

RESOLUTION NO. 9053

RESOLUTION OF THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA, RESCINDING THE LOCAL BUSINESS ENTERPRISE POLICY AND ADOPTING A NEW LOCAL VENDOR PREFERENCE POLICY RELATED TO THE ACQUISITION OF GOODS AND SERVICES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Leesburg has heretofore adopted and amended formal policies for the purchase of items and services, and

WHEREAS, the City of Leesburg on July 27, 2009 adopted resolution 8493 which replaced an existing Local Vendor preference policy with a Local Business Enterprise policy, and

WHEREAS, the City of Leesburg desires by means of this resolution to replace the Local Business Enterprise policy with a standard Local Vendor preference policy, and

WHEREAS, this resolution in its entirety shall supersede and replace all previous resolutions or sections of resolutions that address purchasing policy related to local vendor preference or any purchase policy related to a locale based vendor preference for any and all purchases of items and services.

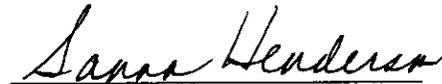
NOW, THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF LEESBURG, FLORIDA:

THAT the commission recognizes local business and business with a local presence contribute to the Leesburg economy through spending, employment and civic involvement. The commission further recognizes City staff and elected officials must be vigilant and be good stewards of taxpayer money. These two functions must be balanced and not conflict with one another.

THAT the attached policy will define and outline the application of a local vendor preference and is hereby adopted in replacement of the policy formerly promulgated under Resolution 8493.

THAT this resolution shall become effective immediately.

PASSED AND ADOPTED by the City Commission of the City of Leesburg, Florida, at a regular meeting held the 23rd day of July 2012.



Mayor

ATTEST:



City Clerk

LOCAL VENDOR PREFERENCE (LVP) POLICY

1. **Definitions** – For purposes of implementing this policy the following definitions are made:
 - a. **“City”** shall mean the same as City of Leesburg.
 - b. **“City of Leesburg”** shall be defined to mean all property lying within the municipal limits or boundaries of the City of Leesburg, Florida. Any questions as to boundaries of the City of Leesburg and whether a vendor is within the City of Leesburg shall be determined by the City’s Community Development Department. Their determination shall be final.
 - c. **“Utility Services”** are defined to mean any one of the following City of Leesburg owned and operated utilities:
 - i. Electric Utility
 - ii. Water Utility
 - iii. Wastewater Utility
 - iv. Reclaimed/Reuse Water Utility
 - v. Natural Gas Utility
 - vi. Solid Waste Utility
 - d. **“Utility Service”** is defined to mean the individual or business currently receives one or more Utility Services from the City of Leesburg, as either a property owner or tenant of a rented or leased property. For the purposes of this policy the Communications Utility is excluded due to its services extending well outside other defined boundaries in this policy.
 - e. **“Business Office” or “Full Time Sales Office”** shall be defined as follows:
 - i. The business must have continuously offered for trade products or services at a business address or addresses located within the City of Leesburg or the 20-Mile Radius for the six months prior to the bid opening date for which the preference is requested.
 - ii. The business must have employed continuously during that six month period at least one full-time employee; must have maintained office hours of at least 32 hours per week, Monday through Friday; must have maintained a phone number available to the public for the Business Office; and must have displayed a permanently installed sign in a prominent exterior location at the business address which states the name of the business.
 - iii. The place of business must operate on or in property properly zoned for the type of business activity being conducted.
 - f. **“20-Mile Radius”** shall be defined to mean the primary Business Office or a Full Time Sales Office of the vendor is located within that portion of a 20Mile Radius of the intersection of 14th Street and Main Street, Leesburg, Florida 34748, which does not lie within the City of Leesburg. The location of the Business Office within this 20-mile radius will be determined and verified through the City Geographical Information System (GIS) Division.

- g. **“Tier I Local Vendor”** shall be defined as the primary Business Office or a Full Time Sales Office of the vendor being located within the City of Leesburg or the vendor receiving one or more Utility Services from the City of Leesburg.
 - h. **“Tier II Local Vendor”** shall be defined as the primary Business Office or a Full Time Sales Office of the vendor not meeting the definition of a Tier I Local Vendor but nonetheless being located within the 20-Mile Radius as defined in this policy.
 - i. **“Competitive Solicitation”** shall be defined as the solicitation of two or more qualified sources by invitation or public notice for the same requirements where the budgeted amount or estimated purchase cost is \$25,000.00 or more.
2. **Preference** – Except where otherwise provided by federal or state law or other funding source restrictions, purchases of goods and services under the Purchasing Policy shall give preference to local vendors as follows:
- a. **Tier I Local Vendor** - Under a Competitive Solicitation, the City may give a preference to a Tier I Local Vendor in the amount of five percent (5%) of the bid price or \$25,000, whichever is less.
 - b. **Tier II Local Vendor** - Under a Competitive Solicitation, the City may give a preference to a Tier II Local Vendor in the amount of two percent (2%) of the bid price or \$10,000, whichever is less.
 - c. Procurement of Professional Services as governed by State of Florida statute 287.055 - Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; better known as the “Consultants Competitive Negotiation Act (CCNA)”. State of Florida statute 287.055 section (4)(a) provides for ‘location’ as a factor in the competitive selection. Under this policy,
 - i. A Tier I Local Vendor will receive ten (10) points for locale to be included in the evaluation,
 - ii. A Tier II Local Vendor will receive four (4) points for locale to be included in the evaluation,
 - iii. Responding vendors not meeting the Local Vendor requirements will not be awarded any points for locale,
 - iv. Preference points are awarded Tier I and II Local Vendors regardless of the project budget amount provided State of Florida statute 287.055 is applicable.
 - d. Procurement of services using a Request for Proposal/Qualification not governed by State of Florida statute 287.055. Under this policy, when a Request for Proposal or Request for Qualifications is used to procure services not governed by State of Florida statute 287.055;
 - i. A Tier I Local Vendor will receive ten (10) points for locale to be included in the evaluation,
 - ii. A Tier II Local Vendor will receive four (4) points for locale to be included in the evaluation,

- iii. Responding vendors not meeting the Local Vendor requirements will not be awarded any points for locale,
 - iv. Preference points are awarded Tier I and II Local Vendors regardless of the project budget amount under any Request for Proposal/Qualification not governed by State of Florida statute 287.055.
3. **Application and Calculation** – Any eligible percent preference will be applied or calculated as follows:
- a. $(\text{Bid price of the non-local vendor}) \times (\text{percent preference}) + (\text{bid price of the non-local vendor}) = \text{Preference Adjusted Low Bid}$.
 - b. During a public bid opening the Preference Adjusted Low Bid must be calculated for both the Tier I Local Vendor preference of 5% and the Tier II Local Vendor Preference of 2%. These calculations will be applied to the apparent low bidders bid amount and noted on the preliminary bid tabulation sheet.
 - c. If the bid price of the lowest Local Vendor is lower than or equal to the Preference Adjusted Low Bid price of the non-local vendor and the Local Vendor is determined to be a responsive and responsible bidder, recommendation of award will be to the Local Vendor.
4. **Suspension of Policy**
- a. Application of this policy may be waived in the following circumstances:
 - a. Emergency Event – If an emergency event is declared by the City application of this policy may be suspended by the Purchasing Manager.
 - b. Emergency Purchases – This policy may be waived on purchases deemed an ‘Emergency Purchase’ as defined in the City of Leesburg Code of Ordinance.
 - c. Exceeds Budget/Funding - The City Commission may choose not to apply the Local Vendor Preference Policy at time of award where the intended award amount to a Local Vendor exceeds the available budget or funding allocated to the expenditure and additional funds are not appropriated for additional costs resulting from application of the Local Vendor Preference Policy.