

ORDINANCE NO. 11087

AN ORDINANCE AMENDING SECTION 18-52.1(h) OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TO ADOPT A PROCUREMENT PROCEDURE IMPLEMENTING THE LOCAL PREFERENCE PROVISION OF SECTION 29-A OF THE CHARTER OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, THEREBY AUTHORIZING THAT WHEN A LOW BID IS RECEIVED FROM A NON-LOCAL VENDOR WHEN CONTRACTING FOR PERSONAL PROPERTY, PUBLIC WORKS OR IMPROVEMENTS, THE CITY COMMISSION MAY OFFER TO A RESPONSIBLE AND RESPONSIVE LOCAL BIDDER THE OPPORTUNITY OF ACCEPTING A CONTRACT AT THE LOW BID AMOUNT, PROVIDED THAT THE ORIGINAL BID FROM THE LOCAL VENDOR DOES NOT EXCEED 110 PERCENT OF THE LOW BID; CONTAINING A REPEALER PROVISION, SEVERABILITY CLAUSE, AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Section 29-A of the Charter of the City of Miami, Florida, as amended, sets forth procurement procedures for personal property, public works or improvements, unified development projects, and real property; and

WHEREAS, said Section provides that the award of contracts for personal property and public works or improvements may be awarded to a local vendor whose primary office is located in the City of Miami if the amount of a bid or proposal submitted by said vendor is not more than ten percent (10%) in excess of the lowest other responsible bidder or proposer; and

WHEREAS, the Miami City Commission wishes to assure that the City's procurement procedures are designed to comply with said Charter provisions;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are hereby adopted by reference thereto and incorporated herein as if fully set forth in this Section

Section 2. Section 18-52.1 of the Code of the City of Miami, Florida, as amended, is hereby amended in the following particulars:<sup>1/</sup>

\*Sec 18-52.1. Competitive sealed bidding.

(h) Award. The city manager may reject all bids or may submit recommendations as to the award to the city commission, which may reject all bids. Any contracts awarded shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder; provided, however, that when the lowest responsible and responsive bidder is a non-local vendor, the city commission may offer to a responsible and responsive bidder whose primary office is located in the City of Miami, commencing with the lowest responsible and responsive local bidder, the opportunity of accepting the contract at the low bid amount, provided that the original bid from the local vendor does not exceed one hundred and ten percent (110%) of the low bid. The decision of the city commission shall be final. All contracts shall be approved as to form and correctness by the city attorney, and a copy shall be filed with the city clerk.

Section 3. All ordinances or parts of ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

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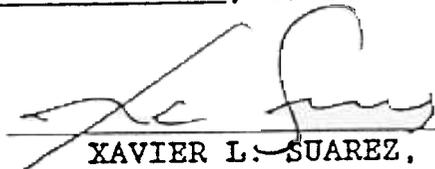
<sup>1/</sup> Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

Section 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.

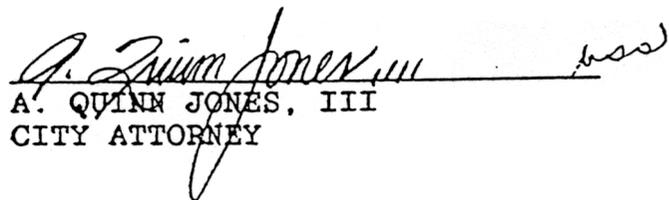
PASSED ON FIRST READING BY TITLE ONLY this 22nd day of July, 1993.

PASSED AND ADOPTED ON SECOND AND FINAL READING BY TITLE ONLY this 27th day of September, 1993.

  
XAVIER L. SUAREZ, MAYOR

ATTEST  
  
MATTY HIRAI  
CITY CLERK

PREPARED AND APPROVED BY:  
  
JULIE O. BRU  
ASSISTANT CITY ATTORNEY

APPROVED AS TO FORM AND CORRECTNESS:  
  
A. QUINN JONES, III  
CITY ATTORNEY