

**ORDINANCE NO. 2018-\_\_\_\_\_**

**CITY OF POMPANO BEACH  
Broward County, Florida**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY AMENDING SECTION 32.40, "LOCAL BUSINESS PROGRAM," TO MODIFY EXCEPTIONS TO THE PROGRAM; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on March 13, 2018, the City of Pompano Beach enacted Ordinance No. 2018-46 establishing a Local Business Program to encourage and enhance competitive opportunities for businesses located in the City of Pompano Beach; and

**WHEREAS**, the City of Pompano Beach now wishes to modify the exemptions to its Local Business Program as originally provided in the aforementioned ordinance; and

**WHEREAS**, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the city, notifying the public of this proposed ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach, Florida; and

**WHEREAS**, a public hearing before the City Commission was held pursuant to the aforesaid notice at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were in fact heard; now, therefore,

**BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:**

**SECTION 1.** That Section 32.40, "Local Business Program," of Chapter 32, "Departments," of the City of Pompano Beach Code of Ordinances is hereby amended to read as follows:

## **§ 32.40 LOCAL BUSINESS PROGRAM.**

...

### **(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) State, Federal law or applicable County Ordinance prohibits the use of local preferences or 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;

~~(2) Professional services procured pursuant to the State of Florida Consultants Competitive Negotiations Act (CCNA);~~

~~(3)~~ (2) Any competitive solicitation where the city is the lead agency for the Southeast Florida Purchasing Cooperative (Co-op);

~~(4)~~ (3) Emergency purchases;

~~(5)~~ (4) Sole Source/Brand purchases;

~~(6)~~ (5) Co-op purchasing agreements or utilization of other agencies' contracts;

~~(7)~~ (6) The local business is either nonresponsive or non-responsible;

~~(8)~~ (7) All bids/proposals submitted exceed the budget amount for the project;

~~(9)~~ (8) The city's General Services Director has determined that the business is unqualified to perform the work;

~~(10)~~ (9) Utilization of local business preference is unfeasible due to the nature and scope of the work as determined by the City Manager; or

~~(11)~~ (10) The business has outstanding city liens, fines or violations.

...

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith be and the same are hereby revoked.

**SECTION 3.** That any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

**SECTION 4.** This Ordinance shall become effective upon passage.

**PASSED FIRST READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**PASSED SECOND READING** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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**LAMAR FISHER, MAYOR**

**ATTEST:**

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**ASCELETA HAMMOND, CITY CLERK**

MEB/jrm  
5/23/18  
l:ord/ch32/2018-208