

RESOLUTION NO. 2012- 221**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, ADOPTING A LOCAL BUSINESS PREFERENCE IN PURCHASING POLICY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Board of County Commissioners of Brevard County, Florida finds that it is in the best interest of the residents of Brevard County to have a strong local economy, and

WHEREAS, policies which encourage businesses to stay and locate/stay within Brevard County and to hire Brevard County residents as employees help strengthen the local economy, and

WHEREAS, dollars expended on “local” vendors and employees leads to an additional return on the “investment” in local preference through local vendors and employees spending earned dollars in Brevard County, and

WHEREAS, it is the desire of the Board of County Commissioners to adopt a local business preference policy with respect to purchasing decisions in order to infuse additional dollars into the local economy.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Brevard County, Florida, as follows:

SECTION 1. Adoption of Local Business Purchasing Preference Policy.

The Board of County Commissioners hereby adopts a Policy establishing a local business preference regarding certain purchasing decisions as set forth herein.

SECTION 2. Definitions.

- A. For the purpose of this Resolution the terms provided herein shall have the meaning set forth:
1. “Business” - a person, firm, corporation or other business entity which is duly licensed and authorized to engage in a particular work in the State of Florida.

Business shall be broken down into two (2) categories listed in paragraph 2 below.

2. Preference Categories
 - a. "Category 1" (County Business) -- shall mean any Business that has established and agrees to maintain a permanent place of business located in Brevard County, has paid business tax receipts in Brevard County for a minimum of one year immediately preceding the advertisement of the bid, request for proposal, or request for qualifications. The business location in Brevard County shall be the primary location for the performance of the work or the ordering and servicing location for commodities awarded.
 - b. "Category 2" (State Business) -- shall mean any Business that has established and agrees to maintain a permanent place of business located in the State of Florida.
3. "Project Budget" -- for the purpose of applying local preference consideration, the project budget shall be the estimated cost of the specific commodities, services, project phase(s) or project components included in the bid/RFP. Where term contracts for commodities or services are solicited, local preference value thresholds shall be determined based upon the bid or quote values received for the estimated requirements based upon historical usage or estimated usage for the commodities or services solicited.
4. "Invitation to Bid" (ITB) is an invitation to contractors, suppliers or service providers, through a bidding process, to submit a cost proposal on a specific project to be completed or product or service to be furnished. An ITB is generally the same as an Invitation to Quote (ITQ) which is used for lesser valued procurements. The ITB or ITQ is focused on pricing and not on ideas or concepts. If not stated otherwise, the contractor or supplier with the lowest bid is awarded the contract, provided that they meet the minimum criteria for the bid.
5. "Request for Proposal" (RFP) is an invitation to vendors to provide a "best solution" for a requested product or service. Contractor qualifications and the quality of the commodities or services to be delivered can be considered more important than price. Proposals are evaluated against specified set of criteria; therefore award is not based solely upon price. Award is made to the responsible offeror whose proposal is determined to

be the most advantageous to the County, taking into consideration the price and other criteria set forth in the RFP.

6. "Request for Qualifications" (RFQ), used primarily for the acquisition of professional and consulting services, but not limited to such services, is an invitation to firms to describe their related experience and provide basic information about their companies, including management, staffing, licenses and financial statements. Cost proposals are not considered in the initial evaluation of responding architectural, engineering or construction management firms, but are negotiated with the selected firm.

SECTION 3. Limitations on allowance of preference:

- A. A Business can only qualify for one preference category.
- B. A Business with outstanding liens, fines or violations with the County shall not be eligible to qualify for a Category 1 or 2 preference.
- C. A Business which operates through the use of a post office box or mail house shall not be eligible to qualify as either a Category 1 or 2 Business.
- D. Local Preference shall not be applied to a bid/proposal under the following circumstances:
 1. The Business submits a bid/proposal that exceeds the Project Budget or bid or proposed values are \$1,000,000 or more.
 2. State or federal law or terms of a grant prohibit the use of local preference on the ITQ/bid/proposal.
 3. The ITQ/bid/proposal is funded in whole or in part by a governmental entity and the applicable laws, rules, regulations, policies, or associated contract prohibit the use of local preference.
 4. Emergency purchases as determined by the County Manager (his/her designee or Interim County Manager) - including, but not limited to a local, state or federal/national state of emergency.
 5. Sole source purchases (as provided for under the County's purchasing policies).
 6. Cooperative purchasing agreements; utilization of existing contracts or agreements of other agencies.

7. The County determines the Business is not qualified to perform the work or provide the service or materials or is determined to not be a responsible business.
- E. The Board of County Commissioners reserves the authority to waive this policy for any ITQ/bid/RFP as it deems appropriate and to amend or rescind this policy at any time without notice.

SECTION 4. Procedures for Granting Local Preference in Purchasing and Contracting.

- A. Preference shall be applied to Businesses as follows where solicitation is an Invitation to Bid and award is based upon the lowest responsive and responsible bid:

A local business defined as a Category 1 business whose bid is within 5% of the lowest responsive and responsible non-local bid shall be given an opportunity to match the lowest bid pricing. Should multiple local bids be within 5% of the low, non-local bid, the opportunity to match the low bid shall be offered in order of the lowest local bid and if declined, shall progress to the next lowest local bid within 5% of the original low bid. One local business will not be allowed to match another local business bid.

- B. Preference shall be applied to Businesses as follows where solicitation is a Request for Proposals and award is based upon a single step selection process based upon established criteria and weights which total possible scores of 100 percent or 100 points:

1. Category 1 (Brevard County business)

- a. 5 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;
- b. 3 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000,000.00 or more.

2. Category 2 (Florida business)

- a. 1-1/2 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;

- b. 1 point preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000.000.00 or more.

- C. Preference shall be applied to Businesses as follows where solicitation is a Request for Proposals and award is based on a two-step selection process where the first step of the process is intended to review all responsive proposals primarily on, but not limited to, qualifications, experience, staff qualifications, financial stability, and price for the purpose of selecting a short-list of firms for further consideration for award. The first step of evaluations will be based upon established criteria and weights which total possible scores of 100 percent or 100 points with the following additional points given for consideration of local presence:
 - 1. Step 1 evaluation; Category 1
 - a. 5 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;
 - b. 3 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000.000.00;

 - 2. Step 1 evaluation; Category 2
 - a. 1-1/2 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;
 - b. 1 point preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000.000.00;

 - 3. Step 2 evaluations of the short listed firms selected in the first step of a two-step selection process shall be conducted upon hearing presentations, conducting question and answer discussions and "best and final" offers if stated in the original solicitation. Selection committee re-scoring will be conducted as in the first step of evaluations based upon established criteria and weights which total possible scores of 100 percent or 100 points with the following additional points given for consideration of local presence:
 - a. Step 2 evaluation Category 1

- i. 5 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;
 - ii. 3 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000,000.00;
- b. Step 2 evaluations Category 2
- i. 1-1/2 points preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$500,000.00;
 - ii. 1 point preference applied to the total individual selection committee member's score for a proposal up to, but not to include, \$1,000,000.00;

SECTION 5. Procedures for Granting Local Preference in Acquisition and Contracting of Architectural and Engineering Consultant Services as Defined by Florida Statutes §287.055.

A. Preference shall be applied to Businesses as follows for award of an architectural and engineering services contract where acquisition of services is directed by Florida Statutes §287.055. The first step of evaluations will be based upon criteria and weights which total possible scores of 100 percent or 100 points with points allowed for consideration of the proximity of residency of key company personnel that will be a part of the consulting team. The criteria and weights will be included in the RFQ document.

1. Step 1 evaluation

All firms shall be evaluated and scored on their qualifications, experience, past performance as supplied in their qualification documents provided in response to a RFQ. Evaluation and scoring shall be conducted considering the firm's strengths the following areas with weights assigned according to importance in each specific area:

- Experience/References
- Respondent's Personnel
(including key assigned personnel and residence location)
- Construction Cost Control
- Scheduling

- Information Management
 - Conflict Resolution
 - Quality Control
 - Design Cost Controls
2. Step 2 evaluations of the short listed firms selected in the first step of a two-step selection process shall be conducted upon hearing presentations and conducting question and answer discussions. The selection committee will re-rank the short listed firms and the rankings adjusted for consideration of local presence as follows:
- a. Those firms categorized as Category 1 (County Business) shall have their rank adjusted by 5 points.
 - b. Those firms categorized as Category 2 (State Business) shall have their rank adjusted by 1 ½ points.

SECTION 6. Report of Results. The Director of Central Services shall provide a report to the County Manager and the Board of County Commissioners at least sixty (60) days prior to expiration of this Resolution that sets forth the projects released for bid/RFP, the amount of bid/proposal award, whether local preference was used, the category of the preference used, and the difference between the cost had local preference not been used.

SECTION 7. Sunset. The provisions within this Resolution shall expire two (2) years after the enactment date. The County Manager shall request the Board of County Commissioners to consider an extension of the Policy at least sixty (60) days prior to its expiration.

SECTION 8. Effective Date. This resolution shall take effect immediately upon the date of execution and apply to any bid/RFP advertised after the date of execution.

DONE AND ADOPTED in Regular Session of the Board of County Commissioners of Brevard County, Florida, this 9th day of October, 2012.

ATTEST:



Laurie S. Rice
Chief Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF BREVARD COUNTY, FLORIDA

By: 
Chuck Nelson, Chairman

(As approved by the Board on October 9, 2012)