

Local Preference Policy

FORA Board of Directors Meeting
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- **March Board Meeting Proposal:**
 - Remove sunset date in Section 3.03.040
 - Add New Section to address service and non-public works contracts



- **Board Comments**
 - Remove Bidding
 - Add more detail
 - Preserve discretion
 - More review of underlying laws



- **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 expired December 31, 1999
- **Section 3.02.130** personal, professional, consultant services and non-public work contracts silent as to local preference



- **Amend Master Resolution**
 - Delete Section 3.03.040(d) - *Removes Sunset*
 - Add Section 3.02.135– *details follow*

1. Limited to **Service Contracts acquired through RFP/RFO**
2. Requires FORA staff and submittals to **address Local Preference requirements**
3. **Maintains Board discretion** in awarding service contracts

Section 3.02.135 Intro

This section applies to contracts for personal, professional and consultant services when procured through requests for proposal or qualifications. FORA's policy is to grant local preference where able, but not at the expense of demonstrated competence and qualification for the types of services to be performed. **Nothing in this Section shall limit the authority of the Board to reject the recommendations of staff and make any such award it determines best meets the demonstrated competence and qualifications at a fair and reasonable value to the Agency.**

Section 3.02.135 Details

In every case where FORA seeks personal, professional and consultant services through the Request for Proposal or Request for Qualification process, **FORA staff shall grant preference points to a qualified responsible local provider which submits a fully responsive proposal or meets the qualifications of the solicitation request.** Up to five percent **(5%)** of the total points awardable will be made for local preference. 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.**

Section 3.02.135 Details

When using an award of points evaluation, **greater emphasis shall be placed upon the use of local workforce and/or local sub-consultants** or subcontractors in performing requested services:

- Proposals or qualified providers who certify to use **86%-100% of local workforce shall receive 80%** of awardable preference points;
- Proposals or qualified providers who certify to use **71%-85% of the local workforce shall only receive 70%** of awardable preference points;
- Proposals or qualified providers who certify to use **51-70% of the local workforce shall only receive 60%** of awardable preference points; and
- Proposals or qualified providers who use between **25-50% of the local workforce shall receive 40%** of awardable preference points;
- Proposals or qualified providers who have a **local office, for a two year period prior** to the request for proposal or qualification **shall receive 20%** of total awardable preference points.

Section 3.02.135 Details

Definitions/Limitations

- Requires FORA to include the preference provisions in solicitation documents. Requires submittal to verify information.
- Provides an **exception** where there is legal preclusion (State or Federal).
- Provides **definitions** for:
 - **“Local”** (Tri-County area)
 - **“Qualified provider”** means a provider’s quality, fitness, and capacity to perform or otherwise meet the particular requirements of the contract, purchase order or that there has been a demonstrated competence and qualification for the types of services requested.
 - **“Workforce”** means an independent contractor, employee, or sub-consultant whose residence address is located within the tri-county area of Santa Cruz, Monterey or San Benito County.
 - **“Responsive proposal or qualifications”** means compliance with the instructions and requirements established by FORA and set forth in the request for proposals or qualifications.

New Section Options

- **Do nothing.** FORA's legislative direction and "informal" policy to apply local preference where it can through solicitation documents would remain in effect.
- **Formalize a Local Preference policy, maintain discretion as to service.** Adopt a new Master Resolution provision relating to service contracts, preserving to the extent possible Board discretion when awarding contracts to provide the best value to FORA while promoting local preference.
- **Formalize a Local Preference policy, limit discretion.** Limit the Board's discretion and mandate the application of a local preference to the maximum extent possible.

- **Amend Master Resolution**
 - Delete Section 3.03.040(d) - *Removes Sunset*
 - Add Section 3.02.135 – Preference for Services

Questions?

