

**PLACER COUNTY**  
**ADMINISTRATIVE SERVICES DEPARTMENT**  
**MEMORANDUM**

**TO:** Honorable Board of Supervisors  
**FROM:** Jerry Gamez, Director of Administrative Services *J.A.*  
**DATE:** April 23, 2013  
**SUBJECT:** Introduce an Ordinance Amending Article 2.104 of the Administration, Purchasing System Code.

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**ACTION REQUESTED**

Introduction of an Ordinance (Attachment A):

1. Amending Article 2.104 of the Administration, Purchasing System Code regarding Local Vendor Preference for the purchase or contracts made pursuant to a non-competitive award process for professional services on the basis of a qualification-based selection.

**BACKGROUND**

Local Vendor Preference (LVP) is one in a variety of discretionary incentives utilized by cities, counties and states nationwide to spur local business activity. LVP is a component of Placer County's procurement process utilized in the acquisition of services, supplies, material, and/or equipment through the competitive bid process.

In Placer County, local architects, engineers and other professional services normally engaged in public works projects are generally precluded from receiving a preference in the bidding process. Other California jurisdictions have enhanced their purchasing practices to provide a local preference for professional services subject to the provisions of California's "Little Brooks Act" (i.e., where price cannot be used as a determinative factor in the selection of vendors such as architecture, engineering, land surveying, construction management, etc.). Adding a similar provision to the County's purchasing practices would apply a five percent (5%) preference in the awarding of non-competitive contracts based on local knowledge and experience of the bidder.

If adopted by your Board, these updates to the attached Ordinance would be incorporated into the County's Purchasing Policy. These recommendations were reviewed by department staff, County Executive Staff and County Counsel, and the Ordinance has been updated as suggested.

**FISCAL IMPACT**

There is no fiscal impact related to this action.

**Cc:** David Boesch, County Executive Officer  
Jennifer Merchant, Principal Management Analyst  
Allison McCrossen, Budget Analyst  
Melissa Nunnink, Administrative & Fiscal Operations Manager  
Brett Wood, Purchasing Manager

Attachment

**Before the Board of Supervisors  
County of Placer, State of California**

In the matter of: AN ORDINANCE AMENDING  
ARTICLE 2.104 - PROCUREMENT PROCEDURES,  
REGARDING LOCAL VENDOR PREFERENCE  
FOR THE PURCHASE OR CONTRACTS MADE  
PURSUANT TO A NON-COMPETITIVE AWARD  
PROCESS FOR PROFESSIONAL SERVICES ON  
THE BASIS OF A QUALIFICATION-BASED SELECTION.

Ord. No: \_\_\_\_\_

First Reading: \_\_\_\_\_

The following Ordinance was duly passed by the Board of Supervisors of the County of

Placer at a regular meeting held \_\_\_\_\_ by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

\_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

Attest:  
Clerk of said Board

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The Board of Supervisors of the County of Placer, State of California,  
does hereby ordain as follows:

**Section 1:** That Article 2.104, Section 2.104.050 Procurement Procedures is hereby  
amended as follows:

\* \* \* \* \*

C. Placer County Preference. Pursuant to Section 608(a) of the Placer  
County Charter and, in part, in recognition of the sales tax that is apportioned to  
Placer County as a result of sales made by businesses located within the county,  
a local preference credit of five percent, but not cumulatively greater than five  
thousand dollars (\$5,000.00), for Placer County businesses shall be permitted

when evaluating bids for supplies, equipment and materials and personal services that are not part of a public project.

**For purchases or contracts made pursuant to a non-competitive award process, including but not limited to, contracts covered by the Little Brooks Act, Government Code, Title I Division 5, Chapter 10, Sections 4525-4529.5 for the procurement of professional services of private architectural, landscape architectural, engineering, environmental, land surveying, or construction project management firms, a Five (5%) percent preference will be applied to the scoring evaluation for a firm that qualifies as a "Local Vendor" and shall be made on the basis of a Qualification-Based Selection (QBS) that:**

- a) demonstrates competence and professional qualifications for the types of services required; and**
- b) provides fair and reasonable prices to the public; and**
- c) assures maximum participation of small business firms; and**
- d) prohibits practices which might result in unlawful activity; and**
- e) specifically prohibits agency employees from participating in a selection process when a conflict of interest may occur; and**
- f) demonstrates that the project team will provide the specific expertise required by the solicitation**

For the purpose of this section, a vendor qualifying for local vendor preference must meet all of the following criteria:

1. The local business shall have established a place of business within Placer County at least six months prior to publication of the call for bids.
2. Where state sales tax will be paid for the purchase, the local business must possess a valid resale license from the State Franchise Tax Board evidencing the business' local address within Placer County and that payment of the local share of the sales tax goes to either a city within Placer County or to Placer County. If the local business has more than one office in the state of California, the office located in Placer County shall be the point of sale credit for the purpose of sales tax calculation.
3. The local business, with business and/or real property tax due to the county of Placer, paid such tax to Placer County for the most recent tax year. This provision shall not apply to businesses that were not established at that time or where no taxes were due.

In order to qualify for the local preference authorized by this section, the vendor seeking such preference shall be required to submit with its bid **or proposal** a statement containing relevant information which demonstrates compliance with the provisions of these sections. The statement shall be on a form provided by the county procurement division and shall be signed under penalty of perjury.

Any person, firm, corporation or entity intentionally submitted false information to the county in an attempt to qualify for local preference shall be prohibited from bidding on Placer County products and services for a period of one year pursuant to Section 11.1(d) of the Placer County purchasing policy manual which sets forth the process for debarment of vendors. (Ord. 5006-B (part), 1999: prior code § 2.440)

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