

ORDINANCE NO. 2023-21

LOCAL BID PREFERENCE PROGRAM

The Contra Costa County Board of Supervisors ordains as follows (omitting the parenthetical footnotes from the official text of the enacted or amended provisions of the County Ordinance Code):

SECTION 1. This ordinance amends the County's local bid preference program to give local vendors who submit a bid for supplies, materials and/or equipment that is within seven percent of the lowest responsive bid the option to submit a new bid that is less than or equal to the lowest responsive bid.

SECTION 2. Section 1108-2.407 of the County Ordinance Code is amended to read:

1108-2.407 Procedure – Local bid preference.

- (a) Except as otherwise provided in this section, whenever the purchasing agent purchases supplies, materials and/or equipment in an amount in excess of \$25,000 for the County through the use of competitive bids, the purchasing agent in evaluating the bid or price for these supplies, materials and/or equipment will determine if the lowest responsible vendor is a local vendor as defined in this section and, if so, the contract will be awarded to the local vendor. If the low bid is not a local vendor, any responsive local vendor who submitted a bid that was within seven percent (7%) of the lowest responsive bid as determined by the purchasing agent will have the option of submitting a new bid within 48 hours (not including weekends or holidays) of the County's delivery of notification. Any new bids must be in an amount less than or equal to the lowest responsive bid as determined by the purchasing agent. If the purchasing agent receives any new bids from local vendors, the purchasing agent will award the contract to the local vendor submitting the lowest responsive bid. If no new bids are received, the contract will be awarded to the original low bidder as announced by the purchasing agent.
- (b) For purposes of this procedure, a "local vendor" means any person or business that:
 - (1) Has its principal place of business located in Contra Costa County for at least six months immediately before the purchasing agent issues the request for competitive bids; and
 - (2) Has a business license, if required, issued by Contra Costa County or a jurisdiction located in Contra Costa County.
- (c) Any vendor claiming to be a local vendor, as defined above, must submit with its bid a statement containing relevant information that demonstrates its status as a local vendor. This statement must be on a form available from the County purchasing agent and must be signed under penalty of perjury. The purchasing agent is not required to verify the accuracy of these statements, and has sole discretion to determine if a vendor meets the definition of a local vendor.

- (d) Any person or business falsely claiming to be a local vendor under this section will be ineligible to conduct business with Contra Costa County for a period of not less than three months and not more than 24 months as determined in the sole discretion of the purchasing agent. The purchasing agent also has the right to terminate all or part of any contract entered into with any of these persons or businesses.
- (e) This section does not apply to contracts required by state or federal statutes or regulations to be awarded to the lowest responsible bidder, contracts funded in whole or part by the federal government, or contracts otherwise exempted from local preference. (Ords. 2023-21 §2, 2005-29 §2.)

SECTION 3.EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of supervisors voting for or against it in the East Bay Times, a newspaper published in this County.

PASSED on December 12, 2023, by the following vote:

AYES: John Gioia, Candace Andersen, Diane Burgis, Ken Carlson, Federal D. Glover

NOES: None

ABSENT: None

ABSTAIN: None

/s/ John Gioia, Board Chair

Attest: Monica Nino, Clerk of the Board of Supervisors and County Administrator

By: June McHuen, Deputy Clerk