

## **CITY OF TALLAHASSEE CHARITABLE CONTRIBUTION PREFERENCES**

ORDINANCE NO. 06-0-47 AA  
AN ORDINANCE AMENDING THE GENERAL CODE OF  
THE CITY OF TALLAHASSEE, FLORIDA, ADDING  
SECTION 2-92 PROVIDING FOR A PREFERENCE IN  
PURCHASING AND CONTRACTING FOR COMPANIES  
MAKING CERTAIN LOCAL CHARITABLE  
CONTRIBUTIONS; PROVIDING FOR DEFINITIONS;  
PROVIDING FOR FINDINGS OF FACT; PROVIDING  
FOR EXCEPTIONS TO THE POLICY; PROVIDING FOR  
THE APPLICATION OF THE POLICY; PROVIDING FOR  
SEVERABILITY; PROVIDING FOR CONFLICTS; AND  
PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Tallahassee, Florida, as follows:

### **Section 1.**

Section 2-92 is hereby added to the General Code of the City of Tallahassee and shall read as follows:

#### Finding of Facts

The City annually spends significant amounts in purchasing personal property, materials, and contractual services in the construction and improvements to real property. The dollars used in making these purchases are derived in large part from taxes and fees imposed on local businesses and the City Commission has determined the funds generated in the community to the extent possible should be placed back into the local community to assist citizens of the City with critical needs for health and human services.

Therefore, the City Commission has determined it is in the best interest of the City and its citizens to give a preference to businesses in the award of contracts where the business has previously made donations to not for profit agencies contributing to the health and human service needs of the community.

#### Purpose

This policy has been developed to encourage businesses to donate funds to eligible local non-profit agencies that provide services beneficial to city residents.

### Scope and Applicability

This policy applies to all businesses interested in participating in the City of Tallahassee procurement activities. Eligible contributions are limited to firms that are shown as qualified organizations by the United Partners for Human Services. Qualified organizations are those organizations qualified with the U.S. Treasury as a 501C3 not for profit and which directly provide health or human services to residents of the Tallahassee Metropolitan Statistical Area. Eligible contributions can also be made directly to the United Way of Big Bend and the United Partners for Human Services. The referenced member list may also be found at [www.unitedpartnershs.org](http://www.unitedpartnershs.org). No charitable contribution credit shall be granted to a firm responding to a Request for Proposal which does not receive a minimum number of points for compliance with the applicable MBE / DBE policy provisions.

### Policy Statement

In the purchase or letting of contracts for procurement of personal property, materials, certain contractual services, and construction of improvements to real property or to existing structures, the City Commission or other purchasing authority, may give a preference to businesses that provide financial or in-kind contributions to any of the eligible human services agencies.

Exceptions. The preference set forth in this Article shall not apply to any of the following purchases or contracts:

1. Purchases or contracts with an estimated value of \$10,000.00 or less;
2. Contracts for the procurement of professional services that are subject to the Consultants Competitive Negotiation Act and/ or any other competitive consultant selection procedure adopted by the City Commission or City Manager, or any exceptional purchase exempted by law, rule, policy or procedure from the requirements for competitive solicitation;
3. Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; or
4. Purchases made or contracts let under emergency procurement situations as such are defined in the City's Procurement Policies and Procedures.

Procedures

All firms applying for procurement preference under this policy shall obtain a certified commitment letter from the eligible agency receiving the contribution. In-kind contributions must be accompanied by one quote from a third party vendor or the price listing published to customers to verify the value of the donation. Donations must be made within the previous 12 months prior to the opening date of the interested bid.

Preferences given under this policy shall adhere to the following:

Bid Levels	Donation	Bid Preference	RFP Bonus Points
\$10,000- \$25,000	\$1,000	5%	5 or 5% of Total
	\$800	4%	4 or 4%
	\$600	3%	3 or 3%
	\$400	2%	2 or 2%
	\$200	1%	1 or 1 %
\$25,001- \$50,000	\$2,500	5%	5 or 5% of Total
	\$2,000	4%	4 or 4%
	\$1,500	3%	3 or 3%
	\$1,000	2%	2 or 2%
	\$500	1%	1 or 1 %
\$50,001-\$100,000	\$5,000	5%	5 or 5% of Total
	\$4,000	4%	4 or 4%
	\$3,000	3%	3 or 3%
	\$2,000	2%	2 or 2%
	\$1,000	1%	1 or 1 %
\$100,001- \$250,000	\$10,000	5%	5 or 5% of Total
	\$8,000	4%	4 or 4%
	\$6,000	3%	3 or 3%
	\$4,000	2%	2 or 2%
	\$2,000	1%	1 or 1 %
\$250,000- \$500,000	\$25,000	3%	5 or 5% of Total
	\$20,000	2%	2 or 2%
	\$15,000	1%	1 or 1 %
Over \$500,000	\$50,000	2%	5 or 5% of Total

Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the City Commission or other purchasing authority.

Other procedures implementing this policy may be adopted by the City Manager in accordance with the adoption of this policy, and shall be contained in the City's Procurement Procedures Manual.

Administration

This policy shall be administered by the Department of Management and Administration.

Reviews

This policy shall be sunset to review five years after the effective date or amended date. If no action is taken to review the policy, it will automatically be continued for another five-year period. An annual review shall be provided to the City Commission starting one year after passage.

**Section 2.** Conflict With Other Ordinances and Codes.

All ordinances or parts of ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 3.** Severability.

If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

**Section 4.** Effective date.

This ordinance shall become effective immediately upon passage.

INTRODUCED in the City Commission on the 30<sup>th</sup> day of August, 2006.

PASSED by the City Commission on the 27<sup>th</sup> day of September, 2006.

ATTEST:

By: \_\_\_\_\_

Gary Herndon  
City Treasurer-Clerk

CITY OF TALLAHASSEE

By: \_\_\_\_\_

APPROVED AS TO FORM

By: \_\_\_\_\_

James R. English  
City Attorney