

PROPOSED POLICY 6.143

5-E I recommend the Board approve the proposed new Policy 6.143, to be entitled "Preference for Local Vendors."

[Contact: Sharon Swan, 434-8214; or Bill Malone, 434-8510.]

◆ Development

CONSENT ITEM

PROPOSED NEW POLICY 6.143

PREFERENCE FOR LOCAL VENDORS

- 1 1. **Local Preference Policy.**-- In a competitive procurement process other than
2 construction procurement, businesses that are certified as local vendors will be given a
3 preference as outlined in this Policy, consistent with Florida law and AGO 2001-65.
- 4 2. **Relation to Policies 6.14 and 6.142.**-- This Policy shall be applied in conjunction
5 with Board Policy 6.14, "Purchasing Department" and Policy 6.142, "Diversity in
6 Business Practices" for the procurement of goods and services.
- 7 3. **Certification.**-- Vendors interested in receiving local certification status shall register
8 with the Office of Diversity in Business Practices, subject to the following criteria:
 - 9 a. To be certified as a Palm Beach County local vendor, the company headquarters
10 must be located in Palm Beach County.
 - 11 b. To be certified as local to a bordering county, the company headquarters must be
12 located within that bordering county.
 - 13 c. To be certified as local to Florida, the company headquarters must be located
14 within the boundaries of the State of Florida, other than Palm Beach County or a
15 bordering county.
- 16 4. **Application of the Preference**
 - 17 a. **Invitation to Bid.**-- In a competitive procurement using an Invitation to Bid (ITB)
18 process, vendors who are certified by the District as a local vendor shall receive
19 the following preferences when evaluating the lowest and best bid:
 - 20 i. a five percent (5%) preference for firms certified as local to Palm Beach
21 County.
 - 22 ii. a four percent (4%) preference for firms certified as local to a county
23 bordering Palm Beach county.
 - 24 iii. a two percent (2%) preference for firms certified as local to Florida.
 - 25 b. **Request for Proposals.**-- In a competitive procurement process using a Request
26 for Proposals (RFP), "Location of Business" will be a category in the evaluation
27 process, ranging in point value from zero percent (0%) to five percent (5%) of the

- 28 overall points possible.
- 29 i. Proposers certified as local shall receive points in the "Location of Business"
30 category as follows:
- 31 A. vendors who are certified as a Palm Beach County local vendor shall
32 receive points equivalent to five percent (5%) of the overall points
33 possible.
- 34 B. vendors certified as local to a bordering county shall receive points
35 equivalent to four percent (4%) of the overall points possible.
- 36 C. vendors certified as local to Florida shall receive points equivalent to
37 two percent (2%) of the overall points possible.
- 38 ii. Vendors not certified as local to Palm Beach County, a bordering county, or
39 Florida, will not receive any points in the "Location of Business" category;
40 provided, however, that partial points may be awarded if a non-local vendor
41 sub-contracts with a certified local vendor for part of the engagement.
- 42 5. **Priority Sequence for Tied Results.**— When a tie exists in a competitive procurement
43 process, priority for award shall be given in the following sequence:
- 44 a. a vendor which certifies that it has implemented a drug-free work place program
45 shall be given preference in accordance with the provisions of § 287.087, Fla.
46 Stat.
- 47 b. a vendor that is 1) certified a local vendor by the District; 2) certified as a
48 minority/women business enterprise (M/WBE) firm by the District or the State of
49 Florida; and 3) a small business as defined by the Small Business Administration.
- 50 c. a vendor that is both 1) certified as a local vendor by the District and 2) certified
51 as a minority/women business enterprise (M/WBE) firm by the District or the State
52 of Florida.
- 53 d. a vendor certified as local to Palm Beach County.
- 54 e. a vendor certified as local to a county that borders Palm Beach County.
- 55 f. a vendor certified as local to Florida.
- 56 g. a vendor certified as a minority/women business enterprise (M/WBE) firm by the

57 District or the State of Florida.

58 6. **Alternate Method for Resolving a Tie.**-- If the application of the criteria in Section (5)
59 does not indicate a priority for award when the results are tied, the award shall be
60 decided as follows:

61 a. Tied bids will be decided by a coin toss. The coin toss shall be held in the
62 Purchasing Department, with the tied low-bid vendors invited to be present as
63 witnesses.

64 b. Tied proposals will be decided by the lowest price.

65 7. **Utilization for Non-Competitive Procurement.**-- All schools and departments will be
66 encouraged to utilize local vendors on all non-competitive procurement, when
67 possible.

68 8. **Exception to Application.**-- The preference system set forth in this Policy does not
69 apply to construction procurement. For purposes of this Policy, the term
70 "construction procurement" refers to procurement of design professionals and other
71 professionals used in construction-related fields as well as all procurement for new
72 school and major modernization construction projects with a budget of two hundred
73 thousand dollars (\$200,000) or more.

74 STATUTORY AUTHORITY: §§ 230.22(2); 230.23005(2), Fla. Stat.

75 LAW(S) IMPLEMENTED: §§ 230.22(1); 230.23005(2)(a); 235.31, Fla. Stat.

76 ATTORNEY GENERAL

77 OPINION CITED: 2001-65

78 HISTORY: / /2002

Legal Signoff:

The Legal Department has reviewed proposed new Policy 6.143 and finds it legally sufficient for development by the Board.

Attorney

Date