



# MEMORANDUM

Office of the City Attorney

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**TO:** Mayor and City Commission

**FROM:** City Attorney

**SUBJECT:** Ordinance No. 0-04-26  
An ordinance of the City of Gainesville, Florida, creating Article X of Chapter 2 of the Code of Ordinances of the City of Gainesville relating to local preference in purchasing, making findings, providing for definitions, preference and exceptions, providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a prospective effective date and sunset provisions.

**DATE:** April 12, 2004  
~~March 15, 2004~~  
~~FIRST READING~~  
SECOND READING

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Recommendation: The City Commission adopt the proposed ordinance.

On February 9, 2004, the City Commission adopted the Personnel and Organizational Committee's recommendation that the City Attorney prepare and the Clerk of the Commission advertise an Ordinance providing for a preference to local businesses when the City purchases certain supplies, materials, equipment and services. A section-by-section discussion of the proposed ordinance follows.

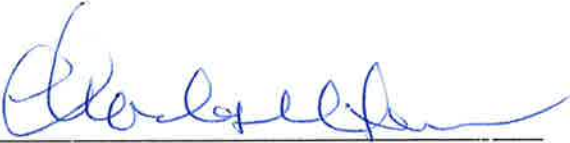
Section 1 contains the requisite findings describing the basis for the limited preference.

Section 2 describes the amount and operation of preference, in both invitation to bid and request for proposal situations. Management's presentation will provide examples.

Section 3 describes the purchases to which the preference will not apply. Section 3 provides for a case-by-case waiver (non-application) of the preference on purchases to which it would otherwise be applied, when such is justified by the purchasing authority (Charter Officer). Finally, Section 3 acknowledges that factors other than the local preference can ultimately control the purchase.

Section 4 limits the preference to a business with a pre-existing occupational license with, and physical location within, the City.

Sections 5 and 9 provide that the preference will begin to apply six months after the ordinance is adopted and expire 18 months later, absent further action by the City Commission.

Prepared by:   
Charles L. Hauck, Sr. Assistant City Attorney

Approved and Submitted by:   
Marion J. Radson, City Attorney

MJR:CLH:sw

PASSED ON FIRST READING BY A VOTE OF 7-0.