

ORDINANCE NO. 10625 (N.S.)

AN ORDINANCE AMENDING THE SAN DIEGO COUNTY CODE OF ADMINISTRATIVE ORDINANCES ARTICLE XXIII, DEPARTMENT OF PURCHASING AND CONTRACTING, SECTION 405 RELATING TO THE LOCAL BUSINESS PREFERENCE PROGRAM

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the amendments made by this ordinance are intended to assist and improve the local economy by helping local veteran owned businesses, local disabled veteran businesses and local small businesses to be more competitive for County procurements.

Section 2. Article XXIII, Section 405 of the San Diego County Administrative Code is amended as follows:

(a) The Department shall give preference to any Local Business that is also a Disabled Veteran Owned Business, Veteran Owned or Small Business in the evaluation of a bid or proposal as required by this Section 405. For purposes of this Section 405, a vendor qualifying under this Section (a) shall be referred as a “Preferred Vendor.”

(b) Definitions.

(1) “Local Business” shall mean a partnership, corporation, joint venture, or any other association formed to conduct business, or an individual, that:

i) Maintains its international or domestic headquarters within the geographic boundaries of San Diego County; or

ii) At the time the County issues the solicitation, provides or sells from a location within the geographic boundaries of San Diego County the same or similar goods or services to be purchased by the County. For purposes of this definition, the same or similar goods or services may be only a part of the goods or services being purchased.

For purposes of the definition of “Local Business,” a partnership, joint venture or any other entity seeking to qualify as a Local Business must demonstrate that at least one of its members qualifies as a Local Business and i) will perform a commercially useful function under the contract to be awarded, ii) is an equity member of the entity, and iii) is not a subcontractor.

(2) “Veteran Owned Business” shall have the meaning set forth in Board Policy.

(3) “Disabled Veteran Business” shall have the meaning set forth in Board Policy.

(4) “Small Business” shall have the meaning set forth in Board Policy.

(c) In any procurement where a preference is required to be applied by Subdivision (a) of this Section 405, five percent (5%) shall be subtracted from any Preferred Vendor’s bid or proposed price being evaluated for award. The amount subtracted shall not exceed fifty thousand dollars (\$50,000.00). For formal bids, if the price adjustment results in the Preferred Vendor’s bid being equal to or lower than the lowest bid submitted by a non-Preferred Vendor, contract award shall be made to the Preferred Vendor, and shall be made at the unadjusted bid price. For competitive negotiated procurements, contract award shall be made to the proposer providing the best value to the County after consideration of the price preference.

(d) This Section 405 shall not apply to procurements where precluded by funding source requirements or State or federal law or regulation, or where the County is leading or participating in a cooperative procurement with another public entity or entities.

(e) This section shall apply to procurements and resulting contracts issued on or after January 1, 2020.

Section 3. This ordinance shall take effect and be in force on January 1, 2020, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in The Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: David J. Smith, Chief Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 15th day of October, 2019.



DIANNE JACOB
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 15th day of October, 2019.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Chrystal Rodriguez, Deputy



Ordinance No.: 10625 (N.S.)

Meeting Date: 10/15/19 (19)