

CHAPTER 5: PURCHASING RULES

10. Local Preference for Local Businesses (*Resolution No. 18/19-2*).

- a. Purpose. The Board intends to purchase Goods and Services of quality at the lowest possible cost through widespread competition. If all other considerations are equal, however, the Board prefers to purchase within Clay County from established Local Businesses. A preference to Local Businesses in purchasing decisions provides support and growing opportunities to the local economy. When local governments spend their money with locally owned Businesses, those Businesses in turn rely on and generate local supply chains, creating an “economic multiplier” effect. Each additional dollar that circulates locally boosts local economic activity, employment, and, ultimately, tax revenue.
- b. Applicability. A Local Preference shall apply to a qualifying “Local Business” that submits a Local Business Affidavit of Eligibility along with its Bid or written Quote.
 - i. To qualify as a Local Business, a Business must either 1) maintain a permanent place of business with full-time employees within Clay County for a minimum of twelve (12) months prior to the date Bids or Quotes were received for the purchase or Contract at issue and provide from such permanent place of business the kinds of Goods or Services requested; or 2) utilize for at least forty percent (40%) of the requested work local Clay County subcontractors or suppliers, meaning subcontractors or suppliers which maintain a permanent place of business with full-time employees within Clay County for a minimum of twelve (12) months prior to the date Bids or Quotes were received for the purchase or Contract at issue and provide from such permanent place of business the kinds of Goods or Services requested.
 - ii. The Local Business Affidavit of Eligibility to be submitted with a Bid or Quote shall include, but not be limited to, the following current information to verify local status:
 - A physical business and location address in Clay County;
 - Proof of payment of business license, Lease Agreement, and/or real property tax due to Clay County;
 - A copy of the business’s most recent annual corporation report to the Florida Division of Corporations; and
 - Any additional information necessary to verify local status.
 - iii. The Purchasing Director shall have the sole discretion to determine if a person or business entity qualifies as a Local Business. Such decision shall not be disputed nor protested.
- c. Preference.
 - i. Bids/ Written Quotes. For purchases secured through competitive Bids or written Quotes, a Local Preference will be given to a Local Business when its Bid or written

Quote is the lowest Responsive and Responsible local Bid and it is within five percent (5%) of and does not exceed by more than \$250,000 the lowest Responsive and Responsible Bid or written Quote submitted by a non-Local Business. The Local Business will be entitled to match or beat the lowest Bid or written Quote submitted by the non-Local Business and then be considered the lowest, best Bidder. The Purchasing Department will notify the Responsive and Responsible lowest Local Business that they have forty-eight (48) business hours to re-submit a Bid or written Quote that matches or beats the low Bid or written Quote by the non-Local Business. If the lowest Local Business fails to respond as required confirming its ability to match or beat the lowest Bid or written Quote submitted, then award shall be made to the lowest Responsive and Responsible Bid or written Quote submitted by the non-Local Business.

- ii. Proposals. For purchases secured through competitive Request for Proposals where price is not the only consideration, five (5) points preference will be applied to the total individual Evaluation Committee member's score.
- d. The preference established for a Local Business in no way prohibits the right of the Board to award Bids, Quotes, or Proposals which would be in the Best Interest of the County or reject any and all Bids, Quotes, or Proposals. As such, the Board reserves the exclusive right to compare, contrast and otherwise evaluate the qualifications, character, responsibility and financial qualifications of all persons, firms, partnerships, companies or corporations submitting Bids, Quotes, or Proposals in response to any purchase of Goods and Services when making an award in the Best Interests of the County.
- e. Exemptions.
 - i. Purchases resulting from exigent emergency conditions where any delay in completion or performance would jeopardize public health, safety, or welfare of the citizens of the County, or where in the judgment of the County the operational effectiveness or a significant County function would be seriously threatened if a purchase was not made expeditiously.
 - ii. Purchases with any sole source supplier for Goods or Services.
 - iii. Purchases made through cooperative purchasing arrangements.
 - iv. Subcontractor consideration does not apply if the written Quotes or Request for Bids requirements do not authorize utilization of subcontractors.
 - v. Purchases that are funded in whole or in part by assistance from any federal, state, or local agency where the program guidelines do not permit Local Preference.
 - vi. Contracts for Professional Services subject to Florida Statutes, Section 287.055 the Consultants' Competitive Negotiation Act (except as already provided for in County approved Evaluation Criteria).