

Highlands County Board of County Commissioners
Purchasing Division
Local Preference Policy

A. Policy

It shall be the policy of the Board that entities located in Highlands County shall be given preference in the procurement process, unless otherwise prohibited or waived by the County Administrator.

B. Definition

The term Highlands County Entity means any business:

1. Having a physical location within the boundaries of Highlands County for at least twelve (12) months immediately prior to the issuance of the request for Quotes, Bids or Proposals by the County; and
2. Holding any business licenses required by the County, and/or, the municipalities, if applicable; and
3. Employing at least one (1) full time Employee, or two (2) part-time Employees whose primary residence is in Highlands County, or, if the business has no Employees, the business shall be at least fifty (50) percent owned by one (1) or more persons whose primary residence is in Highlands County.

C. Notice

Any procurement for purchases \$50,000.01 or more by the County to which the provisions of this Section are being applied shall contain a statement that a local preference will be used in the evaluation and award of that purchase.

For County purchases \$50,000.00 or less, it is the Vendor's responsibility to request Local Preference by submitting a completed Local Preference Affidavit with its quotation.

D. Preference for Quotes and in Bidding (ITB)s

The local preference policy shall be implemented in the following manner:

1. When Formal Written Quotes (more than \$7,500 and less than \$50,000.01) are received, and the lowest price is offered by an entity located outside of Highlands County, and a price is offered by a Highlands County Entity, and it is within five (5) percent of the lowest price offered, then the Highlands County Entity shall be given the opportunity to match the lowest price offered. If the Highlands County Entity agrees to match the lowest price is reached, the Highlands County Entity will be awarded the Quote if the Highlands County Entity is otherwise fully qualified and meets all Board requirements.
2. When sealed Bids are received that do not exceed \$250,000.00 and the lowest price is offered by an entity located outside of Highlands County, and a price is offered by a Highlands County Entity, and it is within five (5) percent of the lowest price offered, then the Highlands County Entity shall be given the opportunity to match the lowest price

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offered. If the Highlands County Entity agrees to match the lowest price is reached, the Highlands County Entity will be awarded the Bid if the Highlands County Entity is otherwise fully qualified and meets all Board requirements.

3. When sealed Bids are received that are more than \$250,000.00 but do not exceed \$1,000,000.00, and the lowest price is offered by an entity located outside of Highlands County, and a price is offered by a Highlands County Entity and it is within four (4) percent of the lowest price offered, then the Highlands County Entity shall be given the opportunity to match the lowest price offered. If the Highlands County Entity agrees to match lowest price is reached, the Highlands County Entity will be awarded the Bid if the Highlands County Entity is otherwise fully qualified and meets all Board requirements.
4. When sealed Bids are received that are more than \$1,000,000.00 but do not exceed \$2,000,000.00, and the lowest price is offered by an entity located outside of Highlands County, and a price is offered by a Highlands County Entity and it is within three (3) of a percent of the lowest price offered, then the Highlands County Entity shall be given the opportunity to match the lowest price offered. If the Highlands County Entity agrees to match the lowest price is reached, the Highlands County Entity will be awarded the Bid if the Highlands County Entity is otherwise fully qualified and meets all Board requirements.
5. When sealed Bids are received that are more than \$2,000,000.00, and the lowest price is offered by an entity located outside of Highlands County, and a price is offered by a Highlands County Entity and it is within two (2) of a percent of the lowest price offered, then the Highlands County Entity shall be given the opportunity to match the lowest price offered. If the Highlands County Entity agrees to match the lowest price is reached, the Highlands County Entity will be awarded the Bid if the Highlands County Entity is otherwise fully qualified and meets all Board requirements.
6. If more than one Highlands County Entities earn the opportunity to match the lowest price offered by an entity located outside of Highlands County, the Highlands County Entity with the next lowest price will be given the opportunity to match the lowest price first, and then the second closest price and so on.
7. For all instances in 1 through 6 above, where there are two Highlands County Entity's where their original prices offered are tied as the second lowest, and they have both agreed to match the lowest price offered, they will be given the opportunity to submit a second sealed bid within a seven-day deadline, which will be opened in a publicly noticed meeting.

E. Preference in Proposals (Request for Proposals)

For procurement in which a Request for Proposals is developed with evaluation criteria, a local preference of not more than five (5) percent of the total score will be assigned. The percentage that will be assigned for local preference will be established prior to the issuance of the Request for Proposals and will be included in the evaluation criteria.

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F. Affidavit of Certification

1. Any vendor claiming to be a Highlands County Entity shall deliver a written affidavit to the Purchasing Division. The affidavit shall certify, that the business meets the definition of a Highlands County Entity, shall provide all necessary information establishing that fact, and shall be signed under penalties of perjury.
2. It is the responsibility of any vendor claiming to be a Highlands County Entity to include a copy of its affidavit with its Quote, Bid or Proposal.
3. The Purchasing Division shall verify the accuracy of any such affidavit when determining whether a vendor meets the definition of a Highlands County Entity.

G. Exceptions to Local Preference Policy

1. The procurement preference set forth in this policy shall not apply to any of the following:
 - a. Purchases or contracts which are funded, in whole or part, by assistance of any federal, state or local agency that disallows local preference.
 - b. Purchases or contracts that are funded, in whole or part, by a governmental entity and the laws, regulations or policies governing such funding prohibit application of local preference.
 - c. Goods or services purchased under a cooperative purchasing agreement, state contract or interlocal agreement.
 - d. Contracts for professional services, procurement of which is subject to the Consultants' Competitive Negotiation Act (CCNA) or subject to any competitive consultant selection policy or procedure adopted or utilized by the Board of County Commissioners.
 - e. Purchases made or contracts let under emergency situations or for litigation related legal services.
2. Application of local preference to a particular purchase may be waived upon written justification to and approval by the County Administrator.
3. The local preference established in this policy does not prohibit or lessen the right of the Board of County Commissioners or Purchasing staff to compare quality or fitness for use of supplies, materials, equipment, and services proposed for purchase and to compare qualifications, character, responsibility, and fitness of all persons and entities submitting Quotes, Bids or Proposals.

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4. The local preference established in this policy does not prohibit the Board of County Commissioners from giving any other preference permitted by law, in addition to the local preference authorized in this policy.