

**BOARD BILL NO. 295CSAA      INTRODUCED BY ALDERMAN JEFFREY BOYD,  
ALDERMAN JOSEPH VACCARO, ALDERMAN TERRY KENNEDY, ALDERMAN  
CRAIG SCHMID, ALDERMAN SHANE COHN, ALDERWOMAN JENNIFER  
FLORIDA**

1            An Ordinance repealing Section One, part 86.040 of Ordinance 56716, pertaining to the  
2 opening of bids, codified as Section 5.58.040 of the Revised Code of the City of St. Louis, and  
3 enacting a new provision on the same subject matter which allows a local bidder to match the  
4 lowest bid when the lowest bid is from a non-local bidder; enacting a new provision on the same  
5 subject matter; containing severability clause.

6            **WHEREAS**, local businesses which seek to enter into contracts with the City of St.  
7 Louis are at a competitive disadvantage with businesses from other areas because of the higher  
8 administrative costs of doing business in the City;

9            **WHEREAS**, the City of St. Louis desires to encourage businesses to remain in the City  
10 and to relocate to the City;

11           **WHEREAS**, by enacting a local preference law that allows a local firm to match the  
12 lowest bid when its bid is within 2% percent of the lowest bid, the City hopes to encourage and  
13 stimulate local business.

14 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

15           **SECTION ONE.** Section One, part 86.040, Ordinance 56716 is hereby repealed.

16           **SECTION TWO.** Enacted in lieu thereof is the following new section.

17 5.58.040 - Opening of bids.

18           **A.** Proposals shall be opened at the time and place fixed by the advertisement, in the  
19 presence of such bidders as desire to be present, and shall be open to the inspection of bidders.

20           **B.** The bids shall not be materially modified or amended as to price, specification or  
21 otherwise, nor substitutions placed thereon, after opening except when the lowest bid is from a

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1 non-local bidder. When the lowest bid is from a non-local bidder, any local bidder within ~~two~~  
2 **five** percent of the lowest bid may match the lowest bid. If a local bidder matches the lowest bid,  
3 then the Supply Commissioner may select the bid from the local bidder. If more than one local  
4 bidder is within two percent of the lowest bid, then only the lowest local bidder may match the  
5 bid. In all other circumstances, modification, supplementation or amendment shall cause  
6 rejection of the bid. For purposes of this chapter, local bidder means a bidder whose principal  
7 place of business is within the City of St. Louis, has had a valid business license for at least one  
8 year, and is current in payment of local taxes. Principal place of business shall be defined as the  
9 business's physical office, plant, or site where a majority (51%) of the full-time employees, chief  
10 officer, and managers of the business regularly work and conduct business, or where the plant or  
11 office and equipment required for the furnishing of the goods or performance of the services  
12 provided to the City, as required by the contract, are physically located in the City of St. Louis  
13 for at least one taxable year immediately prior to the date of the bid.

14 **C.** Bids may be for one or more or all the articles advertised for, but there shall be a  
15 specific bid on each article. The award may be made to the lowest bidder for any article, or to the  
16 lowest bidder for the entire requisition or any part thereof, but the Board of Standardization may  
17 reject any or all bids or any part of any bid.

18 **SECTION THREE. Severability.**

19 The provisions of this section are severable. If any provision of this ordinance is declared  
20 invalid, that invalidity shall not affect other provisions of the ordinance which can be given  
21 effect without the invalid provision.

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