

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF CHEROKEE )

FILED IN OFFICE OF  
CLERK OF COURT  
CHEROKEE COUNTY, S.C.  
ORDINANCE NUMBER: 2011-01  
2011 MAR 23 P 1:59

AN ORDINANCE TO AMEND THE CHEROKEE COUNTY PURCHASING  
POLICY AND PROCEDURE ORDINANCE TO PROVIDE FOR A  
LOCAL VENDOR PREFERENCE FOR  
CHEROKEE COUNTY VENDORS

WHEREAS, Cherokee County Council desires to further its support of local businesses when awarding contracts for the provision of supplies and construction services to the County through its established procurement procedures.

WHEREAS, Cherokee County Council further acknowledges the current economic conditions locally, which include published reports of unemployment being as high as 14% in December of 2010; in light of such reports, Cherokee County Council recognizes the need for job creation at the local level and desires to create avenues which lessen county-wide unemployment.

WHEREAS, Cherokee County Council, by promoting local businesses in its procurement process, believes that such emphasis, in addition to creating jobs, will stabilize the local economy and strengthen the County's tax base.

WHEREAS, in furtherance of this local vendor preference, the residency requirement in Part 8, Section 8-1(1)(b) below, for Cherokee County vendors has been implemented by the Cherokee County Council in order to promote the integrity of the local vendor preference by favoring business entities with a minimally vested interest in the Cherokee County Community.

NOW, THEREFORE, be it ordained by Cherokee County Council, duly assembled, that the Cherokee County Purchasing Policy and Procedure Ordinance, as previously amended, is further amended in regards to Part 8 with all existing provisions of Part 8 being deleted and replaced as follows:

**PART 8. CHEROKEE COUNTY VENDOR PREFERENCE**

**Section 8-1: Definitions**

- (1) A vendor shall be deemed a "Cherokee County vendor" for the purposes of this Part if: (a) such vendor be an individual, partnership, association or corporation that is authorized to transact business within the State of South

Carolina; (b) such vendor has a physical business address located and operating within the County of Cherokee and has maintained such address for a period of ninety (90) days prior to the advertisement of the request for proposals or the date the County otherwise solicits bids; and (c) provides proof of payment of all applicable Cherokee County taxes and fees. A post office box or temporary construction or office trailer shall not be considered a physical business address to comply with the provisions of this section.

(2) Cherokee County Vendor Preference

The lowest responsive and responsible Cherokee County vendor, if any, whose bid is within five percent (5%) of the lowest non-Cherokee County vendor, which would otherwise be awarded the bid, may be given the opportunity to match the bid submitted by the non-Cherokee County vendor and thus be awarded the bid for the provision of goods, supplies or construction services. This preference shall be applicable only to solicitations by Cherokee County for goods, supplies, and construction services which are \$25,000.00. or more in value. Should the lowest responsive and responsible Cherokee County vendor not exercise its right to match the bid as granted herein, the next lowest Cherokee County vendor shall be authorized to exercise such right and so on. The right to exercise the right to match the bid shall be exercised within 24 hours of notification of the right to match the non-Cherokee County vendor's bid.

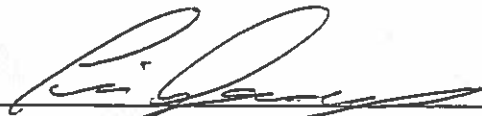
(3) In order for a Cherokee County vendor to assert its right to the preference created in this Article, the Cherokee County vendor must fully complete an Affidavit claiming such preference, a copy of which is attached hereto and incorporated herein by reference, at that time that its original bid is submitted. Failure to provide such Affidavit at the time the vendor submits its original bid shall constitute a waiver of any claim for preference.

(4) Should a solicitation, procurement, or request for bids be made by Cherokee County for goods, supplies, or construction services, which by state or federal guidelines prohibit or restrict the type of preference created in this Part, this Part granting such preference shall not apply to such solicitation, procurement, or request for bids. Likewise, should any

solicitation, procurement, or request for bids by Cherokee County for goods, supplies, or construction services be funded in whole or in part with state or federal monies, the receipt of which by Cherokee County prohibits or restricts the use of the type of preference created in this Part, this Part granting such preference shall not apply to such solicitation, procurement, or request for bids.

Except as amended hereby, the Cherokee County Purchasing Policy and Procedure Ordinance, as previously amended, shall continue in full force and effect.

This Amendment shall be effective upon third and final reading this 21st day of March, 2011.

  
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Tim Speneer - Chairman  
Cherokee County Council

First Reading: 02/22/11  
Second Reading: 03/07/11  
Public Hearing: 03/21/11  
Third Reading: 03/21/11

ATTEST:

  
\_\_\_\_\_  
Doris Pearson - Clerk to Council



## CHEROKEE COUNTY VENDOR PREFERENCE AFFIDAVIT

\_\_\_\_\_, who being duly sworn, (company name/company representative) certifies that the vender identified in this Bid Response meets all qualifications for the preference as defined in Part 8 of the Cherokee County Purchasing Policy and Procedure Ordinance, as amended.

By this written claim, Bidder requests that the preference be exercised in consideration of the award of this Bid.

BIDDER CERTIFIED THAT HE MEETS ALL QUALIFICATIONS FOR THE (CHECK ONLY ONE OF THE FOLLOWING):

\_\_\_\_\_ 1. CHEROKEE COUNTY VENDOR PREFERENCE

Bidder Signature: \_\_\_\_\_

Bidder Name: \_\_\_\_\_

Position: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: \_\_\_\_\_