

ORDINANCE NO. _____ (2022 SERIES)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN LUIS OBISPO, CALIFORNIA, TO ADOPT A LOCAL PURCHASING PREFERENCE FOR NON-PUBLIC PROJECTS GOODS AND SERVICES PURCHASES

WHEREAS, Local businesses contribute significantly to the economic health of our city and to the quality of life of our citizens and visitors. The city encourages the growth of local businesses by means of increasing the participation of these businesses in the city's purchase of goods and services; and

WHEREAS, the city manager, or his/her designee, shall be responsible for enforcement of this chapter; and

WHEREAS, a five percent (5%) evaluation preference will be applied to any competitive process for goods, supplies, equipment, materials, services, or professional services from a business designated as a local business; and

WHEREAS, when a nonlocal business has submitted the lowest responsive responsible bid, and when one or more local businesses, as defined by this chapter, have also bid, the local business' total bid amount will be reduced by the preference percentage of five percent for bid comparison purposes. If the net amount is lower than the lowest bid, the contract will be awarded to the local business for the full amount of its bid. When a request for proposals is used, the preference will reduce only the price component of the evaluation criteria; and

WHEREAS, A business shall comply with all of the following to be designated a local business:

1. The provisions of this chapter shall apply to:
 - (a) The business shall have an office with at least one employee within the city of San Luis Obispo.
 - (b) The business shall not be delinquent with any payments to the city.
 - (c) The business shall hold a valid city of San Luis Obispo business license and tax certificates.

2. The provisions of this chapter shall not apply to:
 - (a) Purchases under the informal bid limit
 - (b) Sole source purchases.
 - (c) Construction projects.
 - (d) Urgent purchases necessary to protect public health, welfare or safety.
 - (e) Purchases made under a cooperative agreement.

- (f) Purchases made by credit card, petty cash, or on claims.
- (g) Purchases funded by outside agencies that prohibit the use of preferences.
- (h) Professional services requests for proposals where price is not considered in the selection of which service provider to engage in negotiations.

In addition, the city council shall have the authority to waive application of the local business preference at its discretion.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of San Luis Obispo as follows:

SECTION 1. A local purchasing preference for non-public projects, goods, and service purchases with an allowable, up-to five percent (5%) evaluation preference as provided herein.

SECTION 2. A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The New Times, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of thirty (30) days after its final passage.

INTRODUCED on the ____ day of ____, 202X, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the ____ day of ____, 202X, on the following vote:

AYES:
NOES:
ABSENT:

Mayor Erica A. Stewart

ATTEST:

Teresa Purrington
City Clerk

APPROVED AS TO FORM:

J. Christine Dietrick
City Attorney

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Luis Obispo, California, on _____.

Teresa Purrington
City Clerk