Local Preference Policy

FORA Board of Directors Meeting
March 10, 2017

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Prevailing Wage/Risk Coordinator
Background

- **Board direction:** Staff to produce local preference policy amendment recommendations
- **Before any future contract awards**
- FORA has pending RFP/RFQs
**Economic Impacts**
- Loss of 4,500 civilian jobs
- Departure of 13-15,000 active military
- Loss of ~37,000 residents
- $500M/yr Regional Economic loss

**Reuse Strategy**
- Create jobs and capital with educational reuse
- 1997 Base Reuse Plan includes Jobs/Housing Balance policies
Local Preference Limitations

- **State law**
  - Low Bidder Rules
  - Public Works Rules
  - Certain Professional Services (Gov’t 4525)

- **Federal Laws**
  - Equal Protection
  - Commerce Clause
  - Immunities and Privileges

- **Funding Sources**
  - State & Federal
Master Resolution

- **Local Preference Provisions** (Ordinance 95-01)
  - **Section 3.02.090** Preference for Local Goods and Supplies
  - **Section 3.03.040** Local Preference in FORA construction Contracts
  - **Section 3.03.110** Minority, Female and Handicapped-Owned Business in FORA construction contracts
- **Section 3.03.040** Local Preference in FORA construction contracts sunset December 31, 1999

- **Section 3.02.130** personal, professional, consultant services and non-public work contracts silent as to local preference
**Recommendation**

- **Amend Master Resolution**
  - Delete Section 3.03.040(d) - Removes Sunset
  - Add Section 3.02.130 (c) – details follow
1. Bid Preference

FORA shall grant preference to a local provider which submits a bid within ten percent (10%) of the lowest responsible bidder and which is otherwise responsive and responsible to the invitation for bids, which preference shall allow the local provider the opportunity to reduce its bid to an amount equal to the amount of the lowest responsible bid, if the lowest responsible bid is submitted by other than an eligible local provider. If the local provider reduces its bid to meet or beat the lowest responsible bid, it shall be determined to be the lowest responsible bidder. If the lowest responsible bid is submitted by an eligible local provider, that provider shall be deemed to have submitted the lowest responsible bid.
2. Proposal or Qualifications Preference

FORA shall **grant preference to a local provider** which submits a response to qualifications or proposals as follows: **Up to ten percent (10%) of the total points awardable will be made for local preference**, as more specifically defined in the Request for Proposal/Qualification solicitation documents. The award of total points may be **allocated between the location of a local office of a provider and the use of local workforce in any response submitted.**
New Section 3.02.130(c)

Definitions/ Limitations

- Requires FORA to include the preference provisions in solicitation documents.

- Provides an exception where there is legal preclusion (State or federal).

- Provides definitions for:
  - “Local provider” (located within Monterey County for one (1) full year before submittal) &
  - “Local workforce” (Tri-County area)
Recommendation

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