

**ORDINANCE No. 2015-46**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE V “PURCHASING AND PROCUREMENT,” OF CHAPTER 2, “ADMINISTRATION,” OF THE CITY CODE OF ORDINANCES, BY CREATING SECTION 2-324 PROVIDING A VENDOR PREFERENCE IN THE AWARD OF CITY CONTRACTS FOR GOODS AND CONTRACTUAL SERVICES TO FLORIDA CERTIFIED VETERAN BUSINESS ENTERPRISE OR CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISE; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR INCORPORATION INTO THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City of Doral (the “City”) desires to increase contracting opportunities for veteran-owned business; and

**WHEREAS**, section 295.187, Florida Statutes, also known as the Florida Veteran Business Enterprise Opportunity Act (the “Act”), permits government agencies when considering public solicitations to award such contracts to certain veteran-owned businesses provided that bids or proposals are equal to other bids or proposals in all relevant considerations; and

**Whereas**, the Act also encourages political subdivisions of the State to offer similar considerations to businesses certified under the Act; and

**WHEREAS**, the Mayor and City Council desire to honor the extraordinary service rendered to the United States by veterans with disabilities incurred or aggravated in the line of duty during service with the armed forces; and

**WHEREAS**, the Mayor and City Council finds that the adoption of this Ordinance which provides a modest preference for certain veteran-owned businesses to be in the best interest of the City.

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

**Section 1. Recitals.** The above Recitals are confirmed, adopted, and incorporated herein and made a part of hereof by this reference.

**Section 2. Code Amended.** The Code of Ordinances of the City of Doral is hereby amended as follows:

**Chapter 2 – Administration  
ARTICLE V. – PURCHASING AND PROCUREMENT  
DIVISION 1. - GENERALLY**

**Sec. 2-374. - Procedure to provide preference to veterans in contracts for goods and contractual services.**

(1) Definitions. For purposes of this section only, the following definitions shall apply:

- (a) Certified service-disabled veteran business enterprise means an independently owned and operated business, domiciled in Florida, and as further defined under Section 295.187(3)(c) of the Florida Veteran Business Enterprise Opportunity Act, as same may be amended from time to time, that has been certified by the State of Florida Department of Management Services to be a service-disabled veteran business enterprise;
- (b) Solicitation shall mean a competitive procedure established by the city through the issuance of an invitation to bid (ITB), request for proposals (RFP), request for qualifications (RFQ), request for letters of interest (RFLI), invitations to negotiate (ITN), or the solicitation of purchase orders based on oral or written quotations.
- (c) Service-disabled veteran means a veteran who is a permanent Florida resident with a service-connected disability, as determined by the United States Department of Veterans Affairs, or who has been terminated from military service by reason of disability by the United States Department of Defense.
- (d) Service-disabled business enterprise means an independently owned and operated business, domiciled in Florida, and as further defined in Section 295.187(3)(c) of the Florida

Veteran Business Enterprise Opportunity Act, as same may be amended from time to time.

- (e) Small business concerns owned and controlled by veterans means those independently owned and operated small businesses, as defined in Section 502 of the Veterans Benefits, Health Care, and Information Technology Act of 2006, as same may be amended from time to time, which are also domiciled in Florida, and listed in the federal database of veteran-owned businesses.
- (f) Veteran means a person who served in the active military, naval, or air service and who was discharged or released therefrom under honorable conditions. For purposes of this section, the definition of "veteran" shall adopt the same definition as provided therefor in section 1.01(14), Florida Statutes, as same may be amended from time to time.

(2) Preference in purchase of goods or contractual services.

- (a) ITBs and requests for oral or written qualifications. The city, when considering two or more bids submitted pursuant to an ITB or an oral or written request for quotations for the purchase of goods or contractual services shall give a preference to a responsive and responsible bidder that is a Certified Veteran Business Enterprise or Certified Service-Disabled Veteran Business Enterprise, and which is within five percent of the lowest and best bid, by providing such bidder an opportunity of providing said goods or contractual services for the lowest responsive bid amount. Whenever, as a result of the foregoing preference, the adjusted prices of two or more bidders which are a Certified Veteran Business Enterprise or Certified Service-Disabled Veteran Business Enterprise constitute the lowest bid pursuant to an ITB or oral or written request for quotation, and such bids are responsive, responsible and otherwise equal with respect to quality and service, then the award shall be made to the Certified Veteran Business Enterprise or Certified Service-Disabled Veteran Business Enterprise.
- (b) Request for proposals, request for qualifications, and request for letters of interest, and invitations to negotiate. The city manager or the City Council, depending on the circumstances, in considering, determining, and/or approving the evaluation methodology, selection criteria, and/or other factors determined by the city to [be] applicable in the recommendation and selection of proposers submitting responses pursuant to Solicitation, as

appropriate, shall include (as part of such evaluation methodology, selection criteria, and/or other applicable factors to be set forth and included within the Solicitation document) and give an additional five points (where the evaluation methodology is based on points system from 0—100 points), or an additional five percent (where the evaluation methodology is based on a percentage system 0—100 percent), to proposers which are a Certified Veteran Business Enterprise or Certified Service-Disabled Veteran Business Enterprise. The additional points shall be applied by the city's procurement division to city vendors following the completion of the allocation of points by the evaluation committee.

- (3) Comparison of qualifications. The preferences established herein in no way prohibit the right of the city manager and/or mayor and city council, as applicable, to compare quality of goods and/or contractual services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the city manager and/or the mayor and city council, as applicable, from giving any other preference permitted by law in addition to the preferences granted herein.

\* \* \*

**Section 3. Implementation.** The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

**Section 4. 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 5. 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 6. Conflicts.** All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption.

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

Mayor Luigi Boria	Yes
Vice Mayor Christ Fraga	Absent/Excused
Councilman Pete Cabrera	Yes
Councilwoman Ana Maria Rodriguez	Yes
Councilwoman Sandra Ruiz	Yes

PASSED AND ADOPTED on FIRST READING THIS 21 day of October 2015.

PASSED AND ADOPTED on SECOND READING THIS 18 day of November 2015.



---

LUIGI BORIA, MAYOR

ATTEST:



---

CONNIE DIAZ, CITY CLERK

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



---

WEISS SEROTA HELFMAN COLE & BIERMAN, PL  
CITY ATTORNEY