



POLICY 6.147

5-C I recommend the Board approve development of the proposed **new** Policy 6.147, entitled "Preference for Local Vendor."

[Contact: Michelle Andrewin, PX 48508 or Sharon Swan, PX 48214.]

Development

CONSENT ITEM

- This is a new policy regarding preferences for local vendors. The School Board requested a policy on preferences for local vendors be created.
- This policy provides preferences, in the form of either a price preference or awarding of points during a formal competitive procurement process for any goods, services or construction projects, to businesses that are located in Palm Beach County or in the Glades area.
- Purchases exempted from this Policy include co-operative competitions by Purchasing Consortiums (unless co-operative agrees to apply this Policy), goods or services exempted by statute as reflected in Policy 6.14, or prohibited by Federal or State law, or other funding source restrictions, and any other purchases not specifically referenced in this Policy.
- Reciprocity with Miami-Dade, Broward, Martin, or Hendry county School Boards and/or County governmental agencies is included in this Policy should those entities extend their local preferences to Palm Beach County businesses and such local preferences are consistent with the School Board's certification requirements. Note: Currently there are no School Districts or other County governmental agency that qualify for reciprocity under this Policy.
- This Policy contains a provision indicating that the program will be evaluated prior to June 30, 2015 for its effectiveness and necessity.

POLICY 6.147

PREFERENCE FOR LOCAL VENDOR

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3 1. **Purpose**

4 To give local preference to businesses located in Palm Beach County, Florida,
5 when evaluating the lowest responsible, responsive bid or submittal for the
6 purchase of goods and services, professional and construction-related services.

7 2. **Local Vendor/Glades Vendor Preference**

8 In a formal competitive procurement process for any goods, services or
9 construction project, businesses that are certified as local vendors or as local
10 “Glades” vendors by the School District will be given a preference as outlined in
11 this Policy, consistent with Federal law, Florida law and AGO opinions.

12 a. **Certification.** Vendors interested in receiving local vendor certification status
13 shall register with the Office of Diversity in Business Practices (ODBP), subject
14 to the following criteria:

15 i. To be certified by the School District of Palm Beach County, Florida as a
16 Palm Beach County local vendor, the company must have a permanent
17 place of business within the county and hold a local business tax receipt
18 issued by Palm Beach County Tax Collector that authorizes the bidder or
19 proposer to provide the goods, services, or construction to be purchased
20 and which such certificate is issued prior to the opening of the competitive
21 solicitation for which a preference is sought. . . If the vendor is a joint
22 venture/partnership, it is sufficient for qualification as a local business if at
23 least one (1) of the joint ventures/partners meets the requirements set
24 forth in this subsection.

25 ii. To be certified by the School District of Palm Beach County, Florida as a
26 Palm Beach County local “Glades” vendor, the company must have a
27 permanent place of business within the area from the Broward County
28 line north along Canal L-36 to the Loxahatchee National Wildlife Refuge,
29 thence north to Southern Boulevard along Canal L-40, thence west along
30 Southern Boulevard to a north-south line 1 ½ miles west of Canal L-8,
31 which coincides with a private agricultural road heading north from
32 Southern Boulevard at that point where State Road 880 intersects
33 Southern Boulevard from the South, thence north along the line of this
34 north-south road to the boundary of the J.W. Corbett Wildlife
35 Management Area, thence east and north along the boundary of the J.W.
36 Corbett Wildlife Management Area to the Martin County Line and hold a
37 business tax receipt issued by the county that authorizes the bidder or

38 proposer to provide the goods, services, or construction to be purchased
39 and which such certificate is issued prior to the opening of the competitive
40 solicitation for which a preference is sought. If the business is a joint
41 venture/partnership, it is sufficient for qualification as a local "Glades"
42 business if at least one (1) of the joint ventures/partners meets the test
43 set forth in this subsection.

44 iii. Permanent place of business means permanent office which is located
45 within the Palm Beach County or within the "Glades" area defined above
46 for a period of no less than one (1) year. A post office box or location at a
47 postal service center shall not constitute a permanent place of business.

48 b. **Application of the preference for local vendors.** Except where otherwise
49 provided by federal or state law or other funding source restrictions, purchases
50 shall give preference to the local businesses in the following manner:

51 i. In the event the lowest responsive, responsible bidder in an Invitation to
52 Bid for the procurement of goods, services or construction projects is a
53 non-local business, the bids of all the responsive, responsible certified
54 local vendors may be adjusted downward by five (5) percent, solely for
55 the purpose of the determining bid award. In no event, however, shall the
56 application of this adjustment change the actual bid amount. This
57 procedure shall not apply in an award when its application would result in
58 an award which exceeds the otherwise lowest responsive, responsible bid
59 by an amount of fifty thousand dollars (\$50,000) or more.

60 ii. All competitive solicitations using a scoring methodology such as
61 Requests for Proposals will include five (5) percent of the overall points
62 possible, rounded up if necessary to make a whole point, for proposers
63 who are certified as a local vendor at the time of the proposal opening.
64 Partial credit may be offered for proposers who agree to sub-contract with
65 a vendor who is certified as a local vendor at the time of proposal
66 opening.

67 iii. Procedures for Construction Managers to use to solicit bids on the School
68 Board's behalf shall also include local vendor preference in accordance
69 with this policy.

70 iv. For any goods or services to be utilized exclusively in the Glades and for
71 any construction project located in the Glades, the preference may be for
72 vendors who are certified as local "Glades" vendors only.

73 v. Vendors which qualify for more than one preference type identified in a
74 competitive solicitation, shall receive the maximum advantage for each
75 category of preference as these preferences will generally be cumulative
76 except as specifically identified in the solicitation.

77 3. **Exemption of certain contracts**

78 Co-operative competitions by Purchasing Consortiums, shall be exempt from local
79 vendor preference unless all participants in the co-operative agree to apply this
80 local vendor preference policy. Further, these solicitations shall not require Local
81 Vendor utilization. All purchases that are not specifically referenced herein are
82 exempt from this Policy. Additionally, the Local Vendor Preference does not apply
83 to goods or services exempted by statute as reflected in Policy 6.14, or prohibited
84 by Federal or State law, or other funding source restrictions.

85 4. **Waiver**

86 The application of local vendor preference to a particular purchase, contract or
87 category of contracts for which the School Board is awarding may be waived by
88 approval from the Superintendent and his/her designee(s) Board or their designee.

89 5. **No limitation of Rights**

90 The provisions of this policy shall in no way limit the right of the School Board or
91 their designees to compare the quality of the goods and/or services proposed for
92 purchase and the qualifications, character, responsibility and fitness of any person
93 or entity submitting bids or proposals or to make an award it deems to be in the
94 best interest of the District.

95 6. **Reciprocity**

96 Should Miami-Dade, Broward, Martin, or Hendry county School Boards and/or
97 County governmental agencies extend their local preferences to Palm Beach
98 County businesses and such local preferences are consistent with the School
99 Board's certification requirements, the preference for local businesses set forth
100 herein may be made available to those businesses whose permanent place of
101 business are within said counties and otherwise meet our local vendor criteria.
102 Additionally, vendors from these counties may be certified as a Palm Beach County
103 local vendor if they are first certified as a local vendor by the School Board in the
104 county from which that vendor resides. In order to obtain a preference as outlined
105 in this Policy, all vendors must be certified as a local vendor or Glades Vendor by
106 the ODBP on or before the time that the vendor submits a bid, proposal or other
107 response to solicitation

108 7. **Relation to Policies 6.14, 6.142, 6.143, 7.051, and 7.10**

109 This policy shall be applied in conjunction with Board Policy 6.14, Purchasing
110 Department; Policy 6.142 Diversity in Business Practices, 6.143 Diversity and
111 Equitable Utilization in Business, 7.051 Architects or Engineers, Appointment of,
112 and 7.10 Construction Bid Procedures.

113 8. **Evaluation/Sunset**

114 The preference for local vendor program will be evaluated, by the Director of the
115 ODBP prior to June 30, 2015, for the purpose of assessing its effectiveness and
116 necessity. If the Superintendent determines that the program should continue,
117 then he/she will make an appropriate recommendation to the School Board,
118 otherwise the program will Sunset on June 30, 2015.

119 STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42(23)

120 LAWS IMPLEMENTED: Fla. Stat. §§ 1001.41(2); 1001.42(23)

121 HISTORY: __/__/2012

Legal Signoff:

The Legal Department has reviewed proposed Policy 6.147 and finds it legally sufficient for development by the Board.

Attorney

Date