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Agenda Item: ID17-67 (1-N)

Date: 1/12/17

CITY CLERK, FRESNO, CA

FRESNO CITY COUNCIL



Supplemental Information Packet

Agenda Related Item(s) – ID17-67 (1-N)

Contents of Supplement: Amended Ordinance

Item(s)

BILL NO. B-63 - (Intro. 12/15/2016) (For adoption) - Amending Section 4-108 of the Fresno Municipal Code relating to local preference

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

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. Subsection 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

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:

BC

Ordinance No.

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(d) of the Fresno Municipal Code is amended to read:

(d) For purposes of this subsection, "local business" shall mean a business with a fixed primary or branch office either (i) within a twenty-five mile radius of Fresno City Hall, located at 2600 Fresno Street in the City of Fresno, or (ii) within the County of Fresno; and which fixed primary or branch office was established prior to the city inviting bids for the respective purchase. The Purchasing Manager, in the evaluation of any and all competitive bids for any public work of improvement pursuant to Charter Section 1208, shall extend five percent (5%) preference for a local business consistent with subsection (e)(1) below. [Local preference will be demonstrated by the total number of individuals a business employs within Fresno County. In order to obtain the five percent (5%) differential, the bidder shall submit at time of bid a certification to self-perform a minimum of thirty percent (30%) of the contract amount with individuals employed within Fresno County. The bidder shall also submit a certification that a minimum of fifty percent (50%) of the total value of the contract would be performed by either the bidder or subcontractors meeting the local preference criteria.]

SECTION 3. 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 4. 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 _____, 2017.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

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,prn [72933ns/kbd]- 01-11-17