

Sec. 2-199.2. Local Business Preference

(a) Definitions.

The term "Business" shall mean a person, firm, corporation, or other business entity that is duly licensed, if required, and authorized to transact business in the State of Florida.

The term "Class A Business" shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City and shall maintain a staffing level for the proposed work of at least fifty percent (50%) who are residents of the City of Fort Lauderdale.

— The term "Class B Business" shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of the City or shall maintain a staffing level for the proposed work of at least fifty percent (50%) who are residents of the City of Fort Lauderdale.

— The term "Class C Business" shall mean any Business that has established and agrees to maintain a permanent place of business located in a non-residential zone and staffed with full-time employees within the limits of Broward County.

The term "Class D Business" shall mean any Business that does not qualify as a Class A, Class B, or Class C business.

— The term "Budgeted Cost" shall mean the estimated cost of the project as determined by the corresponding department director and certified to the director of finance or the director of finance's designee after a proposal is submitted to the City but prior to the opening of said proposal.

(b) Conditions.

Notwithstanding subsection (a):

- (1) A Business can only qualify for one class preference level.
- (2) A Business with outstanding liens, fines or violations with the City shall not be eligible to qualify for Class A, Class B, or Class C status.
- (3) A Business that operates through the use of a post office box, mail house or a residential/home address shall not

be eligible to qualify as either a Class A or Class B Business, with respect to the business's location

- (4) A Business may receive a conditional classification as a Class A or Class B Business if that Business certifies in writing to the City that it will meet the requirements of the specific class within three (3) months of entering into a contract with the City.

(c) Preference. For those purchases of goods and services in excess of fifty thousand dollars (\$50,000) via a Request for Proposals, after completion of the final ranking, local vendors shall receive the following preferences:

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- (1) Class A Business - ten percent (10%) preference;
 - (2) Class B Business – seven and one-half percent (7.5%) preference;
 - (3) Class C Business – five percent (5%) preference.

(d) Exceptions. Notwithstanding anything contained in this section to the contrary, the local preference provided for in this section shall not be applied in any one or more of the following circumstances:

- (1) The Business submits a proposal that exceeds the projected Budget Cost;
- (2) The proposal is in excess of one million dollars (\$1,000,000);
- (3) State or federal law or applicable county ordinance prohibits the use of local preferences;
- (4) The work is funded in whole or in part by a governmental entity, and laws, rules, regulations, or policies prohibit the use of local preferences;
- (5) Emergency purchases;
- (6) Sole source purchases;
- (7) Proprietary purchases;
- (8) Cooperative purchasing agreements or utilization of other agency contracts;
- (9) The city's purchasing manager has determined that the Business is unqualified to perform the work.