

187.34. Local preference.

Except as limited by subsection (f) herein, and except for any contract supported in whole or in part by the State of Ohio or federal government, the dollar amount of any bidder's or proposer's bid or proposal for a public improvement or for goods or services, shall be evaluated as though those proposed by local bidders were either five percent (5%), four percent (4%), three percent (3%), three and one-half percent (3.5%), two and eighty-five hundredths percent (2.85%), two and three quarters percent (2.75%), and two and one quarter percent (2.25%) lower than actually proposed in accordance with the following schedule:

(a) (1) Bids and proposals for contracts involving forty thousand dollars (\$40,000) or more received from bidders or proposers whose principal place of business is within the corporate boundaries of the City of Toledo shall be evaluated on a three percent (3%) reduction basis.

(2) Bids and proposals for contracts involving less than forty thousand dollars (\$40,000) received from bidders or proposers whose principal place of business is within the corporate boundaries of the City of Toledo shall be evaluated on a five percent (5%) reduction basis.

(b) (1) Bids and proposals for contracts involving forty thousand dollars (\$40,000) or more received from bidders or proposers that are located in the City of Toledo but do not have their principal place of business within the corporate boundaries of the City of Toledo shall be evaluated on a two and eighty-five hundredths percent (2.85%) reduction basis, when not competing against a City of Toledo bidder or proposer whose principal place of business is located within the corporate boundaries of the City of Toledo.

(2) Bids and proposals for contracts involving less than forty thousand dollars (\$40,000) received from bidders or proposers that are located in the City of Toledo but do not have their principal place of business within the corporate boundaries of the City of Toledo shall be evaluated on a four percent (4%) reduction basis, when not competing against a City of Toledo bidder or proposer whose principal place of business is located within the corporate boundaries of the City of Toledo..

(c) (1) Bids and proposals for contracts involving forty thousand dollars (\$40,000) or more received from bidders or proposers that are located outside the City of Toledo but within Lucas County shall be evaluated on a two and three-quarters percent (2.75%) reduction basis, when not competing against a City of Toledo bidder or proposer .

(2) Bids and proposals for contracts involving less than forty thousand dollars (\$40,000) received from bidders or proposers that are located outside the City of Toledo but within Lucas County shall be evaluated on a three and one-half percent (3.5%) reduction basis, when not competing against a City of Toledo bidder or proposer.

(d) (1) Bids and proposals for contracts involving forty thousand dollars (\$40,000) or more received from bidders or proposers that are located outside the City of Toledo and Lucas County but within the Northwest Ohio 10 County Area or Southeast Michigan 2 County Area shall be evaluated on a two and one quarter percent (2.25%) reduction basis, when not competing against a City of Toledo or Lucas County bidder or proposer.

(2) Bids and proposals for contracts involving less than forty thousand dollars (\$40,000) received from bidders or proposers that are located outside the City of Toledo

and outside Lucas County but within the Northwest Ohio 10 County Area or Southeast Michigan 2 County Area shall be evaluated on a three percent (3%) reduction basis, when not competing against a City of Toledo or Lucas County bidder or proposer.

(e) (1) A bidder's or proposer's principal place of business shall be demonstrated by documents filed with the Secretary of State of Ohio, other State agencies which identify as of the date the bids or proposals are due where the principal place of business is located . . . When proof of situs is required the local bidder or proposer must provide proof of principal place of business to the Mayor in order to receive a preference provided herein.

(2) A bidder or proposer located but not principal place of business in Toledo is an bidder or proposer whose physical, viable place of business is located within the corporate limits of the City of Toledo but not principal place of business within the corporate limits of the City of Toledo. When proof of situs is required the local bidder or proposer must provide proof of place of business to the Mayor in order to receive a preference provided herein.

(3) A bidder or proposer located but not necessarily principal place of business in Lucas County is an bidder or proposer whose physical, viable place of business is located within the corporate limits of Lucas County. When proof of situs is required the local bidder or proposer must provide proof of place of business to the Mayor in order to receive a preference provided herein.

(4) A bidder or proposer located within the Northwest Ohio 10 County Area, excluding Lucas County, is an bidder or proposer whose physical, viable place of business is located within the nine (9) Ohio counties of: Williams, Defiance, Fulton, Henry, Wood, Ottawa, Sandusky, Seneca and Erie. A bidder or proposer located within the Southeast Michigan 2 County Area is an individual or business entity whose physical, viable place of business is located within the two (2) Michigan counties of: Monroe, and Lenawee. When proof of situs is required the local bidder or proposer must provide proof of place of business to the Mayor in order to receive a preference provided herein.

(f) The maximum amount of preference shall be \$300,000 and no bid shall be evaluated based on a reduction basis exceeding \$300,000. Nothing herein shall be construed as increasing or decreasing the actual price of a bid or proposal and the resulting contract in accordance with their terms in this section is intended only to be used for purposes of comparing and evaluating bids and proposals for goods and services. A City of Toledo bidder or proposer is one who has a principal place of business and or a non-principal physical viable place of business located within the corporate limits of the City of Toledo. Nothing within this section shall be construed to create any private rights, claims or causes of action on behalf of any person, including but not limited to bidders, proposers..

(Ord. 233-13. Passed 5-14-13.)