business has been addressed through the scoring criteria~~

28           ~~(j) — The provisions of this Ordinance shall not be applied to purchases made pursuant to~~  
29 ~~the alternative source selection for Glades Utility Authority (“GUA”) purchases under \$100,000 as~~  
30 ~~set forth in the Purchasing Code.~~

1 Section 9. REPEAL OF LAWS IN CONFLICT:

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
3 repealed to the extent of such conflict.

4 Section 10. SEVERABILITY:

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
6 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
7 holding shall not affect the remainder of this Ordinance.

8 Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

9 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
10 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,  
11 and the word "ordinance" may be changed to "section," "article," or other appropriate word.

12 Section 12. EFFECTIVE DATE:

13 The provisions of this Ordinance shall become effective upon filing with the Department of  
14 State.

15  
16 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
17 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

18  
19 **SHARON R. BOCK, CLERK &**  
20 **COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA, BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

21  
22 By: \_\_\_\_\_  
23 Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

24  
25  
26 **APPROVED AS TO FORM AND**  
27 **LEGAL SUFFICIENCY**

28  
29 By: \_\_\_\_\_  
30 County Attorney

31  
32  
33  
34 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_ day of  
35 \_\_\_\_\_, 2015.

ORDINANCE NO. 2015-\_\_\_\_\_

1  
2  
3 AN ORDINANCE OF THE BOARD OF COUNTY  
4 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA,  
5 SETTING FORTH AND AMENDING SECTIONS 2-80.41  
6 THROUGH 2-80.48 OF THE PALM BEACH COUNTY  
7 CODE, THE “LOCAL PREFERENCE IN PURCHASING  
8 ORDINANCE”; AMENDING SECTION 2-80.41 “TITLE”;  
9 AMENDING SECTION 2-80.42 “DEFINITIONS”; ADDING  
10 SECTION 2-80.43 “APPLICABILITY OF LOCAL  
11 PREFERENCE”; AMENDING SECTION 2-80.44  
12 “PREFERENCE FOR LOCAL BUSINESSES”; AMENDING  
13 SECTION 2-80.44.1 “PREFERENCE FOR GLADES  
14 BUSINESSES”; AMENDING SECTION 2-80.44.2  
15 “PREFERENCE FOR THE USE OF GLADES  
16 SUBCONTRACTORS BY LOCAL BUSINESSES”;  
17 AMENDING SECTION 2-80.45 “RECIPROCITY”;  
18 AMENDING SECTION 2-80.47 “LIMITATIONS”;  
19 PROVIDING FOR REPEAL OF LAWS IN CONFLICT;  
20 PROVIDING FOR SEVERABILITY; PROVIDING FOR  
21 INCLUSION IN THE CODE OF LAWS AND ORDINANCES;  
22 AND PROVIDING FOR AN EFFECTIVE DATE.

23  
24 WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (“Board”)   
25 enacted Ordinance No. 2002-065 which established a local preference for the procurement of   
26 goods, services, and the construction of public works projects; and

27 WHEREAS, due to the unique geographic and economic issues of businesses located in the   
28 Glades and the desire to stimulate the Glades economy, the Board enacted Ordinance No. 2009-   
29 095, which provided for a Glades Local Preference; and

30 WHEREAS, in order to clarify the intent as to reciprocity and to limit the application of the   
31 local preference for purchases made on behalf of the Glades Utility Authority, the Board enacted   
32 Ordinance No. 2010-011; and

33 WHEREAS, it is necessary to clarify the intent of and expand the applicability of the local   
34 preference for purchases made in accordance with the Purchasing Code and, wherever possible, to   
35 goods and services that are exempt from the Purchasing Code and those that are designated as an   
36 alternate source selection as provided in said Code; and

37 WHEREAS, the Board of County Commissioners desires to amend the existing Local   
38 Preference in Purchasing Ordinance as set forth herein.

39  
40 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY   
41 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1     Section 1.     Sec. 2-80.41 of the Palm Beach County Code is hereby amended as follows:

2  
3  
4  
5

TITLE:

      This Ordinance shall be entitled the Palm Beach County Local Preference Code.

6     Section 2.     Sec. 2-80.42 of the Palm Beach County Code is hereby amended as follows:

7  
8  
9

DEFINITIONS:

10       (a)     “Glades business” means a bidder or quoter which has a permanent place of  
11 business within the Glades and which holds a business tax receipt issued by Palm Beach County  
12 that authorizes the bidder or quoter to provide the solicited construction or non-construction related  
13 goods or services, and which is issued prior to the issuance of the invitation for bids/request for  
14 quotes for which a preference is sought. If the business is a joint venture/partnership, it is sufficient  
15 for qualification as a Glades business if at least one of the joint venturers/partners meets the  
16 requirements set forth in this subsection.

17       (b)     “Glades subcontractor” means a subcontractor participating in a bid or quote for  
18 construction or non-construction related goods or services, which has a permanent place of  
19 business within the Glades and which holds a business tax receipt issued by Palm Beach County  
20 that authorizes the Glades subcontractor to provide the construction or non-construction related  
21 goods or services and which is issued prior to the issuance of the invitation for bids/request for  
22 quotes for which a preference is sought. If the subcontractor is a joint venture/partnership, it is  
23 sufficient for qualification as a Glades subcontractor if at least one of the joint venturers/partners  
24 meets the requirements set forth in this subsection.

25       (c)     “Local business” means a bidder or quoter which has a permanent place of business  
26 within Palm Beach County and which holds a business tax receipt issued by Palm Beach County  
27 that authorizes the bidder or quoter to provide the solicited construction or non-construction related  
28 goods or services to be purchased and which is issued prior to the issuance of the invitation for  
29 bids/request for quotes for which a preference is sought. If the business is a joint  
30 venture/partnership, it is sufficient for qualification as a local business if at least one of the joint  
31 venturers/partners meets the test set forth in this subsection.

32       (d)     “Non-local business” means a bidder or quoter which is not a local business.

33       (e)     “Permanent place of business” means headquarters which are located within Palm  
34 Beach County or within the Glades for Glades businesses, or a permanent office or other site

1 located within Palm Beach County or within the Glades for Glades businesses, from which a bidder  
2 or quoter will produce a substantial portion of the goods or perform a substantial portion of the  
3 services to be purchased and which was in existence prior to the issuance of the invitation for  
4 bids/request for quotes. A post office box or location at a postal service center shall not constitute  
5 a permanent place of business.

6 All other terms and definitions used herein shall have the same meaning as set forth in the  
7 Palm Beach County Purchasing Code (“Purchasing Code”), as it may be amended.

8 Section 3. Sec. 2-80.43 of the Palm Beach County Code is hereby added as follows:

9 APPLICABILITY OF LOCAL PREFERENCE:

10 Unless otherwise stated below, the provisions of this part shall apply to the solicitation of  
11 construction and non-construction related goods and services by the County which are governed by  
12 the Purchasing Code (Sections 2-51 through 2-58 of the County Code as may be amended).  
13 Additionally, the County should utilize a solicitation process which encourages the use of local  
14 vendors for those items which are exempt from the requirements of the Purchasing Code and those  
15 which are designated as an alternate source selection as provided for therein.

16 Section 4. Sec. 2-80.44 of the Palm Beach County Code is hereby amended as follows:

17 PREFERENCE FOR LOCAL BUSINESSES:

18 In the event the lowest responsive, responsible bidder or quoter in the procurement of  
19 construction or non-construction related goods and services is a non-local business, the bid or quote  
20 of the next lowest responsive, responsible bidder or quoter who is a local business may be adjusted  
21 downward by five percent (5%), solely for the purpose of determining award. This five percent  
22 (5%) downward adjustment to the bid or quote is made solely for the purpose of ranking. In no  
23 event shall the application of this adjustment change the actual bid or quote amount.

24 The determination as to whether a bidder or quoter is a local business shall be made by  
25 County staff based upon documentation submitted by the bidder or quoter at the time of bid or  
26 quote submission and pursuant to this Local Preference Code and to any rules and regulations  
27 promulgated by the Purchasing Department. County staff may require a bidder or quoter to provide  
28 additional information at any time prior to the award of the contract.

29 Section 5. Sec. 2-80.44.1 of the Palm Beach County Code is hereby amended as follows:

30 PREFERENCE FOR GLADES BUSINESSES:

1 For any good or service to be utilized in the Glades and for any construction project located  
2 in the Glades, the preference described in this Section shall apply and take precedence over the  
3 Preference For Local Businesses in Section 2-80.44 herein. In the event the lowest responsive,  
4 responsible bidder or quoter in the procurement of any good or service to be utilized in the Glades,  
5 or for any construction project located in the Glades, is a non-Glades business, the bid or quote of  
6 the next lowest responsive, responsible bidder or quoter who is a Glades business may be adjusted  
7 downward by five percent (5%), solely for the purpose of determining award. This five percent  
8 (5%) downward adjustment to the bid or quote for a Glades bidder or quoter is made solely for the  
9 purpose of ranking. In no event shall the application of this adjustment change the actual bid or  
10 quote amount. A local business which is not a Glades business, but which utilizes Glades  
11 subcontractors may be eligible for the preference set forth in Section 2-80.44.2 herein.

12 The determination as to whether a bidder or quoter is a Glades business shall be made by  
13 County staff based upon documentation submitted by the bidder or quoter at the time of bid or  
14 quote submission and pursuant to the Local Preference Code and to any rules and regulations  
15 promulgated by the Purchasing Department. County staff may require a bidder or quoter to provide  
16 additional information at any time prior to the award of the contract.

17 Section 6. Sec. 2-80.44.2 of the Palm Beach County Code is hereby amended as follows:  
18

19 PREFERENCE FOR USE OF GLADES SUBCONTRACTORS BY LOCAL  
20 BUSINESSES:

21 For any construction project located in the Glades, the preference described in this Section  
22 shall apply and take precedence over the Preference for Local Businesses in Section 2-80.44 herein.  
23 A bidder or quoter in the procurement of construction of public works projects who is a local  
24 business, but not a Glades business and who utilizes Glades subcontractors for a minimum of  
25 fifteen percent (15%) of the work may receive a local preference of three percent (3%), solely for  
26 the purpose of determining award. The bid or quote of local businesses utilizing Glades  
27 subcontractors for a minimum of fifteen percent (15%) of the work may be adjusted downward by  
28 three percent (3%) for purposes of ranking bidders. In no event shall the application of this  
29 adjustment change the actual bid or quote amount.

30 A bidder or quoter in the procurement of construction of public works projects who is a  
31 local business and who utilizes Glades subcontractors for a minimum of thirty (30%) of the work

1 may receive a local preference of four percent (4%), solely for the purpose of determining award.  
2 The bid or quote of local businesses utilizing Glades subcontractors for a minimum of thirty (30%)  
3 of the work may be adjusted downward by four percent (4%) for purposes of ranking bidders. In no  
4 event shall the application of this adjustment change the actual bid or quote amount.

5 For the purposes of determining Glades subcontractor participation under this Section, the  
6 total of Glades subcontractor participation described below will apply:

7 (a) the local business may count towards its preference only that portion of the total  
8 dollar value of a contract performed by a Glades subcontractor;

9 (b) the local business may count towards its preference the entire expenditures for  
10 materials and equipment purchased by a Glades subcontractor provided that the Glades  
11 subcontractor has the responsibility for the installation of the purchased materials and equipment;

12 (c) the local business may count towards its preference the entire expenditure to a  
13 Glades subcontractor who is a manufacturer (i.e., a supplier that produces goods from raw materials  
14 or substantially alters the goods before resale);

15 (d) the local business may count towards its preference sixty percent (60%) of its  
16 expenditures to Glades subcontractors that supply the material but do not manufacture or  
17 substantially alter the material; and

18 (e) the local business may count towards its preference second and third tier Glades  
19 subcontractors, provided that the local business identifies the Glades subcontractors as second and  
20 third tier subcontractors in its bid or quote.

21 The determination as to whether a subcontractor is a Glades subcontractor shall be made by  
22 County staff based upon documentation submitted by the local bidder or quoter at the time of bid or  
23 quote submission and pursuant to this Local Preference Code and any rules and regulations  
24 promulgated by the Purchasing Department. County staff may require a bidder or quoter to provide  
25 additional information at any time prior to the award of the contract.

26 Section 7. Sec. 2-80.45 of the Palm Beach County Code is hereby amended as follows:

27

28 RECIPROCITY:

29 Should Miami-Dade, Broward, Martin, or Hendry counties extend their local preferences to  
30 Palm Beach County businesses, the preference for local businesses set forth herein may be made



1 available to those businesses whose permanent place of business are within said counties.  
2 However, the bid or quote received from the lowest responsive, responsible local business within  
3 Palm Beach County shall not be supplanted by a Miami-Dade, Broward, Martin, or Hendry County  
4 business utilizing the Palm Beach County local preference.

5 Section 8. Sec. 2-80.47 of the Palm Beach County Code is hereby amended as follows:

6 LIMITATIONS:

7 (a) The provisions of this Local Preference Code shall not apply where prohibited by  
8 federal, state or Florida law or where prohibited under the conditions of any grant.

9 (b) Unless prohibited by federal, state or local law or where prohibited under the  
10 conditions of any grant, the location of a business shall be addressed through the evaluation criteria  
11 set forth in the Request for Proposal or the Request for Submittal solicitations.

12 (c) The provisions of this Local Preference Code shall in no way limit the right of the  
13 Board of County Commissioners to compare the qualifications, character, responsibility and fitness  
14 of any person or entity submitting bids or quotes or to make an award it deems to be in the best  
15 interest of the County.

16 (d) The provisions of this Local Preference Code shall not be applied where its  
17 application would result in an award which exceeds the otherwise lowest responsive, responsible  
18 bid by \$100,000.00.

19 (e) A local business or a Glades business or a local business utilizing Glades  
20 subcontractors receiving a preference under the Palm Beach County Small Business Enterprise  
21 Ordinance for a particular purchase shall not be eligible to receive a local preference as established  
22 under this Local Preference Code for that same purchase. In case of any inconsistency between the  
23 provisions of the Local Preference Code and the Small Business Enterprise Ordinance, the Small  
24 Business Enterprise Ordinance shall take precedence.

25 Section 9. REPEAL OF LAWS IN CONFLICT:

26 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby  
27 repealed to the extent of such conflict.

1 Section 10. SEVERABILITY:

2 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
3 reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such  
4 holding shall not affect the remainder of this Ordinance.

5 Section 11. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

6 The provisions of this Ordinance shall become and be made a part of the Palm Beach  
7 County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such,  
8 and the word "ordinance" may be changed to "section", "article", or other appropriate word.

9 Section 12. EFFECTIVE DATE:

10 The provisions of this Ordinance shall become effective upon filing with the Department of  
11 State.

12 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach  
13 County, Florida, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

14  
15 **SHARON R. BOCK, CLERK &**  
16 **COMPTROLLER**

**PALM BEACH COUNTY, FLORIDA, BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

17  
18 By: \_\_\_\_\_  
19 Deputy Clerk

By: \_\_\_\_\_  
Shelley Vana, Mayor

20  
21  
22 **APPROVED AS TO FORM AND**  
23 **LEGAL SUFFICIENCY**

24  
25 By: \_\_\_\_\_  
26 County Attorney  
27

28 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_ day of  
29 \_\_\_\_\_, 2015.  
30