

Highlands County Board of County Commissioners
Purchasing Division
Women / Minority Business Enterprises Vendor Preference Policy

A. Policy

It shall be the policy of the Board that W/MBE's may be given preference in the procurement process, after local vendors were given preference, unless otherwise prohibited or waived by the County Administrator.

B. 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 vendor 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 W/MBE Preference by submitting a copy of its certificate with its quotation.

C. Preference for Quotes and in Bidding (Invitations to Bid)

The vendor 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 a non-women or non-minority business enterprise located outside of Highlands County, and the next lowest price is offered by a women or minority business enterprise that is within five (5) percent of the lowest price offered, then the women or minority business enterprise shall be given the opportunity to match the lowest price offered. If the W/MBE Vendor agrees to match the lowest price is reached, the W/MBE Vendor will be awarded the Quote if the W/MBE Vendor 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 a non-women or non-minority business enterprise located outside of Highlands County, and the next lowest price is offered by a women or minority business enterprise that is within five (5) percent of the lowest price offered, then the women or minority business enterprise shall be given the opportunity to match the lowest price offered. If the W/MBE Vendor agrees to match the lowest price is reached, the W/MBE Vendor will be awarded the Quote if the W/MBE Vendor 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 a non-women or non-minority business enterprise located outside of Highlands County, and the next lowest price is offered by a women or minority business enterprise that is within four (4) percent of the lowest price offered, then the women or minority business enterprise shall be given the opportunity to match the lowest price offered. If the W/MBE Vendor agrees to match the lowest price is

Highlands County Board of County Commissioners
Purchasing Division
Women / Minority Business Enterprises Vendor Preference Policy

reached, the W/MBE Vendor will be awarded the Quote if the W/MBE Vendor 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 a non-women or non-minority business enterprise located outside of Highlands County, and the next lowest price is offered by a women or minority business enterprise that is within three (3) percent of the lowest price offered, then the women or minority business enterprise shall be given the opportunity to match the lowest price offered. If the W/MBE Vendor agrees to match the lowest price is reached, the W/MBE Vendor will be awarded the Quote if the W/MBE Vendor 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 a non-women or non-minority business enterprise located outside of Highlands County, and the next lowest price is offered by a women or minority business enterprise that is within two (2) percent of the lowest price offered, then the women or minority business enterprise shall be given the opportunity to match the lowest price offered. If the W/MBE Vendor agrees to match the lowest price is reached, the W/MBE Vendor will be awarded the Quote if the W/MBE Vendor is otherwise fully qualified and meets all Board requirements.
6. If more than one W/MBE Vendor earn the opportunity to match the lowest price offered by a non-W/MBE Vendor, the W/MBE Vendor 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 W/MBE Vendors, 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.

D. Preference in Proposals (Request for Proposals)

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

E. Certification

1. Any vendor claiming to be a W/MBE shall deliver adequate certification to the Purchasing Division (refer to Section 7).
2. It is the responsibility of any vendor claiming to be a W/MBE to include a copy of its certification with its Quote, Bid or Proposal.

Highlands County Board of County Commissioners
Purchasing Division
Women / Minority Business Enterprises Vendor Preference Policy

3. The Purchasing Division shall verify the accuracy of any such certifications when determining whether a vendor meets the definition of a W/MBE.

F. Exceptions to W/MBE Vendor 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, which disallows a W/MBE vendor preference.
 - b. Purchases or contracts which are funded, in whole or part, by a governmental entity and the laws, regulations or policies governing such funding prohibit application of such 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 the W/MBE vendor preference to a particular purchase may be waived upon written justification to and approval by the County Administrator.
3. The W/MBE vendor 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.
4. The W/MBE vendor 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 W/MBE vendor preference authorized in this policy.
5. This policy in no way supersedes the Local Preference Policy.