



AGENDA REPORT
November 13, 2018

Repeal of Local Preference Policy

SUBJECT:

Repeal of Local Preference Policy

FISCAL IMPACT:

Indeterminate

DEPT/OFFICE:

District 3

REQUESTED ACTION:

It is requested that the Board consider and approve the attached resolution

SUMMARY EXPLANATION and BACKGROUND:

Brevard County's "local preference" policy was adopted, in its current form, in January of 2014. The policy has had unintended consequences, and is distorting the market, leading to increased costs for the County. As such, repealing the local preference policy would be in the best interests of the County.

ATTACHMENTS:

Description

- **Local Preference Policy Repeal**



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November 14, 2018

M E M O R A N D U M

TO: Leslie Rothering, Interim Central Services Director

RE: Item J.2., Resolution Repealing Local Preference Policy

The Board of County Commissioners, in regular session on November 13, 2018, adopted Resolution No. 18-186, rescinding Brevard County's 'Local Preference' Policy in order to treat all entities seeking to do business in the County equally. Enclosed is a certified copy of the Resolution.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Commissioner Tobia

RESOLUTION 18-186

**RESCINDING BREVARD COUNTY'S "LOCAL PREFERENCE" POLICY IN ORDER
TO TREAT ALL ENTITIES SEEKING TO DO BUSINESS WITH BREVARD COUNTY
EQUALLY**

WHEREAS, the Board of County Commissioners previously approved Resolution 2012-221, requiring the County to adopt a policy of using local preference for bids and proposals, and that Resolution 2012-221 was later revised by Resolution 2014-031; and

WHEREAS, giving preference to businesses which have a place of business within the County and State ("local preference") during the procurement process disrupts and distorts market forces; and

WHEREAS, it is in the best interest of County taxpayers to have the most efficient market in its procurements; and

WHEREAS, local preference inevitably leads to higher costs for Brevard County in its endeavors on behalf of citizens; and

WHEREAS, local preference policies discourage businesses from competing for business due to the reality and perception of an unbalanced selection process; and

WHEREAS, FEMA procurement rules and regulations as well as federal and/or state grant programs prohibit the use of statutorily or administratively imposed State, local or tribal geographical preferences in the evaluation of bids and proposals; and

WHEREAS, businesses located within Brevard County will continue to be competitive in responding to the needs of the County due to natural market forces and advantages; and

WHEREAS, basic principles of equity demand that all those seeking to do business with Brevard County are treated fairly.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF BREVARD COUNTY FLORIDA, as follows:**

Section 1. Repealing Local Business Preference Policy

The Board of County Commissioners hereby repeals Resolutions 2014-031 and 2012-221, and any associated policy granting preference to entities with a place of business within Brevard County or the State of Florida unless otherwise required by Florida law, in its entirety

Section 2. Effective Date

This resolution shall take effect immediately upon the date of execution and apply to any bid/RFP advertised after the date of execution

DONE, ORDERED AND ADOPTED, in regular session, this 13th Day of November, 2018.



RITA PRITCHETT, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FL

As approved Board 11/13/18

ATTEST:



SCOTT ELLIS, CLERK