



City of North Port

ORDINANCE NO. 2020-23

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA TO ESTABLISH A BUY AMERICAN PREFERENCE, BY AMENDING SECTION 2-402 – DEFINITIONS AND CREATING SECTION 2-421 – BUY AMERICAN PREFERENCE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, President Donald J. Trump issued Executive Order 13788 on April 18, 2017 (Buy American and Hire American); Executive Order 13858 on January 31, 2019 (Strengthening Buy-American Preferences for Infrastructure Projects); and Executive Order 13881 on July 15, 2019, (Maximizing Use of American-Made Goods, Products and Materials), each reiterating the intent of the federal government to enforce the Buy American Act of 1933, 41 U.S.C. 83, to the greatest extent permitted by law; and

WHEREAS, the Buy American Act of 1933 only pertains to procurement involving public buildings of the federal government and certain United States territories; and

WHEREAS, the City Commission of the City of North Port desires to adopt a similar policy pertaining to the City's procurement and the expenditure of local public funds, as permitted by federal and state regulations, to create a local preference for City procurement of goods that are manufactured, assembled, or produced in the United States; and

WHEREAS, the City Commission finds that this policy promotes and strengthens state and national economic interests, and further promotes security, good government, and the general convenience of its citizens; and

WHEREAS, the City Commission intends that this policy not supplant other federal, state, and local laws to the extent that this policy would be inconsistent with certain mandates in federal and state law; and

WHEREAS, the City's procurement of goods and services are regulated by federal and state law and codified in Chapter 2, Article VIII, of the Code of the City of North Port, Florida; and

WHEREAS, the City Commission finds that these amendments serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION

2.01 The City Commission hereby approves and adopts the following amendments to the Code of the City of North Port, Florida:

2.02 Chapter 2, Article VIII, Section 2-402 of the Code of the City of North Port, Florida is hereby amended as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE VIII. – PROCUREMENT

...

Sec. 2-402. – Definitions.

For the purpose of this chapter, the following terms, phrases, words and their deviations shall have the meanings given herein:

Assembled. Fitted or joined parts together into a finished product.

...

Invitation to negotiate. A written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the city determines that negotiations may be necessary for the city to receive the best value.

Manufactured. Made or processed from raw materials into a finished product or turned-out in a mechanical manner.

...

Private entity means any natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other private business entity.

Produced. Created or made from raw materials.

...”

2.02 Chapter 2, Article VIII, Section 2-421 of the Code of the City of North Port, Florida is hereby created to read as follows:

“Chapter 2 – ADMINISTRATION

...

ARTICLE VIII. – PROCUREMENT

...

Sec. 2-421. – Buy American preference.

- (a) To the extent possible during the procurement of goods, preference should be given to those goods that are manufactured, assembled, or produced in the United States of America.
- (b) Exceptions. This preference does not apply to any of the following purchases or contracts:
 - (1) Goods provided under a cooperative purchasing agreement or piggyback;
 - (2) Purchases or contracts which are funded, in whole or in part, by another governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; and
 - (3) Purchases made or contracts let under emergency or noncompetitive situations exempt from competition.”

SECTION 3 – CONFLICTS

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 4 – SEVERABILITY

- 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5 – CODIFICATION

- 5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

- 6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session on the 14th day of July 2020.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, on the second and final reading in public session this 13th day of October 2020.

CITY OF NORTH PORT, FLORIDA

DEBBIE MCDOWELL
MAYOR

ATTEST

HEATHER TAYLOR, CMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON
CITY ATTORNEY