

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

ORDINANCE NO. ORD-09-0015

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AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTION 2.84.030
RELATING TO LOCAL PREFERENCE

WHEREAS, the City of Long Beach annually spends significant amounts on
purchasing supplies, materials, equipment and nonprofessional services; and

WHEREAS, the funds used for these purchases are derived in part from
taxes and fees from local businesses; and

WHEREAS, the cost of operating a business in Long Beach has been
shown to be higher due to higher labor and rent costs, among other things; and

WHEREAS, the City Council finds and determines that it is in the best
interests of the City of Long Beach to retain such funds by giving a preference to local
businesses in making such purchases whenever the application of such a preference is
reasonable; and

WHEREAS, the City Council finds and determines that strengthening local
economic activity and employment helps foster and maintain a vital economic future for
the City of Long Beach; and

WHEREAS, the City Council hereby finds and determines that action is
necessary to reduce the competitive disadvantage to local businesses, and to preserve
and retain local businesses that serve Long Beach;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as
follows:

Section 1. Section 2.84.030 of the Long Beach Municipal Code is
amended to read as follows:

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2.84.030 Local preference.

A. This Section implements Section 1803 of the City Charter and is based on findings that the amount of local preference described in this Section for local businesses is in the public interest and is necessary to ease disadvantages suffered by local businesses due to the higher costs of doing business in the City of Long Beach.

B. A bid for furnishing materials, equipment, supplies and nonprofessional services pursuant to Section 2.84.010 relating to the authority of the City's Purchasing Agent to make purchases for City departments reporting to the City Manager shall be reduced by the amount described below in making a determination whether or not the bidder is the lowest responsible bidder, if the bidder meets the following criteria:

- 1. Has a current, valid business license from the City of Long Beach showing a place of business within the City limits; and
- 2. Has a current, valid seller's permit (also known as a sales tax permit) showing a place of business within the City limits.

C. A bid from a bidder meeting the criteria described in Subsection B of this Section shall be reduced by ten percent (10%). The maximum preference a bidder may be awarded pursuant to this Section and any other provision of law shall be ten percent (10%). However, in no case shall the maximum preference cost under this Section exceed ten thousand dollars (\$10,000) for any bid.

D. This Section shall not apply to bids for purchases made by the Director of Library Services pursuant to section 1801 of the City Charter or to purchases made pursuant to Section 1807 of the City Charter. This Section shall also not apply to bids for purchases funded by any tidelands fund, by any grant funds, and by any funds received from the state of California. This Section shall not apply to bids for public works, as that term

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is defined in Section 1720(a) of the California Labor Code.

Section 2. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of July 7, 2009 by the following vote:

Ayes: Councilmembers: Garcia, S. Lowenthal, O'Donnell,
Schipske, Andrews, Reyes Uranga,
Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.

Laylene
City Clerk

Approved: 7/14/09
(Date)

Bob Johnson
Mayor

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