

Financial Services
Richard H. Hinds, Chief Financial Officer

**SUBJECT: PROPOSED AMENDMENT OF BOARD POLICY: FINAL
READING: POLICY 6320.05, *LOCAL-VENDOR PREFERENCE***

COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL RELATIONS

**LINK TO STRATEGIC
FRAMEWORK: STUDENT PARENT, AND COMMUNITY ENGAGEMENT**

At the June 19, 2013 meeting, the Board approved Agenda Item H-10 proffered by Mr. Carlos L. Curbelo, School Board Member, requesting that the local vendor preference policy be revised to specifically include language for food commodities. The proposed amendments to Board Policy 6320.05, *Local-Vendor Preference*, were approved by the School Board on initial reading at its regular Board meeting of August 7, 2013. The amended policy would give local preference to businesses located in Miami-Dade County, Florida, when evaluating the lowest responsible, responsive bid or submittal for the purchase of food commodities and construction, unless prohibited by Federal or State law or other funding source restrictions.

The Notice of Intended Action was published in the *Miami Daily Business Review* on August 12, 2013, posted in various places for public information, and mailed to various organizations representing persons affected by the amended policy and to individuals requesting information.

The time to request a hearing or protest the adoption of this policy has elapsed.

In accordance with the Administrative Procedure Act, this amended policy is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the policy in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the proposed amended policy. Changes from the current Policy are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended Board Policy 6320.05, *Local-Vendor Preference*, and authorize the Superintendent to file the policy with The School Board of Miami-Dade County, Florida, to be effective October 16, 2013.

RHH:ccw

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on August 7, 2013, its intention to amend Board Policy 6320.05, *Local-Vendor Preference*, at its meeting of October 16, 2013.

PURPOSE AND EFFECT: The purpose of this amendment is to clarify that local preference will be given to businesses located in Miami-Dade County, Florida, when evaluating the lowest responsible, responsive bid or submittal for the purchase of goods and services, including food and construction, unless otherwise prohibited by Federal or State law or other funding source restrictions.

SUMMARY: The amendment clarifies that the local vendor policy applies to Competitive Bids, Request For Proposals and Professional Services for food and construction, when a responsive responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within five percent of the price submitted by the local business.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED:
1001.41(1), (2); 1001.42(25); 1001.43(10); 287.055 F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 1001.32(2), 1001.41(1), (2), F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF October 16, 2013, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide a proposal for a lower cost regulatory alternative as provided by Section 541(1), F.S. must do so in writing by September 2, 2013, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action, will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDMENT is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Mr. Barry S. Meltz
Supervisor: Dr. Richard H. Hinds
Date: July 23, 2013

1 **Request For Proposals:**

2 If following the completion of initial evaluations, a local firm has submitted a
3 proposal and is competing with a non-local proposer(s), then the local vendor(s) shall
4 have the opportunity to proceed to be considered for further evaluation provided the
5 price is within five percent (5%) of the cost proposed by the non-local vendor, all
6 other technical requirements being equal. In the case of a tie in the best and final
7 proposal between a local business, the tie shall be broken as delineated in
8 Policy 6320.

9 **Professional Services:**

10 Local preference policy shall apply to services of which is subject to the Consultants
11 Competitive Negotiation Act, as delineated in F.S. 287.055. If two (2) firms, one local
12 and one non-local are within five percent (5%) of each other's total qualitative scores,
13 and for design build solicitations, the adjusted low bid as defined in the
14 corresponding implementing order, the local firm shall be ranked higher than the
15 non-local firm in the final ranking. In case of a two-tiered evaluation process, the
16 local preference shall also apply at the conclusion of the first tier to allow eligible
17 local proposers within five percent (5%) of the points assigned to those
18 recommended to participate in the second-tier evaluation.

19 The application of local preference to a particular purchase, contract, or category of
20 contracts for which the Board is awarding authority may be waived upon written
21 justification and recommendation by the Superintendent.

22 The preference established in this policy does not prohibit the right of the Board, or
23 other authorized purchasing authority, from giving preference permitted by law in
24 addition to the preference authorized in this policy.

25 The preference established in this policy does not prohibit the right of the Board, or
26 other authorized purchasing authority, to compare quality or fitness for use of
27 supplies, materials, equipment and services proposed for purchase and compare
28 qualifications, character, responsibility and fitness of all persons, firms or
29 corporations submitting bids or proposals.

30 Adopted 10/19/11

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