

ORDINANCE NO. 2025 - 6

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, AMENDING CHAPTER 20, ARTICLE II, DIVISION 1 OF THE TOWN CODE TO ESTABLISH A LOCAL BUSINESS PREFERENCE IN THE ACQUISITION OF GOODS AND SERVICES; PROVIDING DEFINITIONS; ESTABLISHING EXCEPTIONS FROM LOCAL BUSINESS PREFERENCE; PROVIDING FOR THE APPLICATION AND ENFORCEMENT OF LOCAL BUSINESS PREFERENCE; PROVIDING FOR CODIFICATION, CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, The Town annually spends significant amounts on purchasing personal property, materials, and contractual services and in constructing improvements to real property or to existing structures; and

WHEREAS, the dollars used in making those purchases are derived, in large part, from taxes, fees, and utility revenues derived from local businesses in the corporate town limits of Eatonville, and the Town Council has determined that funds generated in the community should, to the extent possible, be placed back into the local economy; and

WHEREAS, the Town Council finds that it is in the best interest of the Town of Eatonville to give a preference to local businesses in the corporate town limits of Eatonville in making such purchases whenever the application of such a preference is reasonable considering the dollar-value of proposals received in relation to such expenditures; and

WHEREAS, the Town Council further finds that it is in the best interest of the Town to adopt a local business preference to ensure that otherwise qualified local businesses are given preference in contracting and purchasing by formal ordinance.

NOW, THEREFORE, be it ordained by the Town Council of the Town of Eatonville, Florida, as follows:

(Words in strike through type are deletions; words in underscore type are additions; asterisks (* * * *) indicate an omission from the existing text which is intended to remain unchanged.)

Section 1. LEGISLATIVE FINDINGS.

The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. DEFINITION.

"Local business" means the vendor has a valid business tax receipt, issued by the Town of Eatonville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the vendor operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. To be eligible for local preference, the vendor must provide a copy of the business tax receipt.

Section 3. LOCAL PREFERENCE IN PURCHASING AND CONTRACTING.

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the purchasing policies, the town council, or other purchasing authority, may give a preference to local businesses in making such purchase or awarding such contract in an amount not to exceed five percent of the local business' total bid price, as described below, and in any event the cost differential should not exceed \$25,000.00. Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which were both part of the bid and purchased or awarded by the town council or other authority. In the case of requests for proposals, letters of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses, local businesses are assigned five percent of the total points of the total evaluation points.

Section 4. EXCEPTIONS TO LOCAL PREFERENCE POLICY.

The preference set forth in this Chapter 20, Article II, Division 1 shall not apply to any of the following purchases or contracts:

- (1) Goods or services provided under a cooperative purchasing agreement;
- (2) Contracts for professional services the procurement of which are subject to the Consultants' Competitive Negotiation Act (F.S. § 287.055) or

subject to any competitive consultant selection policy or procedure adopted or utilized by the town council or charter officer;

(3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; or

(4) Purchases made or contracts let under emergency or noncompetitive situations, or for litigation related legal services, etc., as such are described in the town's purchasing policies;

(5) Purchases with an estimated cost of \$50,000.00 or less;

(6) Application of local preference to a particular purchase, contract, or category of contracts for which the town council is the awarding authority may be waived upon written justification and recommendation of the charter officer and approval of the town council. The preferences established herein in no way prohibit the right of the town council or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the town council or other purchasing authority from giving any other preference permitted by law in addition to the preference authorized herein.

Section 5. APPLICATION, ENFORCEMENT.

The local preference shall apply to new contracts for supplies, materials, equipment and services first solicited after [REDACTED], unless specifically excepted herefrom in Section 4, above. This ordinance shall be implemented in a fashion consistent with otherwise applicable town purchasing policies and procedures.

Section 6. CODIFICATION. The provisions of this Ordinance shall be included and incorporated into the Code of Ordinances of the Town of Eatonville, as additions or amendments thereto.

Section 7. SEVERABILITY. Should any word, phrase, sentence, subsection, or section be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then that word, phrase, sentence, subsection, or section so held shall be severed from this Ordinance and all other words, phrases, sentences, subsections, or sections shall remain in full force and effect.

Section 8. CONFLICTING ORDINANCES. All ordinances or part thereof, in conflict herewith are, to the extent of such conflict, repealed.

Section 9. EFFECTIVE DATE. This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately upon its passage and adoption.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2025.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2025.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor