

# MANUAL OF PROCEDURE

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**PROCEDURE NUMBER:** 6560 **PAGE** 1 of 4

**PROCEDURE TITLE:** Local Business Preference

**STATUTORY REFERENCE:** FLORIDA STATUTES §1001.64; §287.057; AND RULE 6A-14.0734, FLORIDA ADMINISTRATIVE CODE

**BASED ON POLICY:** VI-5 Local Business Preference

**EFFECTIVE DATE:** November 20, 2018

**LAST REVISION DATE:** N/A

**LAST REVIEW DATE:** N/A

## **PURPOSE**

The College is uniquely positioned to initiate and develop partnerships with businesses as a catalyst for revitalization of our community. A critical component of community revitalization includes economic growth and development of local businesses having their principal place of business in Miami Dade County, Florida. These local businesses provide goods, services, employment, and careers for the College graduates.

The Local Business Preference (LBP) Procedure is intended to encourage economic development in the community we serve and to support these businesses in the marketplace. The College is committed to increasing its utilization of goods and services provided by these local businesses which submit competitive, responsive, and responsible bids for the College's procurement consideration.

### **1. Definitions**

- 1.1 "Competitive Bid" means a sealed bid submitted to the College where selection is based on price.
- 1.2 "Competitive Solicitation" means the process of requesting and receiving two or more sealed bids or proposals submitted by responsive vendors in accordance with the competitive process, regardless of the method of procurement. Selection is based on various criteria, in addition to price.
- 1.3 "Contractor" means a person who contracts to sell commodities or contractual services to the College.

- 1.4 “Evaluation Committee” means the College employees, agents, and/or contractors selected by the College to evaluate bids, rank proposals and ultimately provide an award recommendation pursuant to a Competitive Solicitation.
- 1.5 “Local Business” shall mean a business entity formed in the State of Florida and registered with Florida Department of State, Division of Corporations that is duly licensed, as applicable, which has its Principal Place of Business (Headquarters) in Miami-Dade County. The address of a post office box, private mail box, or a home/residence shall be insufficient to establish location within Miami-Dade County.
- 1.6 “Local Business Enterprise” means a Local Business that has a valid local business tax receipt, issued by a jurisdiction located in Miami-Dade County that identifies its headquarters located within the legal boundaries of Miami-Dade County for at least twelve (12) months. Post Office boxes are not considered for local preference, vendors must provide a copy of their local business tax receipt and the local business affidavit of eligibility with all bids or proposals.
- 1.7 “Responsible Vendor” means a vendor who has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.
- 1.8 “Responsive Bid” or “Responsive Proposal” means a bid or proposal submitted by a responsive and responsible vendor which conforms in all material respects to the Competitive Bid or Competitive Solicitation.
- 1.9 “Responsive Vendor” means a vendor that has submitted a bid or proposal that conforms in all material respects to the Competitive Bid or Competitive Solicitation.
- 1.10 “Vendor” a supplier that provides any good or service.

## **2. Procedure**

### **2.1 Competitive Bid**

- 2.1.1 When a responsive, responsible, non-Local Business submits the lowest price bid, and the bid submitted by one or more responsive, responsible, Local Business(es) is within five percent (5%) of the price submitted by the non-Local Business, then each of the aforementioned Local Businesses shall have the opportunity to submit a best and final bid equal to or lower than the amount of the previously submitted bid by the non-Local Business. Contract award shall be made to the responsive, responsible, business entity submitting the lowest best and final bid.
- 2.1.2 In the event of a tie in the best and final bid between a Local Business and a non-Local Business, the contract award shall be made to the Local Business.
- 2.1.3 Sections 2.1.1 and 2.2.2 shall not apply in the event the first and second ranked bidders/proposers are Local Businesses.

## 2.2 **Competitive Solicitations: Request for Proposals (RFP), Request for Qualifications (RFQ), and Invitation to Negotiate (ITN)**

2.2.1 Evaluation Committees will utilize the following criteria in evaluating bids or proposals for an assigned Competitive Solicitation.

Business Entity’s Principal Place of Business (Headquarters) is located in:

<u>Location</u>	<u>Points Awarded</u>
Miami-Dade County	10 Points
Broward County, Palm Beach and Monroe Counties	5 Points
All other locations	0 Points

2.2.2 Negotiation of Final Price: Upon completion of the initial ranking, if the Evaluation Committee or any other subcommittee, including the Purchasing Department, will be negotiating final pricing, a Local Business which has negotiated a price within five percent (5%) of a non-Local Business shall have the opportunity to proceed for further evaluation provided, all other technical requirements are met.

2.2.3 Best and Final Offers: When a Competitive Solicitation requires the submission of a “Best and Final Offer” (BAFO), a Local Business shall have the opportunity to submit a supplemental BAFO equal to or lower than the amount of the previously submitted BAFO by the non-Local Business. Contract award shall be made to the responsive, responsible, business entity submitting the lowest BAFO.

## 3. **Contract Requirements**

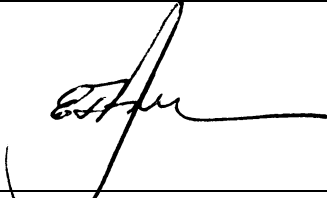
The resulting contract with a Local Business shall not permit the Local Business:

- 3.1 To enter into an agreement with a prime contractor and not perform any of the direct labor or service activities specified in the contract; or
- 3.2 To enter into a sub-contract agreement with the intent of collecting or paying a broker’s fee or commission with any entity or person.

4. **Exceptions**: The Local Business Preference shall not apply to:

4.1 **Professional Services (Architectural/Engineering and Construction) Solicitations**: All Architectural, Engineering and Construction Services Competitive Solicitations selection processes are guided by the Consultants Competitive Negotiation Act (CCNA), as provided for in Section 287.055, Florida Statutes of which location is a criteria for selection. The College utilizes for Professional Services MDC Policy VI-4 - the Small Local Business Enterprise and the incentives for small/local participation set forth in MDC Procedure 6550.

- 4.2 **Non-Competitive Offers:** Rule 6A-14.0734, Florida Administrative Code authorizes the College to procure services and commodities without receiving competitive offers.
- 4.3 **Grant Funded Procurements:** Procurements utilizing Grant funds to procure services and commodities are subject to the terms of the grant and may prevent the College from utilizing Local Preference as outlined in this procedure.
- 4.4 **Use of National Manufacturer:** The College's Purchasing Department may determine that the best interests of the College are served through bidding or negotiating with a national manufacturer instead of a Local Business. In the event the College determines the use of a national manufacturer will provide the best price for services and commodities, the College's Purchasing Director will include in the project folder written justification detailing the rationale for the decision.

	
	11/20/2018
<b>PRESIDENT</b>	<b>DATE</b>