

CHAPTER 38: CITY POLICIES

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PURCHASING; LOCAL PREFERENCE

§ 38.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AVAILABLE LOCALLY. One or more local businesses is capable of furnishing supplies or services in a timely manner, in sufficient quantity and of a quality substantially the same as similar supplies or services available from a non-local business.

CITY. The city, its members and the agencies or departments of the government, but shall not include any other county or constitutional officers or their agencies.

LOCAL BUSINESS. A business which:

(1) Has an office or place of business located within the city or county;

(2) Is subject to the occupational license fee imposed by the city or the county and which filed an occupational license fee return in the name of the business for two years immediately preceding the year in which the contract is to be awarded; and/or

(3) Has been certified as a local business, pursuant to § 38.03.

NON-LOCAL BUSINESS. A business which is not a local business.
(‘70 Code, § 3.20.010) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.02 PREFERENCES.

(A) Regardless of which procurement procedure is used to obtain supplies and services for the city, preferences shall be given to local businesses, as provided in this section.

(1) If it is determined that supplies or services are to be purchased by noncompetitive negotiations, as that term is used in KRS 45A.380, and the supplies or services are available locally, the city shall enter into noncompetitive negotiations with a local business. A non-local business may be awarded a contract through noncompetitive negotiation only if no agreement can be reached with a local business or if the supplies or services required are not available locally.

(2) If supplies or services are purchased in an amount less than the amount specified in KRS 424.260, the supplies or services shall be purchased from a local business unless unavailable or the cost of the supplies or services exceeds by 5% or more the cost quoted by a non-local business.

(3) If supplies or services are to be purchased by competitive sealed bidding, as that term is used in KRS 45A.365, and the supplies or services are available locally, the bid price or cost quoted by each local business shall be reduced by 5% for the purpose of determining the lowest bid price. Nothing in this division shall be deemed to prohibit the awarding of contracts by the city on the basis of evaluated bid price, as that term is defined in KRS 45A.345.

(4) If supplies or services are to be purchased by competitive negotiation, as that term is used in KRS 45A.370, and the supplies or services are available locally, the offer price or cost quoted by each

local business shall be reduced by 5% for the purpose of evaluating which offer is most advantageous to the city. In addition, it shall be considered an advantageous factor that an offeror is a local business.

(B) If a contract is for services, and a bidder or offeror will use subcontractors to perform all or part of the work required under the contract, the bidder or offeror, in order to qualify for the 5% preference under this section, shall not subcontract more than 20% of the work to non-local businesses unless the services are not available locally.

(C) In the event no bids or offers are received from a non-local business on any solicitation or where the supplies or services are not available from a local business, then the preference established herein shall not apply. Preferences shall not be allowed where the supplies or services required are not available locally.

(D) Each invitation for bids or requests for proposals shall state explicitly that preferences shall be afforded local business in accordance with the provisions of this subchapter and shall require a local business to affirmatively request the preference in its bid or offer.
(‘70 Code, § 3.20.020) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.03 APPLICATION FOR CERTIFICATION AS A LOCAL BUSINESS.

(A) No business shall be considered a local business for the purposes of this unless the business shall have qualified with the city’s Purchasing Department as a local business, by making application to the purchasing agent of the city and receiving a local business number. The procedure for application and certification shall be as provided in this section.

(B) The purchasing agent shall prepare an application form for certification as a local business with the form requesting the information and proof as deemed necessary to qualify the applicant under the terms of this subchapter.

(C) A local business shall complete the application form and submit it to the purchasing agent, along with proof of a valid and current business license with either the city or the county occupational license office, prior to the awarding of any contract in which the local business desires to be given a preference.

(D) (1) The Purchasing Agent shall examine the application and if necessary may seek additional information or proof to assure that the business is entitled to the preference. If all is in order, the purchasing agent shall issue the local business a distinctive certification number, which shall be valid until revoked by the purchasing agent, and which, when used on bids and other purchasing documents, shall entitle the business to the preference.

(2) The local business shall be reevaluated annually to ensure that the business is maintaining qualification criteria.
(‘70 Code, § 3.20.030) (Ord. 10-98, 1998, passed 4-2-98)

§ 38.04 IMPLEMENTATION; ANNUAL REPORT.

(A) The Purchasing Agent shall prepare regulations or rules for the purpose of implementing the provisions of this subchapter which shall be submitted to the Board of Commissioners for approval. Unless disapproved by the Board of Commissioners, the regulations or rules shall automatically become effective 30 days after submission.

(B) The Purchasing Agent shall prepare and submit to the Board of Commissioners on an annual basis a report demonstrating the effect and cost of this chapter.
(‘70 Code, § 3.20.040) (Ord. 10-98, 1998, passed 4-2-98)

E-911 EMERGENCY TELEPHONE SERVICE**§ 38.15 SERVICE ESTABLISHED.**

There is hereby established a safety answering service to provide a single telephone number for enhanced emergency services within the city which service shall be known as E-911 and shall be located within the Emergency Dispatch Center hereinafter known as EDC.
(‘70 Code, § 9.52.010) (Ord. 3-91, 1991, passed 1-29-91)

§ 38.16 AGREEMENT.

(A) The Mayor is authorized to enter into an agreement with South Central Bell to provide for the construction, implementation and ongoing maintenance of E-911 within the city. The agreement shall be for a period of five years commencing February 1, 1991, and shall be automatically renewable upon the same terms and conditions unless prior to 30 days of the close of the five-year period either party notifies the other of its intention to modify and/or terminate the agreement.

(B) The agreement shall reflect the installation costs and the current tariffed recurring charges for E-911 service charged during the contract period.
(‘70 Code, § 9.52.020) (Ord. 3-91, 1991, passed 1-29-91)

§ 38.17 E-911 FEE.

There is hereby established a E-911 fee of \$1 per month for each exchange telephone subscriber which is levied as a special tax, license and/or fee to be paid by each exchange telephone subscriber in the city on an individual exchange line basis limited to a maximum of 25 exchange lines per account.
(‘70 Code, § 9.52.030) (Ord. 3-91, 1991, passed 1-29-91; Am. Ord. 13, 2001, passed 7-5-01)