

ORDINANCE NO. 2013 - 23

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, RELATING TO PURCHASING AND PROCUREMENT AND PROVIDING FOR A LOCAL BIDDER OR PROCUREMENT PREFERENCE UNDER CERTAIN CIRCUMSTANCES AS A MATTER OF COUNTY POLICY; PROVIDING FOR A DEFINITION; PROVIDING FOR EXCEPTIONS; PROVIDING FOR APPLICATION AND ENFORCEMENT; PROVIDING FOR THE PROMULGATION OF SUPPLEMENTAL RULES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

FILED  
2013 JUL 31 AM 10:51  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA

WHEREAS, Hernando County spends significant amounts on purchasing personal property, materials, and contractual services and in constructing improvements to real property, and

WHEREAS, the funds used in making these purchases are derived, in large part, from taxes and fees derived from local businesses within Hernando County, and

WHEREAS, the Board of County Commissioners of Hernando County, Florida has determined that such funds generated in Hernando County should, to the extent prudent, be placed back into the local economy, and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of Hernando County to give a preference to local county businesses when making purchases whenever the application of such a preference is reasonable in light of the dollar-value of proposals received in relation to such purchases/expenditures;

NOW, THEREFORE, BE IT ORDAINED BY THE HERNANDO COUNTY BOARD OF COUNTY COMMISSIONERS, AS FOLLOWS:

SECTION 1. DEFINITION.

"Board" means the Hernando County Board of County Commissioners.

"Local business" means a vendor or contractor who does business in Hernando County by providing goods, services, or construction; and maintains a physical business address located within the

31 jurisdictional limits of Hernando County in an area zoned for the conduct of such business from which  
32 the vendor or contractor operates or performs business on a day to day basis, and has for at least twelve  
33 (12) months prior to bid or proposal opening date. Post office boxes shall not be used for the purpose of  
34 establishing said physical address.

35 **SECTION 2. LOCAL PREFERENCE IN PURCHASING AND CONTRACTING.**

- 36 A. In bidding for, or letting contracts for procurement of, supplies, materials, equipment, and  
37 services, as described in the purchasing policies of the County, the Board of County  
38 Commissioners may give a preference to local businesses in making purchases or awarding  
39 contracts in an amount not to exceed:
- 40 a. Five percent of the local business' total bid price if the cost differential does not  
41 exceed \$10,000.00 for procurement activities in amounts over \$35,000.00; or
  - 42 b. Three percent if the cost differential does not exceed \$1,000.00 for procurement  
43 activities in amounts more than \$10,000.00, but less than \$35,000.00.
- 44 B. The total bid price shall include not only the base bid price, but also all alterations to the  
45 base bid price resulting from alternates which were both part of the bid and actually  
46 purchased or awarded by the Board of County Commissioners.
- 47 C. In the case of requests for proposals or qualification, letters of interest, or other solicitations  
48 and competitive negotiations and selections in which objective factors are used to evaluate  
49 the responses, local businesses shall be assigned five percent of the total points of the total  
50 evaluation points.

51 **SECTION 3. EXCEPTIONS TO LOCAL PREFERENCE POLICY.**

- 52 A. The procurement preference set forth in this article shall not apply to any of the following  
53 purchases or contracts:
- 54 a. Goods or services provided under a cooperative purchasing agreement or interlocal  
55 agreement;
  - 56 b. Contracts of professional services procurement of which is subject to the  
57 Consultants' Competitive Negotiation Act or subject to any competitive consultant  
58 selection policy or procedure adopted or utilized by the Board of County  
59 commissioners;

- 60 c. Purchases or contracts which are funded, in whole or in part, by a governmental
- 61 entity and the laws, regulations, or policies governing such funding prohibit
- 62 application of that preference;
- 63 d. Purchases made or contracts let under emergency or noncompetitive situations, or
- 64 for litigation related legal services, etc., or
- 65 e. Purchases with an estimated cost of less than \$10,000.00 or less;
- 66 B. Application of local preference to a particular purchase, contract, or category of contracts
- 67 for which the Board is the awarding authority may be waived upon written justification and
- 68 recommendation by the County Administrator, and approval of the Board.
- 69 C. The preference established in this article does not prohibit the right of the Board to
- 70 compare quality or fitness for use of supplies, materials, equipment and services proposed
- 71 for purchase and compare qualifications, character, responsibility and fitness of all persons,
- 72 firms, or corporations submitting bids or proposals.
- 73 D. The bid preference established in this article does not prohibit the Board from giving any
- 74 other preference permitted by law in addition to the preference e authorized in this article.

75 **SECTION 4. APPLICATION AND ENFORCEMENT OF PREFERENCE POLICY.**

76 The local preference policy established in this article shall apply to new contracts and procurements  
77 solicited after the effective date of this article.

78 **SECTION 5. PROMULGATION OF RULES.**

79 The County Administrator is hereby authorized to adopted administrative rules supplemental to the  
80 provisions of this article as deemed necessary and appropriate to implement the provisions of this  
81 article.

82 **SECTION 6. CONFLICTS.**

83 If provisions of other ordinances conflict with any of the provisions of this ordinance, the provisions of  
84 this ordinance control as the prevailing provisions.

85 **SECTION 7. SEVERABILITY.**

86 It is declared to be the intent of the Board that the provisions of this ordinance are severable, and if any  
87 sentence, section, or other part of this ordinance should be found to be invalid, such invalidity shall not  
88 affect the remaining provisions and the remaining provisions shall remain in full force and effect.

89 **SECTION 8. INCLUSION IN THE CODE.**

90 It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby  
91 provided that the provisions of this ordinance shall become and be made a part of the Code of  
92 Ordinances of Hernando County, Florida. To this end, the Sections of this Ordinance may be  
93 renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed  
94 to "section", "article", or other appropriate designation.

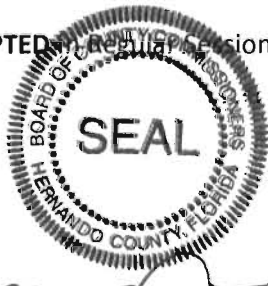
95 **SECTION 9. MODIFICATIONS.**

96 It is the intent of the Board of County Commissioners that the provisions of this ordinance may be  
97 modified as a result of considerations that may arise during public hearings. Such modifications shall be  
98 incorporated into the final version of the ordinance adopted by the Board and filed by the Clerk.

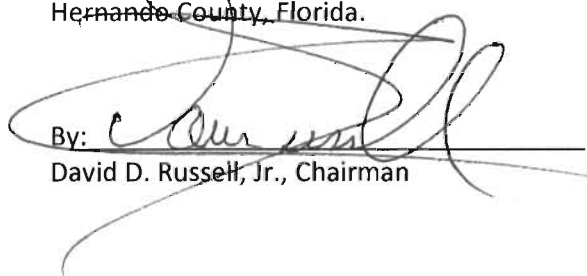
99 **SECTION 10. EFFECTIVE DATE.**

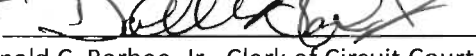
100 This ordinance shall take effect as provided by law.

101 **DONE AND ADOPTED**, Resolution July 23, 2013.



Board of County Commissioners,  
Hernando County, Florida.

By:   
David D. Russell, Jr., Chairman

106 By:   
107 Donald C. Barbee, Jr., Clerk of Circuit Court  
108 and Comptroller

109  
110  
111 Approved as to Form and Legal Sufficiency

112 By:   
113 Assistant County Attorney

114



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 31, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Sherry L. Crum, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 26, 2013 and certified copies of Hernando County Ordinance Nos. 2013-22 and 2013-23, which were filed in this office on July 31, 2013.

As requested, the date-stamped originals are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

July 31, 2013

Honorable Don Barbee, Jr.  
Clerk of the Circuit Court  
Hernando County  
Room 131, 20 North Main Street  
Brooksville, Florida 34601-2800

Attention: Ms. Sherry L. Crum, Deputy Clerk

Dear Mr. Barbee:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 26, 2013 and certified copies of Hernando County Ordinance Nos. 2013-22 and 2013-23, which were filed in this office on July 31, 2013.

As requested, the date-stamped originals are being returned for your records.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/elr

Enclosure