

# FORT ORD REUSE AUTHORITY RESOLUTION 17-04

## A RESOLUTION OF THE GOVERNING BODY OF THE FORT ORD REUSE AUTHORITY AUTHORIZING AMENDMENT OF THE MASTER RESOLUTION ADDING SECTION 3.02.135 LOCAL PREFERENCE FOR SERVICES

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 the language 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 on 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:

Section 3.02.135 shall be added to the Master Resolution as set forth below.

### **Section 3.02.135: LOCAL PREFERENCE FOR SERVICES**

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.

- A. 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.
  - 1. 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:
    - (a) Proposals or **qualified providers** who certify to use 86%-100% of local workforce shall receive 80% of the preference points awardable;
    - (b) Proposals or **qualified providers** who certify to use 71%-85% of the local workforce shall only receive 70% of the preference points awardable;

- (c) Proposals or **qualified providers** who certify to use 51-70% of the local workforce shall only receive 60% of the preference points awardable; and
- (d) Proposals or **qualified providers** who use between 25-50% of the local workforce shall receive 40% of the preference points awardable;
- (e) 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 the total preference points awardable.

B. Each solicitation for proposals or qualifications made by the FORA shall contain terms expressly describing the application of local preference as outlined in this Section. Local preference shall not be granted, unless a responder to a solicitation for proposal or qualifications verifies and certifies under penalty of perjury information sufficient to meet the qualifications for application of the preference as outlined herein.

C. Local preference shall not apply where precluded by state or federal law or regulation or in any case where funding for said services may be withdrawn as a result of application of local preference.

**D. Definitions.**

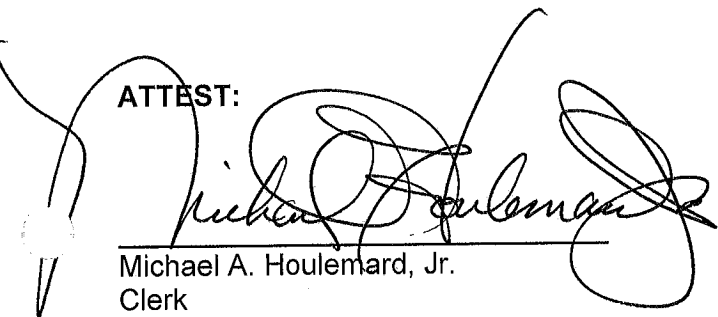
1. "Local" as used in this Section shall mean located within the tri-county area of Santa Cruz, Monterey, or San Benito County.
2. "Qualified provider" means a provider's quality, fitness, and capacity to perform or otherwise meet the particular requirements of the contract, purchase order or that there has been a demonstrated competence and qualification for the types of services requested.
3. "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.
4. "Responsive proposal or qualifications" means compliance with the instructions and requirements established by FORA and set forth in the request for proposals or qualifications.

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

  
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Ralph Rubio, Chair

ATTEST:

  
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Michael A. Houlemard, Jr.  
Clerk