

ORDINANCE 2009-27

AN ORDINANCE AMENDING ARTICLE IV, PROCUREMENT OF PROPERTY AND SERVICES, OF CHAPTER 2, ADMINISTRATION, LAKE WALES CODE OF ORDINANCES, BY PROVIDING FOR THE GRANTING OF PREFERENCE TO LOCAL VENDORS WHEN PROCURING COMMODITIES OR CONTRACTUAL SERVICES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED, by the City Commission of the City of Lake Wales, Polk County, Florida,

SECTION 1. Chapter 2, Administration, Lake Wales Code of Ordinances is hereby amended to read as follows:

ARTICLE IV. PROCUREMENT OF PROPERTY AND SERVICES.

DIVISION 2. PROCUREMENT OF COMMODITIES OR CONTRACTUAL SERVICES

Sec. 2-401. Definitions.

*Local purchasing source vendor.* Any person who, or place of business which, provides or proposes to provide a commodity or contractual service when such person or business has a principal place of business located within the City of Lake Wales or a principal place of business located outside the city limits and having a Lake Wales mailing address provided such mailing address is not a post office box. The utilization of a post office box for mail delivery shall not disqualify a local vendor, so long as the vendor can demonstrate that the physical address of the vendors principal place of business is located at a Lake Wales mailing address if the vendor allowed mail delivery at its physical address.

Sec. 2-417. Commodities or contractual services not exceeding the threshold amount for Category Two—Twenty-five thousand dollars (\$25,000).

(b) *Award of Bid.* Awards shall be made to the qualified bidder with the lowest responsive bid. When all other factors are equal, bids shall be awarded to a local purchasing source. Preference shall be given to a local vendor when the bid is not more than two percent (2%) higher than the low bid.

Sec. 2-418. Commodities or contractual services in excess of the threshold amount for Category Two—Twenty-five thousand dollars (\$25,000.00).

(a) *Competitive sealed bidding.* Unless otherwise authorized by this article, all contracts for purchasing commodities or contractual services when the cost exceeds the threshold amount for Category Two—Twenty-five thousand dollars (\$25,000.00) shall be awarded by competitive sealed bidding.

(6) The contract shall be awarded with reasonable promptness by written notice to the qualified and responsive bidder who submits the lowest responsive bid after the city manager obtains the formal approval of the city commission for the bid award. This bid must be determined in writing to meet the requirements and criteria set forth in the invitation to bid. Preference shall be given to a local vendor when the bid is not more than two percent (2%) higher than the low bid.

SECTION 2. If any clause, section, or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3. This ordinance shall take effect immediately upon adoption by the City Commission of the City of Lake Wales, Polk County, Florida.

CERTIFIED AS TO ADOPTION this 3<sup>rd</sup> day of November, 2009.

ATTEST

Clara Van Blargan  
City Clerk

Jack Van Hook  
Mayor/Commissioner