

## ORDINANCE NO. 22-\_\_

AN ORDINANCE PERTAINING TO FINANCE AND PURCHASING REQUIREMENTS; AMENDING SECTION 10-1-116, ARTICLE 10-1, CHAPTER 10, LAWTON CITY CODE, 2015; TO ALLOW IN CERTAIN CIRCUMSTANCES AND WITH LIMITATIONS A LOCAL VENDOR PREFERENCE WHEN AWARDING PUBLIC CONSTRUCTION CONTRACTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

### ORDINANCE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAWTON, OKLAHOMA:

**Section 1.** Section 10-1-116 is hereby amended to read as follows:

10-1-116 – Preference for in-state purchases – Preference for local vendors.

- A. The city is encouraged to make purchases from industries operated and items manufactured and sold in state, whenever practicable.
- B. For non-public construction contracts, the ~~The~~ city may give preference to local vendors who submitted responsive bids and whose bids are within five (5%) of the lowest responsive bidder who is not a local vendor. This preference shall not apply to public construction contracts.
- C. Notwithstanding Paragraph “E” of Section 10-1-101 of this Chapter, in awarding public construction contracts exceeding One Hundred Thousand Dollars (\$100,000.00) or construction management trade contracts or subcontracts exceeding Fifty Thousand Dollars (\$50,000.00), the city may provide for a local bid preference of not more than five percent (5%) of the bid price if the city determines that there is an economic benefit to the local area or economy. Provided, however, the local bidder or contractor must agree to perform the contract for the same price and terms as the bid proposed by the nonlocal bidder or contractor. Any bid preference granted hereunder must be in accordance with an established policy adopted by the governing body of the city to clearly demonstrate the economic benefit to the local area or economy. Provided, further, no local bid preference shall be granted unless the local bidding entity is the second lowest qualified bid on the contract. The bid specifications shall clearly state that the bid is subject to a local bidder preference law. For purposes of this paragraph, “local bid” means the bidding person is authorized to transact business in the City of Lawton and maintains a bona fide establishment within the Lawton municipal city limits for transacting such business within the City of Lawton. This provision does not apply to any construction contract for which federal funds are available for expenditure when its provisions may be in conflict with federal law or regulation. **No local preference shall be authorized**

**under this paragraph until a council policy is adopted setting forth the parameters “to clearly demonstrate the economic benefit to the local area or economy.”**

(99-14, Amended, 02/23/1999)

State law reference(s)—State public competitive bidding act, applicable to public improvements, 61 O.S. §103.

**Section 2. Severability Clause.** If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

**Section 3. Effective Date.** The provisions of this ordinance shall become effective thirty (30) days after its passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma this 11<sup>th</sup> day of January, 2022.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this \_\_\_\_ day of January, 2022.

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JOHN RATLIFF, CITY ATTORNEY

ORDINANCE NO. 2022-\_\_\_\_

AN ORDINANCE PERTAINING TO FINANCE AND PURCHASING REQUIREMENTS; AMENDING SECTION 10-1-116, ARTICLE 10-1, CHAPTER 10, LAWTON CITY CODE, 2015; TO ALLOW IN CERTAIN CIRCUMSTANCES AND WITH LIMITATIONS A LOCAL VENDOR PREFERENCE WHEN AWARDING PUBLIC CONSTRUCTION CONTRACTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

Brief Gist

This ordinance amends Section 10-1-116 in Article 10-1 of Chapter 10 of Lawton City Code, for the purpose of allowing in certain circumstances and with limitations a local vendor preference when awarding public construction contracts; and providing for severability. If approved, this ordinance will become effective thirty days after passage.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this \_\_\_\_ day of January, 2022.

\_\_\_\_\_  
STANLEY BOOKER, MAYOR

ATTEST:

\_\_\_\_\_  
TRACI HUSHBECK, CITY CLERK

(Published in The Lawton Constitution this \_\_\_\_ day of \_\_\_\_\_, 2022)