

ARTICLE IX. PURCHASING AND MINORITY/WOMEN BUSINESS ENTERPRISE PARTICIPATION PROGRAM POLICY

Sec. 2-400. - Local preference in purchasing and contracting.

(a) *Preference in bidding.* In purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures in which pricing is the major consideration, the county may give a preference to local businesses in making such purchase or awarding such contract, as follows:

- (1) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of five percent of the bid price.
- (2) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of three percent of the bid price.

The maximum cost differential shall not exceed \$20,000.00. Total bid price shall include the base bid and all alternatives or options to the base bids which are part of the bid and being recommended for award by the appropriate authority.

(b) *Preference in requests for proposals.* In the purchasing of, or letting of contracts for procurement of, personal property, materials, contractual services, and construction of improvements to real property or existing structures for which a request for proposals is developed with evaluation criteria, a local preference of the total score may be assigned for a local preference, as follows:

- (1) Individuals or firms which have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of five percent.
- (2) Individuals or firms which do not have a home office located within Leon, Gadsden, Wakulla, or Jefferson County, and which meet all of the criteria for a local business as set forth in this article, shall be given a preference in the amount of three percent.

(c) *Notice.* Both bid documents and request for proposal documents shall include notice to vendors of the local preference policy.

(d) *Local business definition.* For purposes of this section, "local business" shall mean a business which:

- (1) Has had a fixed office or distribution point located in and having a street address within Leon, Gadsden, Wakulla, or Jefferson County for at least six months immediately prior to the issuance of the request for competitive bids or request for proposals by the county; and
- (2) Holds any business license required by Leon County, and, if applicable, the City of Tallahassee; and

(3) Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venturer submitting an offer in conjunction with other businesses.

(e) *Certification.* Any vendor claiming to be a local business as defined by subsection 2-400(d) above, shall so certify in writing to the purchasing division. The certification shall provide all necessary information to meet the requirements of subsection 2-400(d) above. The purchasing agent shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a "local business."

(f) *Preference in bidding for construction services.* Except where otherwise provided by federal or state law or other funding source restrictions, in the purchasing of, or letting of contracts for procurement of construction services for improvements to real property or existing structures, limited to projects estimated to exceed \$250,000.00, the county may give preference to local business in the following manner:

(1) Under a competitive bid solicitation, when the lowest responsive and responsible bid is submitted by an individual or firm that is not a local business, then the local business that submitted the lowest responsive and responsible bid shall be offered the opportunity to perform the work at the lowest bid amount, if that local business's bid was not greater than 110 percent of the lowest responsive and responsible bid amount.

(2) All contractual awards issued in accordance with the provisions of this subsection 2-400(f) shall contain aspirational trade contractor work targets, based on market and economic factors, of 85 percent as follows: The successful individuals or firms shall agree to engage not less than 85 percent of the dollar value of trade contractor work with local businesses unless the successful individuals or firms prove to the county's satisfaction, that the trade contractor work is not available locally within the Leon, Gadsden, Wakulla or Jefferson County area. The term trade contractor shall mean a subcontractor who contracts with the prime contractor and whose primary activity is performing specific activities (e.g., pouring concrete, masonry, site preparation, framing, carpentry, dry wall installation, electrical, plumbing, painting) in a construction project but is not responsible for the entire project.

(3) This subparagraph 2-400(f) shall sunset and stand repealed on January 1, 2013 unless reviewed and saved from repeal through reenactment by the board.

(g) *Waiver.* The application of local preference to a particular purchase, contract, or category of contracts for which the county is the awarding authority may be waived upon written recommendation of the county administrator and approval of the board. The application of local preference to a particular purchase, contract, or category of contracts below the award authority of the board may be waived upon written recommendation of the director of purchasing and approval of the county administrator.

(Ord. No. 02-02, § 1, 3-26-02; Ord. No. 03-32, § 1, 10-14-03; Ord. No. 05-21, § 1, 7-12-05; Ord. No. 09-40, § 1, 12-8-09)

[Local Vendor Certification](#)