

FORT ORD REUSE AUTHORITY RESOLUTION 17-03

A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION DELETING SUBSECTION (d) from SECTION 3.03.040

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

- A. WHEREAS, the Fort Ord Reuse Authority ("FORA") Board of Directors established a local preference policy on or about July 14, 1995 by adopting Ordinance No. 95-01; and
- B. WHEREAS, FORA has had an informal policy of providing local preference where it is legally available; and
- C. WHEREAS, the FORA Board of Directors desire to formalize local preference policies in order to address the devastating economic effects of the closure of the Fort Ord Base on the local region, and promote the hiring of local vendors and suppliers of services where available; and
- D. WHEREAS, the FORA Board of Directors has heard testimony that clarifying and amending the language of the Master Resolution would further the implementation of local jobs; and
- E. WHEREAS, the FORA Board of Directors finds that the overall economic recovery to local contractors and businesses has not occurred as quickly as originally anticipated in 1995 when it adopted the procurement code; and
- F. WHEREAS, the FORA Board of Directors intends this language to take effect from and after the date of adoption of this Resolution.

NOW THEREFORE, BE IT RESOLVED by the FORA Board of Directors that the Master Resolution be amended as follows:

1. Subsection (d) shall be deleted from Section 3.03.040 as set forth below.

3.03.040. LOCAL PREFERENCE.

(a) Each Contractor performing construction funded in whole or in part by Authority funds, or funds which, in accordance with a federal grant or otherwise, the Authority expends or administers, and to which the Authority is a signatory to the construction contract, will be eligible for a local preference as provided in the subsection, if such Contractor meets each of the following minimum requirements:

- (1) The Contractor must be licensed by the State of California and be a business, employer, or resident doing business in the Area for the past five years.
- (2) The Contractor must be a business, employer, or resident who has been adversely affected by the closure of the Fort Ord military base.
- (3) Eighty percent (80%) of the work force of the Contractor must be residents of the Area and fifty percent (50%) of the Subcontractors must be residents of the Area.

(b) Each Contractor who is within five percent of the lowest responsible bid and who is eligible for a local preference under this subsection will be provided the opportunity to reduce the Contractor's bid to an amount equal to the amount of the lowest responsible bid. The opportunity to reduce bid amounts will be provided first to the lowest eligible bidder and, if not accepted by such bidder within five business days of the opening of bids, then to each successive eligible bidder in ascending order of the amount of the bids. In the event an eligible Contractor reduces the bid to the amount of the lowest responsible bid, the eligible Contractor will be deemed to have provided the lowest responsible bid and will be awarded the contract.

(c) In the event there is no available and qualified resident of the Area who can fill a specified position, vacancy, or job classification sought to be filled by the Contractor, or by a Subcontractor of the Contractor, the Contractor may request an exemption for the worker hours performed by a person who fills such position, vacancy, or job classification in computing the percentage of total worker hours performed by residents of the Area for the purpose of determining whether the Contractor has met the minimum requirements specified in this subsection.

A Contractor seeking such an exemption must file a written application therefor with the Executive Officer on a form provided by the Executive Officer no later than ten days after the position, vacancy, or job classification for which the exemption is sought is filled by a nonresident of the Area. Such application must include a detailed written statement under oath describing the efforts and action taken by the Contractor, or the Contractor's Subcontractor, in attempting to hire a resident of the Area for the position, vacancy, or job classification for which the exemption is sought, and such further and additional information as may be requested by the Executive Officer.

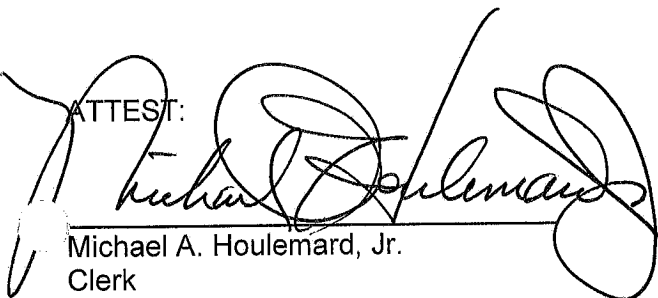
~~(d) The provisions of this subsection will expire and will no longer be in force or effect on December 31, 1999, unless otherwise extended by the Board prior to such date.~~

Upon motion by Board Member Morton, seconded by Board Member Parker, the foregoing Resolution was passed on the 7th day of April, 2017, by the following vote:

AYES: MORTON, PARKER, PHILLIPS, ADAMS, EDELEN, O'CONNELL, HAFFA,
RUBIO, ALEXANDER, PENDERGRASS, GUNTER, KAMPE, REIMERS
NOES: NONE
ABSTENTIONS: NONE
ABSENT: NONE



Ralph Rubio, Chair

ATTEST:


Michael A. Houlemard, Jr.
Clerk