

Moved by Council Member Bryant, seconded by Council Member Scherzer to adopt an ordinance introduced March 4, 2019, entitled and reading as follows, be taken up and enacted:

O-208

AN ORDINANCE TO AMEND §14.36, "PREFERENCE FOR LOCAL BIDDERS," OF CHAPTER 14, "FINANCE AND PURCHASING," OF TITLE I, "ADMINISTRATIVE CODE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw ordains:

Section 1. §14.36, "Preference for Local Bidders," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the City of Saginaw Code of Ordinances, O-204, is hereby amended to read as follows:

**14.36 PREFERENCE FOR LOCAL BIDDERS**

(A) (1) If the lowest bidder is not a Saginaw-based bidder, as defined above, any Saginaw-based bidder with a bid within 5% of the lowest bid shall be deemed the lowest bidder if it agrees to reduce its bid to match the bid of the lowest bidder. Such a bidder will remain bound to all other terms of their original bid.

(2) A lowered bid by a Saginaw-based business which is premised upon, in whole or in part, changes to or variances to the bid specifications, contract requirements, or scope of work, shall be considered non-responsive and will not be considered.

(B) If such a Saginaw-based business refuses to reduce its bid to match the lowest bid, then the next lowest responsive and responsible Saginaw-based business with a bid within 5% of the lowest bid shall be deemed the lowest bidder, if it agrees to reduce its bid to match the bid of the lowest bidder. Such a bidder will remain bound to all other terms of their original bid.

(C) If no responsive and responsible Saginaw-based businesses within 5% of the lowest bid agree to reduce their bids then the contract shall be awarded to the person or business with the lowest, most responsive, and responsible bid.

(D) In the event of a tie between two or more Saginaw-based businesses, where all other factors are equal, the award of the bid shall be by coin toss conducted by the Purchasing Officer or his or her designee.

(E) No contract awarded pursuant to this section shall be sublet in any manner that permits 50% or more of the dollar value of the contract to be performed by a

subcontractor or subcontractors who do not meet the definition of “Saginaw-based business”.

(F) The section shall not waive or constrain, in any manner, the right and prerogative of the city to reject any and all bids or proposals from any Saginaw-based business which fails to meet the requirements of any other division of this section, or to reject a bid which is in any way incomplete, irregular, not responsive or not responsible.

(G) Local preferences shall not be applied in cases of procurements funded, even in part, with federal dollars, unless such procurement is for architectural and engineering services. When contracting for architectural and engineering services, local preference may be a selection criterion provided its application leaves an appropriate number of qualified vendors, given the nature and size of the project, to complete the contract.

This ordinance shall become effective March 28, 2019.

Enacted: March 18, 2019.

Yeas: Eight  
Nays: None  
Absent: One  
Abstain: None

## ORDINANCE DECLARED ADOPTED

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Floyd Kloc  
Mayor

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Janet Santos, MMC  
City Clerk

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on March 18, 2019; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

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Janet Santos, MMC  
City Clerk