

Memphis Light, Gas & Water Division

MLGW PROCUREMENT & CONTRACTS DEPARTMENT

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LOCAL BIDDING PREFERENCE AND PRESENCE:

LOCAL BIDDING PREFERENCE:

MLGW shall give Local Bidding Preference in the awarding of contracts and making purchases whenever applying such a preference is reasonable in light of the dollar-value of the bids received in relation to such expenditures.

Definitions as used in this article have the following meanings:

Contract shall mean any contract, purchase order, or agreement (other than a lease, collective bargaining agreement, a contract funded by federal monies supplied under any federal grant program or plan, contracts for purchased power and gas, loans, grants, financial assistance, and banking contracts), awarded under the MLGW Procurement Policy and whose cost is paid from funds belonging to or administered by MLGW.

Local Business shall mean that the supplier, Consultant or contractor has a valid domestic type Shelby County and Tennessee business license, issued at least one (1) year prior to the bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and the physical principal business address located within the city limits of Memphis, Tennessee, in an area zoned for the conduct of such business, from which the Consultant operates or performs the majority of the Consultant's business on a day-to-day basis, and also from which the Consultant conducts 100% of the necessary functions to maintain or fulfill the Contract with MLGW. Post Office boxes are not verifiable and shall not be used to establish said address.

Eligibility and Application:

To be eligible for the Local Bidding Preference, the supplier, Consultant, or contractor must provide a copy of the Shelby County business license and must also provide proof that City of Memphis personal property and real estate taxes were appropriately paid. Proof of payment includes a copy of the receipt issued by the Treasurer for the City of Memphis or a screenshot from the Treasurer's website evidencing payment of the taxes. The web address is: <http://epayments.cityofmemphis.org>.

Application of Local Bidding Preference:

In request for proposal, letters of interest, best evaluated proposals, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses; Local Businesses are assigned 5% of the total evaluation points

up to a maximum of five (5) points.

If a tie occurs between a Local Business and one (1) or more non-Local Businesses meeting specifications, the ties shall be broken in favor of the Local Business.

LOCAL BIDDING PRESENCE:

If there is no Local Bidding Preference designation, either due to non-participation or non-eligibility after the 5% differential, then Local Bidding Presence will be considered.

Eligibility and Application:

Local Bidding Presence will be demonstrated by the total number of individuals a business employs within Shelby County, Tennessee. For request for proposals or matters for which factors are evaluated, Local Bidding Presence at the time of the response will be a weighted criterion. The Local Bidding Presence designation shall not be allowed for a business with less than 25 local employees at the time of the proposal response.

Exceptions to Local Bidding Preference and Local Bidding Presence:

The Local Bidding Preference or Local Bidding Preference established in no way prohibits the right of MLGW from making awards based on applying the MLGW Supplier Diversity Policy or law. The Local Bidding Preference or Local Bidding Presence criteria shall not apply to purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of the Local Bidding Preference or Local Bidding Presence. Nor shall the Local Bidding Preference or Local Bidding Preference apply to purchases made or contracts let under emergency or noncompetitive situations.

Application of the Local Bidding Preference or Local Bidding Presence criteria to a purchase, contract or category of contracts for which MLGW is the awarding authority may be waived upon written justification regarding the character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals.

Further, the Local Bidding Preference or Local Bidding Presence established does not prohibit MLGW from giving any other preference permitted by law or policy besides the authorized preference.

Application of the Local Bidding Preference or Local Bidding Presence to a purchase or contract may be waived by the Board or Commissioners ("Board" or "Commissioner(s)") upon recommendation by the applicable Vice President and approval by the President.