

ORDINANCE NO. C.S. 1021

**AN ORDINANCE TO ESTABLISH LOCAL VENDOR PREFERENCE FOR PURCHASE OF SERVICES, SUPPLIES, MATERIALS AND EQUIPMENT**

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

**Section 1.** Section 2.24.125 is added to the Stanislaus County Code to read as follows:

"2.24.125 Local Vendor Preference.

"A. Whenever the Purchasing Agent purchases services, supplies, materials, and/or equipment for the County through the use of competitive process, including quotes, bids and proposals, a five percent (5%) preference shall be granted to local vendors for evaluation purposes.

"B. The Local Vendor Preference does not apply to bids conducted jointly with other public agencies, nor when prohibited by State or federal statutes or regulations that require award to the lowest responsible bidder, or otherwise exempted from local preferences.

"C. For the purposes of this Section, 'local vendor' means any business that meets all of the following criteria:

- "1. The vendor has a fixed office or distribution point located within the County of Stanislaus for at least one year prior to the transaction for which preference is claimed by the vendor. Post Office Boxes do not qualify as a verifiable business address.
- "2. The vendor has a current business license issued by the County or by a city within Stanislaus County.
- "3. The vendor employs at least one full-time employee whose primary residence is located in Stanislaus County, or if the business has no employees, at least fifty percent (50%) of the business shall be owned by one or more persons whose primary residence is located in Stanislaus County.

"D. The Purchasing Agent will apply the following procedures and guidelines when implementing the Local Vendor Preference program.

- "1. To qualify for the Local Vendor Preference, local vendors may pre-register with the Stanislaus County General Services Agency, Purchasing Division, or must submit with

each bid for which a preference is claimed documentary proof that the vendor meets the criteria established in subsection C of this Section. The Purchasing Agent shall not be required to verify the accuracy of any such certification and shall have sole discretion to determine if a vendor meets the definition of a local vendor or local business.

- "2. When bid submissions are evaluated, a five percent (5%) local preference shall be deducted from the total dollar amount bid by local vendors on competitive quotes and bids, and from the total evaluated aggregate score obtained by local vendors on proposals. The total amount of local preference granted in a single bid shall not exceed \$5,000 over a non-local vendor. The award shall be made at the full price of the quote, bid or proposal.
- "3. In the case of an absolute tie, an award will be made to the local vendor. In the case of a tie between local vendors, the award will be determined by lot."

**Section 2.** This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor Mayfield, seconded by Supervisor Grover, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the 18<sup>th</sup> day of December, 2007, by the following called vote:

AYES: Supervisors: Mayfield, Grover, Monteith, DeMartini and Chairman O'Brien

NOES: Supervisors: None

ABSENT: Supervisors: None



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William O'Brien, Chair of the Board of Supervisors of the County of Stanislaus, State of California



ATTEST:  
Christine Ferraro Tallman  
Clerk of the Board of Supervisors of the  
County of Stanislaus, State of California

By Elizabeth King  
Deputy

APPROVED AS TO FORM:  
Michael H. Krausnick  
County Counsel

By John P. Doering  
for John P. Doering  
Deputy County Counsel

TEAM 7185

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**DECLARATION OF PUBLICATION  
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

**DECEMBER 27, 2007**

I certify (or declare) under penalty of perjury That the foregoing is true and correct and that This declaration was executed at **MODESTO, California** on

**DECEMBER 27, 2007**

  
(Signature)

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NOES: Supervisors: None

ABSENT: Supervisors: None

William O'Brien, Chair of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:

Christine Ferraro Tallman  
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

By: Suzi Seibert, Deputy Clerk

APPROVED AS TO FORM:

Michael H. Krausnick

County Counsel

By: Dean Wright, Deputy County Counsel

DECEMBER 27, 2007