

## 1. Local Preference

In order to address the competitive disadvantage faced by local businesses that seek to enter into contracts with the Solano Transportation Authority (“STA”) because of the higher costs of doing business in Solano County, and to encourage businesses to locate and remain in Solano County, the STA has implemented a local preference policy.

### 1.1. Definition of Local Business

For purposes of this section, a “local business” means a business enterprise, including but not limited to a sole proprietorship, partnership, or corporation, which has the following:

- a valid business license issued from Solano County or a political subdivision within Solano County; and
- its principal business office, or a satellite office with at least one full-time employee who will serve as the “responsible in charge” for any contract, located in Solano County for at least six (6) months prior to the award of a contract with the STA.

For purposes of this section, a “responsible in charge” means the person designated by contract as the lead contact for all services to be performed under the contract.

### 1.2. Preference

#### 1.2.1. Contracts for purchases of Goods or Supplies

When competitive bidding is utilized to purchase goods or supplies, the STA representative conducting the solicitation shall perform as follows:

- Where the lowest responsible bidder is not a local business, the STA representative shall provide the lowest responsible local business bidder, should one exist and its bid is within five percent (5%) of the lowest responsible bidder, with notice and an opportunity to reduce its bid to match that of the lowest responsible bidder. Notice shall be by telephone and either facsimile or electronic mail. The local business shall have five (5) business days after the date of such notice to match the lowest bid, in writing. Should the local business so match, it shall be deemed the lowest responsible bidder and receive the award.

- Should the lowest responsible local business bidder decline to match as set forth above, the STA representative shall provide the next lowest responsible local business bidder, should one exist and its bid is within five percent (5%) of the lowest responsible bidder, with the same notice and opportunity to match the bid of the lowest responsible bidder as above. This process shall continue as necessary, until an award is made either to a responsible local business bidder within five percent (5%) of the lowest responsible bidder, or the lowest responsible bidder itself.
- In instances where a local business and a non-local business submit equivalent, lowest responsible bids, the STA representative shall give preference to the local business.
- No contract awarded to a local business under this section shall be assigned or subcontracted in any manner that permits more than fifty (50) percent or more of the dollar value of the contract to be performed by an entity that is not a local business.

### **1.2.2. Contracts for Professional Service**

When awarding contracts for professional services, the STA representative conducting the solicitation shall give special consideration to local businesses for knowledge of the communities and proximity to project locations. The STA representative will analyze the availability of registered local businesses in relationship to the work to be performed and recommend a local business participation goal to be included with each authorization to issue a Request for Proposal (RFP). Preference points will be awarded based on sliding scale in accordance with a local business's level of participation in the proposed scope of services.

## **1.3. Declaration of Compliance**

### **1.3.1. Bids**

In submitting a bid subject to this section, a local business shall affirm its compliance with subsection 1.1 on a form to be provided by the STA representative.

### **1.3.2. Invoices**

Vendors awarded contracts based on a local preference must certify the on-going participation of the local business throughout the contract term to be submitted with each invoice for payment.

**1.4. Notice and Outreach**

The STA will maintain a registry of local businesses who are interested in conducting business with the STA. Each STA representative shall provide adequate notice of the provisions of this section to prospective bidders when conducting a solicitation.

**1.5. Annual Reporting**

An annual report of the utilization of local preference will be presented to the STA Board of Directors upon the close of each fiscal year at its September meeting, or as soon thereafter as may be heard.

**1.6. Exceptions**

This Policy is expressly inapplicable to public works or other projects to the extent the application would be prohibited by state or federal law. The STA Board expressly reserves the right to waive the application of this Policy in bidding situations involving single bids or other situations in which the application of the Policy is impractical or otherwise not warranted given the circumstances.

[SEAL]  
[Address Info and Where to Send it]

### DECLARATION OF LOCAL BUSINESS

Solano Transportation Authority ("STA") gives local businesses a preference in formal solicitations of goods and services as set forth in \_\_\_\_\_ of the STA's Purchasing Policy Manual.

In order to qualify for this preference, a business must meet all of the following criteria:

- a valid business license issued from Solano County or a political subdivision within Solano County; and
- its principal business office, or a satellite office with at least one full-time employee who will serve as the "responsible in charge" for any contract, located in Solano County for at least six (6) months prior to the award of a contract with the STA.

For purposes of this section, a "responsible in charge" means the person designated by contract as the lead contact for all services to be performed under the contract.

By completing and signing this form, the undersigned states that, under penalty of perjury, the statements provided are true and correct and that the business meets the definition of a local business.

All information submitted is subject to investigation, as well as disclosure to third parties under the California Public Records Act. Incomplete, unclear, or incomprehensible responses to the following will result in the bid not being considered for application of the STA's local preference policy. False or dishonest responses will result in rejection of the bid and curtail the declarant's ability to conduct business with the STA in the future. It may also result in legal action.

1. Legal name of business: \_\_\_\_\_

2. Physical address of principal place of business or satellite office with at least one employee:

\_\_\_\_\_  
\_\_\_\_\_

3. Business license number issued by County of Solano, or incorporated city within the County:

License Number: \_\_\_\_\_ Issued by: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name & Title: \_\_\_\_\_