

Agenda Item #:

4C

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: January 13, 2015 ☐ Consent ☐ Regular
☒ Public Hearing

Submitted By: Purchasing Department
Submitted For: Purchasing Department

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: An Ordinance of the Board of County Commissioners of Palm Beach County, Florida, Setting forth and amending: Section 2-80.41 Through 2-80.48 of the Palm Beach County Code, the Local Preference in Purchasing Ordinance; Amending Section 28.41 Title; Amending Section 22-80.42 Definitions; Adding Section 2-80.43 Applicability of Local Preference; Amending Section 2-80.44 Preference for Local Businesses; Amending Section 2-80.44.1 Preference for Glades Businesses; Amending Section 2-80.44.2 Preference for the Use of Glades Subcontractors by Local Businesses; Amending Section 2-80.45 Reciprocity; Amending Section 2-80.47 Limitations; Providing for Repeal of Laws in Conflict; Providing for Severability; Providing for Inclusion in the Code of Laws and Ordinances; and Providing for an Effective Date.

Summary: The current Local Preference Ordinance (Ordinance No. 2002-065), as amended in 2009 (Ordinance No. 2009-095) and in 2010 (Ordinance No. 2010-011), provides a local preference to Palm Beach County vendors offering their goods or services to Palm Beach County. This Ordinance Amendment makes minor revisions to the Local Preference Code; makes local preference available to all procurements governed by the Purchasing Code instead of only to those procurements exceeding the Mandatory Bid or Proposal amount of \$50,000; and encourages a local preference for the purchase of goods and services that are exempt from the requirements of the Purchasing Code. Examples of exempt purchases include, but are not limited to, presenters and lecturers for county library programs, interlocal agreements, food service and retail leases and concessions; and, event specific stage production or programming. A summary of the substantive recommended changes to the existing Local Preference Ordinance is attached. Countywide (DW)

Background and Policy Issues: A summary of the substantive recommended changes to the existing Local Preference Ordinance is attached.

Attachments:

1. Summary of the Substantive Recommended Changes to the existing Local Preference Ordinance
2. Proposed Local Preference Ordinance Amendment: Strike-through/ underlined version
3. Proposed Local Preference Ordinance Amendment: Clean Version

Recommended by: Kathy Carvett 12/16/14
Department Director Date

Approved by: [Signature] 12/22/14
Assistant County Administrator Date

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)					
NET FISCAL IMPACT					
# ADDITIONAL FTE					
POSITIONS (Cumulative					

Is Item Included In Current Budget? Yes ____ No ____
 Budget Account No.: Fund ____ Dept ____ Unit ____ Object ____
 Program N/A

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 and/or Contract I

[Signature] 12/19/14

AK 12/18 OFMB/Budget *AK* 2/13/14

Dr. J. Jacobson 12/19/14
Contract Development and Control

B. Legal Sufficiency:


Assistant County Attorney

C. Other Department Review:

Department Director

**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 Invitation 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).

**SUMMARY OF SUBSTANTIVE RECOMMENDED
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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-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SETTING FORTH AND AMENDING SECTIONS 2-80.41 THROUGH 2-80.48 OF THE PALM BEACH COUNTY CODE, THE "LOCAL PREFERENCE IN PURCHASING ORDINANCE"; AMENDING SECTION 2-80.41 "TITLE"; AMENDING SECTION 2-80.42 "DEFINITIONS"; ADDING SECTION 2-80.43 "APPLICABILITY OF LOCAL PREFERENCE"; AMENDING SECTION 2-80.44 "PREFERENCE FOR LOCAL BUSINESSES"; AMENDING SECTION 2-80.44.1 "PREFERENCE FOR GLADES BUSINESSES"; AMENDING SECTION 2-80.44.2 "PREFERENCE FOR THE USE OF GLADES SUBCONTRACTORS BY LOCAL BUSINESSES"; AMENDING SECTION 2-80.45 "RECIPROCITY"; AMENDING SECTION 2-80.47 "LIMITATIONS"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 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) A Non-local business@ means a bidder or ~~proposer~~ quoter which is not a local
2 business.

3 (e) A 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
23

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

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

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

29 The determination as to whether a bidder or proposer quoter is a Glades business shall be
30 made by County staff based upon documentation submitted by the bidder or proposer quoter at the
31 time of bid or ~~proposal~~ quote submission and pursuant to ~~the~~ this Local Preference Code Ordinance
32

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 ~~(c) — 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; T~~he 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 Aordinance@ may be changed to Asection,@ Aarticle,@ 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.

36

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SETTING FORTH AND AMENDING SECTIONS 2-80.41 THROUGH 2-80.48 OF THE PALM BEACH COUNTY CODE, THE “LOCAL PREFERENCE IN PURCHASING ORDINANCE”; AMENDING SECTION 2-80.41 “TITLE”; AMENDING SECTION 2-80.42 “DEFINITIONS”; ADDING SECTION 2-80.43 “APPLICABILITY OF LOCAL PREFERENCE”; AMENDING SECTION 2-80.44 “PREFERENCE FOR LOCAL BUSINESSES”; AMENDING SECTION 2-80.44.1 “PREFERENCE FOR GLADES BUSINESSES”; AMENDING SECTION 2-80.44.2 “PREFERENCE FOR THE USE OF GLADES SUBCONTRACTORS BY LOCAL BUSINESSES”; AMENDING SECTION 2-80.45 “RECIPROCITY”; AMENDING SECTION 2-80.47 “LIMITATIONS”; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 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 Code.

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

7
8 DEFINITIONS:

9
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
18 PREFERENCE FOR LOCAL BUSINESSES:
19

20 In the event the lowest responsive, responsible bidder or quoter in the procurement of
21 construction or non-construction related goods and services is a non-local business, the bid or quote
22 of the next lowest responsive, responsible bidder or quoter who is a local business may be adjusted
23 downward by five percent (5%), solely for the purpose of determining award. This five percent
24 (5%) downward adjustment to the bid or quote is made solely for the purpose of ranking. In no
25 event shall the application of this adjustment change the actual bid or quote amount.

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

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

32
33 PREFERENCE FOR GLADES BUSINESSES:
34

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

ORDINANCE NO. 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, SETTING FORTH AND AMENDING SECTIONS 2-80.41 THROUGH 2-80.48 OF THE PALM BEACH COUNTY CODE, THE "LOCAL PREFERENCE IN PURCHASING ORDINANCE"; AMENDING SECTION 2-80.41 "TITLE"; AMENDING SECTION 2-80.42 "DEFINITIONS"; ADDING SECTION 2-80.43 "APPLICABILITY OF LOCAL PREFERENCE"; AMENDING SECTION 2-80.44 "PREFERENCE FOR LOCAL BUSINESSES"; AMENDING SECTION 2-80.44.1 "PREFERENCE FOR GLADES BUSINESSES"; AMENDING SECTION 2-80.44.2 "PREFERENCE FOR THE USE OF GLADES SUBCONTRACTORS BY LOCAL BUSINESSES"; AMENDING SECTION 2-80.45 "RECIPROCITY"; AMENDING SECTION 2-80.47 "LIMITATIONS"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY 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 Code.

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

7
8 DEFINITIONS:

9
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
18 PREFERENCE FOR LOCAL BUSINESSES:
19

20 In the event the lowest responsive, responsible bidder or quoter in the procurement of
21 construction or non-construction related goods and services is a non-local business, the bid or quote
22 of the next lowest responsive, responsible bidder or quoter who is a local business may be adjusted
23 downward by five percent (5%), solely for the purpose of determining award. This five percent
24 (5%) downward adjustment to the bid or quote is made solely for the purpose of ranking. In no
25 event shall the application of this adjustment change the actual bid or quote amount.

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

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

32
33 PREFERENCE FOR GLADES BUSINESSES:
34

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