

LUMPKIN COUNTY RESOLUTION NO. 2013 – 74

RESOLUTION TO ADOPT

A

LOCAL VENDOR PREFERENCE POLICY

Whereas, the Board of Commissioners of Lumpkin County, after research and consideration of the policies of other counties in Georgia, and after receiving an analysis from the Purchasing Department, has observed that a policy to provide for a local business initiative to provide a limited local preference in contracting has in other counties resulted in a boost to local economic activity, employment, and ultimately tax revenue; and,

Whereas, it has been determined that such a policy shall be adopted for the benefit of Lumpkin County, with such rules and specific requirements as provided therein;

Now, therefore, be it resolved that the Local Vendor Preference Policy attached hereto as Exhibit “A,” which is by such reference fully incorporated herein, is hereby adopted; and,

Is is further resolved that the Municipal Code Corporation shall be directed to incorporate said policy into The Code of Ordinances of Lumpkin County Georgia.

Resolved, adopted and effective this 19th day of November, 2013.

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C. Walker
Clerk, Lumpkin County

LOCAL VENDOR PREFERENCE POLICY

Section 1. Purpose

The Lumpkin County Board of Commissioners hereby establishes a Local Vendor Preference Policy in recognition of the vital contribution made by local businesses by providing employment, and contributing to the local tax base. Departments are encouraged to use local vendors whenever possible. However, the County has an obligation to the taxpayers to use financial resources wisely and cannot always utilize local vendors.

Section 2. Definitions

County – Shall mean Lumpkin County, Georgia.

Out of County Vendor – (out of jurisdiction) – any vendor that does not have a physical presence within the geographic boundaries of Lumpkin County, Georgia. Physical presence constitutes ownership of property, maintains, operates, or occupies office space, warehouse, or other physical business structure. Use of a post office box does not constitute a physical presence for purposes of this policy.

Local Vendor – shall mean a business which maintains a valid business license and a principal business office, or a satellite office with at least one full-time employee, located in the County. Local vendor shall have a street address and should be able to easily demonstrate that goods or services to be procured by the County are either made, stored, processed, sold or rendered at such establishment or facility; and, that substantial administrative or management activities related to the establishment or facility are performed by one or more employees, principals, representatives, or agents for the purpose of transacting business. It shall be the responsibility of the vendor to provide evidence of meeting this standard to the satisfaction of the County prior to the award of a bid or quote.

Responsible bidder – a bidder who has the capability in all respects to perform fully the contract requirements, and the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

Responsive bidder – a bidder who has submitted a bid which conforms in all material respects to the requirements stated in the Invitation to Bid.

Section 3. Invitation to Bid and Quotes

- a. If the local vendor is responsible, responsive, and within five (5) percent of the lowest responsible, responsive bid submitted by any out-of-county vendor, the local vendor will be provided notice by the County and given the opportunity to reduce its bid/quote to match the bid/quote offered by the out-of-county vendor. The local vendor shall have three (3) business days after the date of such notice to match the lowest bid/quote in writing. If such local vendor agrees to match the bid/quote received from the out-of-county vendor within the time specified by the County, it will be deemed the lowest responsible bidder/quote and receive the award.
- b. Should the lowest responsible local vendor decline to match the lowest bid/quote in writing, the County shall provide the next lowest responsible local bidder/quote who is within five (5) percent of the lowest responsible bidder/quote with the same notice an opportunity to match the bid/quote of the lowest responsible bidder as outlined in Section 3 a. above. This process shall continue as necessary until an award is made either to a responsible local vendor bidder/quote who is within five (5) percent of the lowest responsible bidder, or the lowest responsible bidder itself.
- c. Preference shall be given to the local vendor in an instance where a local vendor and Out of County vendor submit equivalent lowest responsible bids/quotes.
- d. Local vendor awarded any bid/quote shall not assign or sub-contract more than 50% of the dollar value of the contract to be performed by any entity that is not a local vendor as defined by the Policy.
- e. In the event the only bidders/quotes are local vendors, the bid/quote shall be awarded to the lowest responsible bidder/quote.
- f. In the event there are two or more local vendors within five (5%) percent of the lowest bid/quote and/or whose bid is tied, the County shall determine first by the length of time the local vendor has been located within Lumpkin County, Georgia, and then, if necessary, the previous experience with said local vendor.

Section 4. Request for Proposal (RFP) or Request for Qualifications (RFQ)

Where there is evaluation criteria established, local vendors will receive an additional five (5) points for proximity. Out of Jurisdiction vendors shall not receive the additional five (5) points.

Section 5. Eligibility Requirements

A local vendor shall only be eligible to receive the benefit of this preference if it meets each of the following requirements prior to any award of a contract or purchase:

- a. The business or supplier must operate and maintain a regular place of business within the geographical boundaries of Lumpkin County, Georgia; and
- b. The local vendor must have a current Lumpkin County Business (Occupational) License and shall have been licensed in Lumpkin County, Georgia for a minimum of one (1) year prior to the date of submittal of any bid or proposal; and
- c. Any and all taxes, and/or fees owed to the County shall be paid in full and shall not be delinquent; and
- d. The business or supplier must certify its compliance with the Georgia Security and Immigration Act; and
- e. Vendors claiming local vendor preference for any Invitation to Bid, Request for Proposal, or Request for Qualifications shall submit an Affidavit of Eligibility provided by the County with their bid, proposal or statement of qualifications response.

Section 6. Disqualification

Any vendor falsely claiming to be a local vendor as defined in the Policy shall be ineligible to receive the preference outlined in the Policy.

Section 7. Exceptions

This policy is not applicable to construction contracts governed by State (Chapter 91 or Title 36 of the Official Code of Georgia – "Georgia Local Government Public Works Construction Law, as amended"), or Federal statutes or regulations to be awarded to the lowest responsible responsive bidder.

This policy shall not apply to any bid or proposal for products, material, equipment, or services in excess of \$100,000.00. In such cases, the bid award shall be subject to the competitive bidding process as otherwise provided in the Lumpkin County Purchasing Policy and Operational Procedures or general law.

This policy may not apply to Sole Source Purchases, Purchases from State and Federal Contracts, Cooperative Purchasing Agreements, or "Piggy Back" Contracts.

Section 8. Amendments.

The Board of Commissioners reserves the right to delete, modify, amend or terminate this Policy at any time without any prior notice. Future additions, rescissions, and amendments to this Policy shall also have the force and effect of law, upon approval by the Board of Commissioners.

This Policy does not establish a contract between the County and any local vendor.

Approved this _____ day of _____, 2013.

Chris Dockery, Chairman
Lumpkin County Board of

Commissioners
Attest:

Kathleen C. Walker,
Lumpkin County Clerk