

ORDINANCE NO. 09-008

AN ORDINANCE OF ST. LUCIE COUNTY, FLORIDA, ADOPTING A LOCAL ECONOMIC STIMULUS ORDINANCE; DECLARING A STATE OF LOCAL ECONOMIC EMERGENCY; PROVIDING FOR EMERGENCY PROJECTS; PROVIDING FOR CRITERIA FOR BID/PROPOSAL AWARD, WAIVER OF BIDS/PROPOSALS PROCESS; PROVIDING FOR DEFINITIONS, DURATION OF LOCAL ECONOMIC EMERGENCY AND CONFLICTS; PROVIDING FOR SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the United States of America, the State of Florida, and St. Lucie County are now experiencing an economic downturn not experienced in the last 30-40 years; and

WHEREAS, individual citizens and families living in the United States, Florida, and the County are experiencing negative effects from the economic downturn; and

WHEREAS, because of significant revenue decreases at the State and local levels, jobs are being lost, homes are being foreclosed, and services are being cut; and

WHEREAS, St. Lucie County has one of the highest foreclosure rates in the nation. In 2007, St. Lucie County had 4,945 homes in foreclosure. Indian River County had 1,057 and Martin County had 750. In 2008, 9,751 mortgage foreclosure suits were filed in St. Lucie County. In 2009 through March 17, 1,990 mortgage foreclosure suits have been filed in St. Lucie County.

WHEREAS, St. Lucie County has the highest local unemployment rate in the Treasure Coast region, increasing to 12.1 percent, up from 6.4 percent last year. Martin County has a 7.8 percent rate and Indian River County has 9.5 percent rate; and

WHEREAS, certain sectors of the County's economy such as biochemistry research are doing well but other sectors such as the housing industry have been negatively affected by the economic downturn; and

WHEREAS, the construction industry in St. Lucie County has been hit especially hard with a net loss of 700 jobs in 2007 alone; and

WHEREAS, the United States Congress is working on a federal economic stimulus package to counter the effects of the economic downturn; and

WHEREAS, the efforts at the federal level are expected to take several months to implement; and

WHEREAS, it is imperative that the County take immediate steps at the local level to provide relief to County residents and to provide jobs in an effort to decrease the current St. Lucie County unemployment rate; and

WHEREAS, through the efforts of the Board of County Commissioners of St. Lucie County, Florida, the County's fiscal situation is stable and sound so that the County is able to provide local economic stimulus; and

WHEREAS, the County's procurement policies will be revised temporarily as stated herein; and,

WHEREAS, it is the intent of this ordinance to accomplish the initiation and implementation of the described temporary programs to relieve the local economic emergency to the greatest extent possible.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida, as follows:

Section 1. Short title and recitals. This ordinance shall be known as the Local Economic Stimulus ordinance, and the above findings and recitals are hereby adopted by reference into this ordinance.

Section 2. Declaration of Local Economic Emergency. The Board of County Commissioners of St. Lucie County, Florida, convened in regular session, hereby declares and ordains that a Local Economic Emergency exists within St. Lucie County, requiring immediate measures to address the emergency before irreversible harm is done to the economic well being of the citizens of St. Lucie County. This ordinance is adopted after public hearing pursuant to and in accordance with Section 125.66, Florida Statutes.

Section 3. Emergency Projects. Effective April 27, 2009, the County Administrator is authorized to use the competitive bid or proposal process provided for in state and local law for local economic stimulus capital projects to be designated by Board resolution.

Section 4. Criteria for Bid/Proposal Award. Except as provided for herein, the County Administrator or designee, is authorized to solicit competitive bids or proposals from properly licensed contractors that agree to comply with the following criteria:

(a) In order to obtain an award, a contractor must agree to use a minimum of 75% local laborers and local material suppliers and local subcontractors (based on headcount) on the project. The contractor must provide the County with proof of compliance with this local hire

requirement in a form that is verifiable by the County prior to signing a contract with the County or issuance of a notice to proceed whichever occurs later. Unless the local hire requirement is waived by the County, the failure of the contractor to demonstrate compliance with the requirement shall result in the contractor's bid being deemed nonresponsive and, if the bid has been awarded to the contractor, shall automatically result in revocation of the bid award to the contractor. The local hire requirement shall be a continuing requirement throughout the project. The contract shall provide for continuing proof of compliance at appropriate intervals and shall provide the County with the right to terminate the contract in the event of noncompliance. The County shall aggressively pursue remedies available in the Purchasing Manual in the event of fraud or misrepresentation.

The Board may waive this local hire requirement:

- (1) if no contractor can comply with the local hire requirement; or
- (2) if the contractor can demonstrate that local laborers, local material suppliers and local subcontractors are not available despite a good faith effort on the contractor's part to hire local laborers and local subcontractors and to purchase materials from local material suppliers.

(b) Local contractors that will use more than 75% local laborers, local material suppliers and local subcontractors on the project that are within 5% of the lowest bid of a non-local contractor that will use more than 75% local laborers, local material suppliers and local subcontractors on the project are eligible to match the low bid and be awarded the contract.

(c) If bids are identical, the contractor with the highest percentage of local laborers and subcontractors shall be awarded the bid or proposal.

Section 5. Waiver of Bid/Proposal Process. The Board of County Commissioners may waive the competitive bid or proposal process if the Board determines that:

(a) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(b) The time to competitively award the project will jeopardize the funding for the project, or will materially increase the cost of the project or will create an undue hardship on the public health, safety, or welfare.

Section 6. Definitions. For the purposes of this ordinance, the terms "local laborer" and "local material supplier and contractor" shall mean:

(a) "Local laborer" means a person residing in St. Lucie County at least in the year prior to January 29, 2009 that provides labor services.

(b) "Local material supplier, local contractor or local subcontractor" means the vendor has a valid occupational license issued by St. Lucie County at least one year prior to January 29, 2009 to bid or proposal submission to do business within St. Lucie County that authorizes the business to provide the commodities or services to be purchased and a physical business address located within the limits of St. Lucie County from which the vendor operates or performs business. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address.

Section 7. Duration of Local Economic Emergency. The Local Economic Emergency declared in this office shall continue to April 27, 2010. Prior to that date the Board of County Commissioners will determine if the declaration of Local Economic Emergency should be ended. If the declaration is not ended, the Board may extend the temporary programs initiated in this ordinance by resolution approved at a regular meeting.

Section 8. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflicts, as of the effective date of this ordinance.

Section 9. Severability. If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

Section 10. Applicability of Ordinance. This ordinance shall be applicable throughout St. Lucie County.

Section 11. Filing with the Department of State. The Clerk be and is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

Section 12. Effective Date. This ordinance shall take effect upon filing with the Department of State.

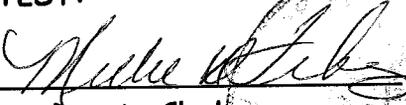
Section 13. Adoption. After motion and second, the vote on this ordinance was as follows:

Paula A. Lewis, Chair	AYE
Charles Grande, Vice Chair	AYE
Commissioner Doug Coward	AYE
Commissioner Chris Craft	AYE
Commissioner Chris Dzadovsky	AYE

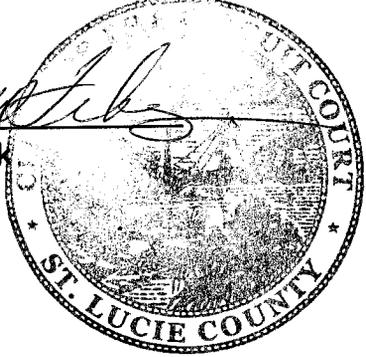
Section 14. Codification. Provisions of this ordinance shall be incorporated in the St. Lucie County Code and Compiled Laws and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that parts B through H shall not be codified.

PASSED AND DULY ENACTED this 21st day of April, 2009.

ATTEST:



Deputy Clerk

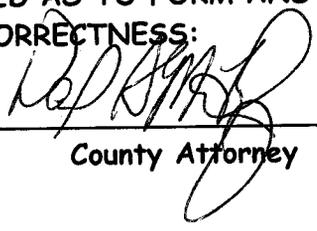


BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

BY: 

Chair

APPROVED AS TO FORM AND
CORRECTNESS:

BY: 

County Attorney