

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 4-108 OF THE FRESNO MUNICIPAL CODE RELATING TO LOCAL PREFERENCE.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Subection 4-108(c) of the Fresno Municipal Code is amended to read:

SECTION 4-108. LOCAL PREFERENCE IN CONTRACTS REQUIRING COMPETITIVE BIDDING.

(c) The preference in (a) and (b) above shall be extended consistent with each of the following:

(1) The amount of the preference shall be equal to the amount of five percent (5%) applied to the lowest responsive and responsible bid; provided however, in no event shall the amount of the preference exceed the sum of ~~twenty-five~~ [seventy-five] thousand dollars ~~(\$25,000)~~ [\$75,000].

(2) If the bidder submitting the lowest responsive and responsible bid is not a local business, and if a local business has also submitted a responsive and responsible bid, and, with the benefit of the preference, the local business's bid is equal to or less than the original lowest responsive and responsible bid, the city

shall award the contract to the local business at its submitted bid price.

(3) The bidder shall certify, under penalty of perjury, that the bidder qualifies as a local business. The preference is waived if the certification does not appear on the bid.

SECTION 2. Subsection 4-108(e) of the Fresno Municipal Code is amended to read:

(e) The preference in (d) above shall be extended consistent with each of the following:

(1) The amount of the preference shall be equal to the amount of five percent (5%) applied to the lowest responsive and responsible bid; provided however, in no event shall the amount of the preference exceed the sum of ~~twenty-five~~ [seventy-five] thousand dollars ~~(\$25,000)~~ [\$75,000].

(2) If the bidder submitting the lowest responsive and responsible bid is not a local business, and if a local business has also submitted a responsive and responsible bid, and, with the benefit of the preference, the local business's bid is equal to or less than the original lowest responsive and responsible bid, the city shall award the contract to the local business at its submitted bid price.

(3) The bidder shall certify, under penalty of perjury, that the bidder qualifies as a local business. The preference is waived if the certification does not appear on the bid.

SECTION 3. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2016
Mayor Approval/No Return: _____, 2016
Mayor Veto: _____, 2016
Council Override Vote: _____, 2016

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Katie Doerr [Date]
Assistant City Attorney

KBD:ns [72933ns/kbd]- 11/7/16