



FORT PIERCE UTILITIES AUTHORITY  
"Committed to Quality"

**FORT PIERCE UTILITIES AUTHORITY  
SPECIAL TERMS AND CONDITIONS  
LOCAL VENDOR PREFERENCE  
November 6, 2012**

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## **SPECIAL TERMS AND CONDITIONS**

### **LOCAL VENDOR PREFERENCE**

#### **1. DEFINITION**

“Local Business” shall mean a business which meets the following criteria:

**1.1** Has had a fixed office or distribution point located in and having a street address within St. Lucie, Indian River, Martin or Okeechobee County for at least six (6) months immediately prior to the issuance of the request for competitive bids or request for proposals by Fort Pierce Utilities Authority (FPUA). The fixed office or distribution point must be staffed and have a valid business tax receipt(s) issued by the appropriate municipality and/or county at least six (6) months prior to bid/proposal. Post office boxes are not verifiable and shall not be used for the purpose of establishing physical address; and

**1.2** Holds any contractor’s Certificate(s) of Competency, as required by the City of Fort Pierce and/or St. Lucie County; and

**1.3** Is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venture submitting an offer in conjunction with other businesses.

#### **2. CERTIFICATION**

Any vendor claiming to be a local business as defined by Section 1 above shall so certify in writing to the FPUA Department of Finance. The certification shall provide all necessary information to meet the requirements of Section 1 above. The Department of Finance shall not be required to verify the accuracy of any such certifications, and shall have the sole discretion to determine if a vendor meets the definition of a “local business.”

#### **3. NON-LOCAL BUSINESS**

“Non-local business” means a bidder which is not a local business.

**3.1** Preference in purchase of commodities and services by means of competitive bid. Under any such applicable solicitation, bidders/proposers desiring to receive local preference will be invited and required to affirmatively state and provide documentation as set forth in the solicitation in support of their status as local business. Any bidder who fails to submit sufficient documentation with their bid offer shall not be granted local preference consideration for the purposes of that specific contract award. Except where federal or state law, or any other funding source mandates to the contrary, FPUA will give preference to local businesses as outlined below in Section 4.

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**4. COMPETITIVE BID (SECOND CHANCE OFFER)**

**4.1** Each formal competitive bid solicitation (i.e., sealed bids) shall clearly identify how the price order of the bids received will be evaluated and determined. A **Second Chance Offer** will be offered to the lowest bidders if the non-local and the lowest local bidder(s) are within 5% of the lowest total price by a non-local bidder. Each of those bidders will be given the opportunity to resubmit a “second chance” bid price. Once the bids have been received by the Department of Finance, a recommendation for award will be made with the new bid prices. If the local bidder does not resubmit a “second chance” bid price, declines, or is not the lowest bid price, then award will be made to the lowest overall qualified and responsive bidder. If **ALL** bids made by “second chance” bidders are higher than the original low bid, then award will be made to the original low overall qualified and responsive responsible bidder.

**4.2** In the event a bidder is awarded a contract pursuant to this section, all requests for change orders must be approved by the FPUA Board.

**5. CONSTRUCTION PROJECTS**

**5.1 OPTION 1: NON-LOCAL CONTRACTORS** for construction projects that use a minimum of 60% of the dollar value of the project for local sub-contractors and material suppliers which meet the definition of a “Local Business” defined in Section 1 would qualify as a “Local Business”.

**5.2 OPTION 2: NON-LOCAL CONTRACTORS** that employ more than 30% minority employees and a minimum of 60% employees whose primary residence is within the boundaries of St. Lucie County would qualify as a “Local Business”.

**5.3 Preference for RFP (request for proposals).** In purchasing of, or letting of contracts for procurement of personal property, materials, contractual services, and construction of improvements to real property or existing structures for which an RFP is developed with evaluation criteria, the locality rating evaluation score shall be assigned as follows:

**LOCALITY RATING TABLE**

LOCATION	RATING
Headquartered within the City of Fort Pierce	25
Headquartered within the four counties (Martin, Okeechobee, Indian River, St. Lucie)	20
Satellite office within the four counties (Martin, Okeechobee, Indian River, St. Lucie)	15
Office located in State of Florida	10
Office located outside of Florida	0
<b>Proposing firms can only receive a score from one of the above categories</b>	

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**6. NOTICE**

Both Bid documents and RFP documents shall include notice to vendors of the local preference policy.

**7. WAIVER OF APPLICATION OF LOCAL PREFERENCE**

The application of Local Preference to a particular purchase or contract for which FPUA is the awarding authority may be waived upon approval of the FPUA Board.

**8. COMPARISON OF QUALIFICATIONS**

The preference established herein in no way prohibits the right of the FPUA Board to compare quality of materials proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the FPUA Board from giving any further preference permitted by law in addition to or instead of the preference granted herein.

**9. RECIPROCITY**

In the event any other Florida county or municipality (“local government”) deemed appropriate by FPUA extends preferences to local businesses, FPUA may enter into an interlocal agreement with such local government wherein the preferences of this section may be extended and made available to vendors that have a valid business tax receipt issued by the specific local government to do business in that local government that authorizes the vendor to provide the commodities and services to be purchased, and a physical business address located within the limits of that local government. Vendors must also be authorized to do business in the City of Fort Pierce and/or St. Lucie County. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid to be eligible for consideration as a “local business” under this section. In no event shall the amount of the preference accorded other local government firms exceed the amount of preference that such local government extends to City of Fort Pierce firms competing for its contracts.



**CERTIFICATION STATEMENT –  
LOCAL VENDOR PREFERENCE**

I certify that my company meets all of the following qualifications to be eligible for the local vendor preference:

- 1) That my company has had a fixed, staffed office or distribution point located in and having a street address within St. Lucie, Indian River, Martin or Okeechobee County for at least six (6) months prior to the issuance of the request for competitive bids or request for proposals by Fort Pierce Utilities Authority; and
- 2) That my company holds any business tax receipt(s) and contractor's Certificate(s) of Competency (if applicable) required by the City of Fort Pierce and/or St. Lucie County.
- 3) That my company is the principal offeror who is a single offeror; a business which is the prime contractor and not a subcontractor; or a partner or joint venture submitting an offer in conjunction with other businesses.
- 4) Attached is a copy of my company's business tax receipt(s) and any required Certificate(s) of Competency.

**Company Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owner's Name:** \_\_\_\_\_

**Owner's Signature:** \_\_\_\_\_

**To be approved as a local bidder and receive bid preference on an eligible local project, this certification and copy(ies) of your local business tax receipt(s) and Certificate(s) of Competency, as applicable, must be submitted with your bona fide Bid/RFP package.**

**FOR FPUA DEPARTMENT OF FINANCE ONLY – DO NOT COMPLETE BELOW**

To be verified and completed by an authorized representative from the Department of Finance:

Vendor certified by: \_\_\_\_\_ Date: \_\_\_\_\_  
(Authorized Signature)