

ORDINANCE NO. 2018 - 38

AN ORDINANCE AMENDING ORDINANCE 2013-69, KNOWN AS THE COLLIER COUNTY PROCUREMENT ORDINANCE, BY SPECIFICALLY AMENDING SECTION FIFTEEN, "PROCEDURE TO PROVIDE PREFERENCE TO LOCAL BUSINESSES IN COUNTY CONTRACTS," TO REMOVE THE REQUIREMENT THAT A BUSINESS WAS ISSUED A BUSINESS TAX RECEIPT BY THE COLLIER COUNTY TAX COLLECTOR AT LEAST A YEAR PRIOR TO A BID OR PROPOSAL TO BE CONSIDERED A LOCAL BUSINESS; PROVIDING FOR CONFLICT AND SEVERABILITY, PROVIDING FOR INCLUSION INTO THE CODE OF LAWS AND ORDINANCES, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on December 10, 2013, the Board of County Commissioners of Collier County (Board) adopted Ordinance No. 2013-69, now known as the Collier County Procurement Ordinance, which ordinance has been amended from time to time; and

WHEREAS, at a public meeting on June 12, 2018, the Board directed that the Local Preference Policy set forth in the Procurement Ordinance be amended to remove the requirement that a business had been issued a business tax receipt by the Collier County Tax Collector for at least a year prior to a bid or proposal to be considered a local business, and that the removal of that requirement be administratively implemented from the date of that meeting forward.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

SECTION ONE: AMENDMENT TO SECTION FIFTEEN OF ORDINANCE NO. 2018-08.

Section Fifteen, subparagraph 1 of Ordinance No. 2017-69 is hereby amended as follows:

SECTION FIFTEEN: Procedure to Provide Preference to Local Businesses in County Contracts.

Except where otherwise provided by federal or state law or other funding source restrictions or as otherwise set forth in this Procurement Ordinance, purchases of commodities and services shall give preference to local businesses in the following manner:

1. "Local Business" defined. Local business means the vendor has a current Business Tax Receipt issued by the Collier County Tax Collector ~~for at least one year~~ prior to bid or proposal submission to do business within Collier County, and that identifies the business with a permanent physical business address located within the limits of Collier County from which the vendor's staff operates and performs business in an area zoned for the conduct of such business. A Post Office Box or a facility that receives mail, or a non-permanent structure such as a construction trailer, storage shed, or other non-permanent structure shall not be used for the purpose of establishing said physical

Words Underlined are added; Words ~~Struck Through~~ are deleted.

address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Collier County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities, support and increase to the County's tax base, and residency of employees and principals of the business within Collier County. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. A vendor who misrepresents the Local Preference status of its firm in a proposal or bid submitted to the County will lose the privilege to claim Local Preference status for a period of up to one year.

SECTION TWO: CONFLICT AND SEVERABILITY.

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinance of Collier County, Florida. The sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

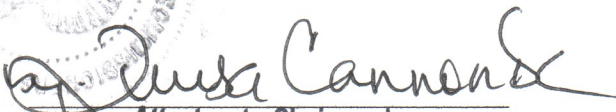
SECTION FOUR: EFFECTIVE DATE.

This Ordinance shall apply to the procurement of goods and services by the County as of June 12, 2018, and shall be effective upon filing with the Department of State.

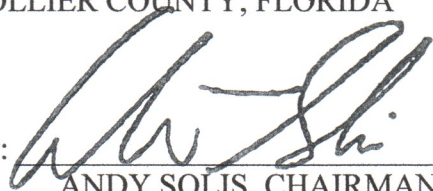
PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 10th day of July, 2018.

ATTEST
CRYSTAL K. KINZEL
INTERIM CLERK

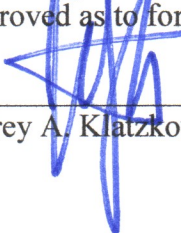
BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA



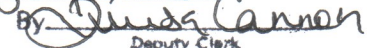
Attest as to Chairman's
signature only.
Deputy Clerk

By: 
ANDY SOLIS, CHAIRMAN

Approved as to form and legality:


Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the Secretary of State's Office the 12th day of July, 2018 and acknowledgement of that filing received this 12th day of July, 2018.

By: 
Deputy Clerk

Words Underlined are added; Words ~~Struck Through~~ are deleted.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

July 12, 2018

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Teresa Cannon

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2018-38, which was filed in this office on July 12, 2018.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb