

ORIGINAL
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RESOLUTION R-2010-066

*Adopting and incorporating the Local Business Enterprise Preference Policy
into the City Procurement Regulations*

WHEREAS, the City of Columbia has a significant interest in encouraging the creation of employment opportunities for residents and businesses located within the Columbia-Newberry Combined Statistical area ("CSA"). It is in the interest of the City of Columbia to give preference on eligible local projects to local business enterprises having a moderate degree of employment interchange within the CSA; NOW, THEREFORE,

BE IT RESOLVED by the Mayor and City Council of the City of Columbia, South Carolina this 29th day of September, 2010, that the Local Business Enterprise Preference Policy is hereby adopted and incorporated into the City Procurement Regulations effective immediately.

Requested by:

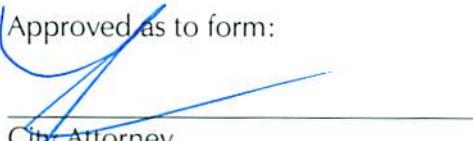
Mayor and City Council _____


MAYOR

Approved by:


City Manager

Approved as to form:


City Attorney

ATTEST:


City Clerk

Introduced: deferred 9/15/2010
Final Reading: 9/29/2010

City of Columbia, SC Local Business Enterprise Preference Policy

§ 1.13(c) Local Business Enterprise Preference

(1) **Scope and Exclusions:** This Local Business Enterprise (“LBE”) preference program shall only apply to any City contract procured by competitive sealed bidding or by requests for proposals which is not procured pursuant to State or federal guidelines that prohibit or restrict local preferences of this kind.

(2) **Definitions:** The following definitions shall apply to the terms of this Local Business Enterprise Preference Policy:

a. Columbia-Newberry Combined Statistical Area (“CSA”) – The Columbia-Newberry Combined Statistical Area (“CSA”) is presently defined as seven counties in central South Carolina including Richland County, Lexington County, Kershaw County, Fairfield County, Saluda County, Calhoun County, and Newberry County. A CSA is a designation that the U.S. government uses to refer to a region that, broadly speaking, consists of a city and its suburbs, plus any surrounding communities that are closely linked to the city because of social and / or economical factors. The CSA represents multiple metropolitan or micropolitan statistical areas that have a moderate degree of employment interchange. Definition of the CSA is the responsibility of the Office of Management and Budget (OMB), and as such, this definition may be modified from time to time. (OMB Directive 09-01; Executive Order No. 10253 (June 11, 1951)).

b. Control - the authority of a person or business owner to sign responses to solicitations and contracts, make price negotiation decisions, sell or liquidate the business, and have the primary authority to direct the day-to-day management and operation of a business enterprise without interference from others.

c. Independently Owned and Operated – ownership of an LBE firm must be direct, independent, and by individuals and/or other businesses, provided the ownership interests that Control the LBE firm can satisfy the LBE eligibility requirements for ownership and Control as specified herein in Sections (c) (2) b and c. The LBE firm must satisfy the eligibility requirements for LBE Certification as established by the Office of Business Opportunity.

d. Local Business Enterprise (“LBE”) – a Local Business Enterprise is a business firm that is in good standing with the State of South Carolina and with the City of Columbia regarding its payment of taxes and required business licenses, and that is currently certified by the Office of Business Opportunity (“OBO”) as being Independently Owned and Operated within the Columbia-Newberry Combined Statistical Area (“CSA”) and as having maintained a Significant Business Presence within the CSA for at least one year prior to being certified by the OBO. The OBO shall establish documentation requirements and certification eligibility standards for LBE firms that are consistent with the terms of this policy. The OBO shall also review the status of certified LBE firms for purposes of renewal of LBE certification status at least once every four years.

e. Significant Business Presence – to qualify for this Local Business Enterprise Preference, an LBE must operate out of a physical office located in the CSA and have a significant business presence for at least one year within the CSA, defined as: an established place of business in one or more of the seven counties that make up the Columbia-Newberry Combined Statistical Area (CSA), from which no less than 50% of its full-time, part-time and contract employees are regularly domiciled, and from which a substantial role in the performance of the City contract is conducted. A location utilized solely as a post office box, mail drop or telephone message center or any combination thereof, with no other substantial work function, shall not be construed to constitute a Significant Business Presence.

(3) **Price Preference:** For the purpose of determining the lowest responsible and responsive bidder on any qualifying contract valued above \$10,000, the City shall evaluate any bid submitted by an LBE by discounting its bid by up to 5% of its actual bid amount (up to a maximum dollar value not to exceed \$500,000). If the aforementioned calculation results in the LBE bidder being ranked as the lowest responsible and responsive bidder, then the LBE bidder shall be offered the opportunity to accept the contract award at the same dollar amount bid by the lowest non-Local Business Enterprise bidder.

(4) **Evaluation Preference:** For the purpose of ranking proposals submitted in competition for a qualifying contract valued above \$10,000 under a best value method of contracting wherein factors other than price are taken into consideration, the City shall evaluate any proposal submitted by an LBE by increasing its score by 5 percentage points of the total number of points allocated for evaluation purposes. If the aforementioned Evaluation Preference results in the LBE offeror's proposal being ranked as the highest scoring proposal among all proposals submitted, then the contract shall be awarded to the LBE offeror.

(5) **Program Administration:** Each City contracting department shall be responsible for application of this Local Business Enterprise Preference policy to appropriate contracts, for including appropriate language regarding application of the LBE Preference in bid solicitations and Requests for Proposals, and for awarding contracts in a manner that is consistent with this policy. The Office of Business Opportunity shall be responsible for establishing certification applications, procedures, and standards for the certification of LBE firms. The OBO shall also be responsible for reviewing all documentation submitted by applicants for LBE certification and re-certification and then making determinations regarding the certification and de-certification of firms as Local Business Enterprises. The OBO shall maintain an accurate and up-to-date directory of certified LBE firms and share it with the City contracting departments, and indicate such status in a firm's registration within the City's centralized bidder registration system. Only firms that have been certified as LBE firms by the OBO as of the time of bid opening or proposal opening shall be eligible for application of the Price Preference and Evaluation Preference provisions of this policy. The Mayor and City Manager shall send correspondence to other local governments within the CSA urging adoption of a similar policy. Until further notice, the City Manager shall report quarterly to the City Council on the status of the implementation of this policy.