

ORDINANCE No. 2018-24

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE V OF THE CODE OF ORDINANCES ENTITLED "PURCHASING AND PROCUREMENT", MORE PARTICULARLY BY CREATING SECTION 2-317, ENTITLED "PROCEDURE TO PROVIDE PREFERENCE FOR DORAL BUSINESSES AND RESIDENTS IN PUBLIC WORKS AND IMPROVEMENTS CONTRACTS," TO ESTABLISH LOCAL BUSINESS AND WORKFORCE PARTICIPATION REQUIREMENTS FOR COMPETITIVELY PROCURED CONTRACTS; CONTAINING A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the award of competitively procured contracts by the City of Doral ("City") will promote local business opportunities and employment of City residents and benefit the local economy by adhering to the local business and workforce participation requirements herein enacted; and

WHEREAS, the City awards millions of dollars in public works and improvement contracts; and

WHEREAS, these contracts are paid for with taxpayer dollars and should be used to promote business and employment opportunities for Doral businesses and City residents and invigorate neighborhood businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. RECITALS. The recitals and findings contained in the Preamble to this Ordinance are adopted and incorporated as if fully set forth in this Section.

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Section 2. CODE AMENDED. Article V/Section 2-317 of the City Code, entitled "Procedure to Provide Preference for Doral Residents in Public Works and Improvement Contracts", is created to read as follows:

ARTICLE V. PURCHASING AND PROCUREMENT

Division 1. GENERALLY

SECTION 2-317, ENTITLED "PROCEDURE TO PROVIDE PREFERENCE FOR DORAL BUSINESSES AND RESIDENTS IN PUBLIC WORKS AND IMPROVEMENTS CONTRACTS"

(A) Local workforce participation requirements.

(1) Except where state or federal law, regulations, or grant requirements mandate to the contrary, and subject to reservations or limitations provided in state, federal, or city laws, regulations, or grant requirements, contractors shall use best efforts to employ a minimum of ten percent (10%) of on-site labor from persons residing within the municipal boundaries (e.g. city limits) of the City. The City residency of the onsite labor component will be subject to verification by the issuing department.

(2) For contracts with a bid amount between \$1,000,000 and \$5,000,000, the contractor shall be required to hold one (1) job fair within the local community for the purpose of encouraging local workforce participation. For contracts with a bid amount greater than \$5,000,000, the Contractor shall be required to hold two (2) job fairs within the local community for the purpose of encouraging local workforce participation. The contractor may coordinate job fairs and hiring initiatives with the Career Source South ("CSSF").

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(3) The City supports businesses located in Doral and encourages contractors to utilize local businesses. Where 2.5% of the total bid amount is paid to businesses located in the City the local participation requirements of this ordinance have been satisfied.

(4) The contractor may utilize CSSF or a third party to independently verify and certify compliance with these requirements on a quarterly basis. Said third party shall be unaffiliated with the contractor and be properly licensed under applicable Florida laws. The person performing the verification shall have a minimum of two (2) years of prior professional experience in contracts compliance, auditing, personnel administration, or field experience in payroll, enforcement, or investigative environment. The cost for this verification and certification shall be included in the related contract costs.

Local participation requirements shall apply only to public works or improvements contracts with a contract value greater than \$1000,000 and with an on-site labor component greater than or equal to twenty-five percent (25%) of the contract value.

These local participation requirements shall apply to any competitively procured contract under this section unless:

- a) it meets one of the exclusion provisions noted above;
- b) it is disallowed by Federal or State Law or grant requirements;
- c) funding sources require alternate, contradictory or specifically exclude or disallow local workforce participation requirements;
- d) these requirements are waived by the City Council by resolution, prior to

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issuance of the competitive solicitation document, upon written recommendation of the City Manager or Manager's designee, when the Council finds this is to be in the best interest of the City, in which case the requirements of this section will be stated as not being applicable in the competitive selection document.

(5) A good faith effort to employ candidates residing within the municipal boundaries shall constitute, at a minimum, evaluating the qualification of such candidates, and conducting interviews with those candidates who satisfy the minimum competency requirements.

(6) In determining whether the contractor has made good faith efforts, the City may consider, among other criteria to be set forth in the implementing order:

a. The number, skills, and composition of the contractor's labor force ultimately hired;

b. Whether minimum requirements were established for available positions beyond reasonable requirements to complete the job;

c. The number of qualified candidates interviewed for the position; and

d. The contractor's coordination with CSSF to satisfy its labor needs.

e. Financial reports submitted by contractor that substantiates that 2.5% of the total bid amount has been expended on local businesses.

The city's determination as to whether a contractor has made such good faith efforts is final and binding.

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(7) Each city contract shall include provisions stating the nature of the sanctions to be imposed on a contractor that does not comply with this ordinance.

Section 3. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

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The foregoing Ordinance was offered by Councilmember Cabral who moved its adoption.
The motion was seconded by Councilmember Cabrera upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes

PASSED AND ADOPTED on FIRST READING this 1 day of November, 2018.

PASSED AND ADOPTED on SECOND READING this 9 day of January, 2019.

ATTEST:



JUAN CARLOS BERMUDEZ, MAYOR



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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