

ORDINANCE 2016-6

AN ORDINANCE OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA AMENDING VISTA MUNICIPAL CODE SECTION 3.08 RELATING TO A LOCAL BIDDER AND LOCAL VETERANS' PREFERENCE

The City Council of the City of Vista does ordain as follows:

1. Findings. The City Council hereby finds and declares all of the following:

A. This ordinance is enacted pursuant to the powers vested in the City of Vista pursuant to Article XI, Sections 5 and 7 of the California Constitution.

B. A vibrant municipal business environment provides employment opportunities for city residents and an economic engine that generates revenues and social benefits which benefit local individuals, businesses and government.

C. Because of these positive economic and social effects that contribute directly back to the community, businesses within the City of Vista should have enhanced opportunities to compete for local government procurement contracts.

D. The City Council aspires to foster policies which lead to full employment for veteran owned businesses. Through City procurements, the City Council desires to explore and implement new means and methods to encourage and incentivize businesses owned by veterans.

E. The City Council therefore intends to promote opportunities for businesses within the City of Vista that compete for contracts with the City unless otherwise prohibited by law.

2. Code Amendment.

A. Section 3.08.020 (Definitions) of Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance) of the Vista Municipal Code is amended to redefine the following term as follows:

"Local Business Entity" means a business that meets all of the following criteria:

1. Is a business entity which is (a) contracting for services and has a principal place of business located within the City, as identified on a City business license or other official documents; or (b) a vendor making a sale of goods, provided that such business or entity possesses a valid and current seller's permit, or equivalent, issued by the State Board of Equalization, or its successor, which identifies the City of Vista as the point of sale for all of its taxable retail sales within the City jurisdiction; and

2. Holds a City of Vista business license that has been in effect for at least six months prior to the issuance of the request for bids/proposals; and

3. Employs at least two full-time or four part-time employees whose primary residence is located within the City of Vista; or, is at least fifty

percent (50%) owned by one or more persons whose primary residences are located within the City of Vista.”

B. Section 3.08.020 (Definitions) of Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance) of the Vista Municipal Code is amended to add the following term as follows:

“Veteran-Owned Business Entity” means a business that meets all of the following criteria:

1. Is a business entity which is at least fifty one percent (51%) owned by one or more veterans; and

2. Holds a business license for at least 6 months prior to the issuance of the request for bids/proposals in (a) the City of Vista; or (b) one of the other Innovate 78 Corridor Economic Development Initiative cities of Carlsbad, Escondido, Oceanside, or San Marcos, provided that the city issuing the business license has enacted a substantially similar veterans business preference program as determined by the City Manager; and

3. (a) Is a Service-Disabled Veteran-Owned Small Business (SDVOSB) or Veteran-Owned Small Business (VOSB) registered with the Office of Small & Disadvantaged Business Utilization's Vets First Verification Program, a division of the U.S. Department of Veteran Affairs, or (b) is a Disabled Veteran Business Enterprise (DVBE) certified and registered with the Office of Small Business and DVBE Service, a division of the California Department of General Services.”

C. Sub-subsection 11 is added to Subsection C (Procedural Requirements) of Section 3.08.040 (Formal Bidding Procedure) of Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance) of the Vista Municipal Code to read as follows:

“11. Should the bidder who submits the lowest bid not be a Veteran-Owned Business Entity, then the lowest bid submitted by a Veteran-Owned Business Entity which is within two percent (2%) of the lowest bid may be deemed the Lowest Monetary Bidder, whether or not that bidder is the second lowest bidder, if the Veteran-Owned Business Entity agrees, in writing, to reduce its bid to match the bid of the lowest bidder within three days of the City's request to match. Thereafter, the contract may be awarded to the Veteran-Owned Business Entity if it otherwise qualifies as the Lowest Responsible Bidder. This provision shall be inapplicable where otherwise prohibited by state or federal law or contract. This preference cannot be combined with the Local Business Enterprise preference.”

D. Sub-subsection 9 is added to Subsection B (Procedural Requirements) of Section 3.08.050 (Informal Bidding Procedure) of Chapter 3.08 (Purchasing System) of Title 3 (Revenue and Finance) of the Vista Municipal Code to read as follows:

“9. Should the bidder who submits the lowest bid not be a Veteran-Owned Business Entity, then the lowest bid submitted by a Veteran-

Owned Business Entity which is within two percent (2%) of the lowest bid may be deemed the Lowest Monetary Bidder, whether or not that bidder is the second lowest bidder, if the Veteran-Owned Business Entity agrees, in writing, to reduce its bid to match the bid of the lowest bidder within three days of the City's request to match. Thereafter, the contract may be awarded to the Veteran-Owned Business Entity if it otherwise qualifies as the Lowest Responsible Bidder. This provision shall be inapplicable where otherwise prohibited by state or federal law or contract. This preference cannot be combined with the Local Business Enterprise preference."

E. **Effective Date.** This ordinance shall be in full force and effect on the 31st day following the date of its adoption.

3. **Adoption.** PASSED AND ADOPTED at a meeting of the City Council held on March 22, 2016, by the following vote:

AYES: Mayor Ritter, Aguilera, Campbell, Rigby, Franklin

NOES: None

ABSENT: None

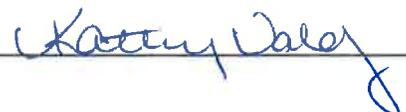


JUDY RITTER, MAYOR

APPROVED AS TO FORM:
DAROLD PIEPER, CITY ATTORNEY

ATTEST:
KATHY VALDEZ, CITY CLERK

By: 

By: 

APPROVED
Darold Pieper
20160315100009

CERTIFICATION

I, Kathy Valdez, City Clerk of the City of Vista, California, certify that I caused the foregoing Ordinance No. 2016-6 to be posted on March 24, 2016, at the following locations within the City of Vista: 1) the Reference Desk of the Vista Branch of the San Diego County Public Library, 700 Eucalyptus Avenue; 2) the Lobby Counter at the Gloria McClellan Adult Activity & Resource Center, 1400 Vale Terrace Drive; and 3) the City Clerk's Office, 200 Civic Center Drive.

A handwritten signature in cursive script that reads "Kathy Valdez".

Kathy Valdez, City Clerk

