

### 13. Local Preference

- a. The Authority shall give a local preference to businesses located in Shelby County, Tennessee, when the application of such preference is reasonable in light of the dollar-value of the bids received.
- b. Local preference shall be given in accordance with the following:
  - (1) For purposes of qualifying as a local business, a vendor shall provide the following documentation:
    - i. A copy of the vendor's domestic Shelby County and State of Tennessee business licenses;
    - ii. Proof that Shelby County personal property taxes and all other local business operational taxes are appropriately paid and/or provide the authority from the governing bodies and/or appropriate officials of each applicable agency to release such information to the Authority; and
    - iii. Proof that the vendor's principal place of business is in Shelby County, Tennessee.
  - (2) For purchases of \$50,000 or more, the total bid amount of all bids received from qualified, responsive local businesses shall be decreased by five percent (5%), if the lowest responsive bidder is a regional or non-local business. The five percent (5%) decrease is calculated solely for the purpose of determining the local preference amount, not the contract price. The amount of the local preference shall not exceed \$100,000.
  - (3) For purposes of evaluating responses to RFPs and RFQs, local businesses shall be assigned five percent (5%) of the total valuation points.
  - (4) In the event the bid amount from, or total points assigned to, a local business and one or more non-local businesses is the same, the local business shall be given priority during the selection process.
- c. The local preference shall not apply to the purchase of goods or services that are funded, in whole or in part, by a governmental entity, and the laws, regulations, or policies governing such funding prohibit application of local preferences. The local preference shall not apply to emergency purchases or any other noncompetitive purchases.
- d. Application of this local preference policy to a particular contract or category of contracts may only be waived before any bids are taken. The Procurement Department shall submit a written justification for any such waiver to the President for approval.
- e. This local preference policy may be applied to authorized purchases in addition to any other preference permitted by law.

### 14. Local Participation Preference

- a. The Authority shall give a local participation preference to businesses operating in Shelby County, Tennessee, when the application of such preference is reasonable in light of the dollar-value of the bids received.
- b. Local participation preference shall be given in accordance with the following:
  - (1) Local participation preference shall apply when a non-local business has an office located in Shelby County, Tennessee, and when said office will be directly responsible for the purchase.
  - (2) For purchases of \$50,000 or more, the total bid amount of all bids received from qualified, responsive locally-participating businesses shall be decreased by three percent (3%), if the lowest responsive bidder is a regional or non-local business. The three percent (3%) decrease is calculated solely for the purpose of determining the local participation preference amount, not the contract price. The amount of the local preference shall not exceed \$100,000.

- (3) For purposes of evaluating responses to RFPs and RFQs, locally-participating businesses shall be assigned three percent (3%) of the total valuation points.
- (4) In the event the bid amount from, or total points assigned to, a locally-participating business and one or more non-locally-participating businesses is the same, the locally-participating business shall be given priority during the selection process.
- c. The local participation preference shall not apply to the purchase of goods or services that are funded, in whole or in part, by a governmental entity, and the laws, regulations, or policies governing such funding prohibit application of local preferences. The local participation preference shall not apply to emergency purchases or any other noncompetitive purchases.
- d. Application of this local participation preference policy to a particular contract or category of contracts may only be waived before any bids are taken. The Procurement Department shall submit a written justification for any such waiver to the President for approval.
- e. This local participation preference policy may be applied to authorized purchases in addition to any other preference permitted by law.

#### 15. MSA Preference

- a. The Authority shall give a preference to businesses located in the Metropolitan Statistical Area, or "MSA," when the application of such preference is reasonable in light of the dollar-value of the bids received.
- b. MSA preference shall be given in accordance with the following:
  - (1) For purposes of qualifying as an MSA business, a vendor shall provide the following documentation:
    - i. Proof that the vendor's principal place of business is in a county that is contained within the Memphis, TN-MS-AR MSA as defined by the United States Census Bureau.
  - (2) For purchases of \$50,000 or more, the total bid amount of all bids received from qualified, responsive MSA businesses shall be decreased by two percent (2%), if the lowest responsive bidder is a regional or non-local business. The two percent (2%) decrease is calculated solely for the purpose of determining the local preference amount, not the contract price. The amount of the local preference shall not exceed \$100,000.
  - (3) For purposes of evaluating responses to RFPs and RFQs, MSA businesses shall be assigned two percent (2%) of the total valuation points.
  - (4) In the event the bid amount from, or total points assigned to, an MSA business and one or more non-MSA businesses is the same, the MSA business shall be given priority during the selection process.
- c. The MSA preference shall not apply to the purchase of goods or services that are funded, in whole or in part, by a governmental entity, and the laws, regulations, or policies governing such funding prohibit application of local preferences. The MSA preference shall not apply to emergency purchases or any other noncompetitive purchases.
- d. Application of this MSA preference policy to a particular contract or category of contracts may only be waived before any bids are taken. The Procurement Department shall submit a written justification for any such waiver to the President for approval.
- e. This MSA preference policy may be applied to authorized purchases in addition to any other preference permitted by law.