

ORDINANCE NO. 3634

AN ORDINANCE AMENDING SECTION 1-03-1301 OF THE ORDINANCE CODE OF TULARE COUNTY, PERTAINING TO LOCAL PREFERENCE.

THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE ORDAINS AS FOLLOWS:

**Section 1.** Section 1-03-1301 of Article 7 (“Purchasing Agent”) of Chapter 3 (“County Offices and Departments”) of Part I (“Government and Administration”) of the Tulare County Ordinance Code is amended to read as follows:

**§ 1-03-1301. LOCAL PREFERENCE:**

(a) Notwithstanding any other provision in this chapter to the contrary, whenever the County purchases supplies, materials, equipment or services for the County through the use of competitive bids, the County, in evaluating the price for such supplies, materials, and/or equipment, shall determine if the lowest responsible bidder is a local vendor as defined in this section; and, if so, the contract shall be awarded to such vendor. If the low bidder is not a local vendor, any local vendor who submitted a bid which was within five percent (5%) of the low bid announced by the County shall have the option of submitting a new bid within forty-eight (48) hours (not including weekends and holidays) of the time indicated in the bid documents for the opening bid. Such new bid must be in an amount less than or equal to the low bid announced by the County. If the County receives any new bids from local vendors within said forty-eight (48) hour period, it shall award the contract to the local vendor submitting the lowest responsible bid. If no new bids are received within said forty-eight (48) hour period, the contract shall be awarded to the original low bidder as announced by the County.

(b) For purposes of this section, “local vendor” shall mean any business which:

(1) Has had a fixed office or distribution point located in and having a street address within the County for at least six (6) months immediately prior to the issuance of the request for bids by the County; and

(2) Holds any required business license by the County or any city within the County; and

(3) Employs at least one (1) full-time or two (2) part-time employees whose primary residence is located within the County, or if the business has no employees, shall be at least fifty percent (50%) owned by one or more persons whose primary residence is located within Tulare County.

(c) Any vendor claiming to be a local vendor as defined above shall so certify in writing to the Purchasing Agent. The Purchasing Agent shall not be required to verify the accuracy of any such certification, and shall have sole discretion to determine if a vendor meets the definition of a “local vendor.”

(d) Any person or business falsely claiming to be a local vendor under this section shall be ineligible to transact any business with the County for a period of not less than three (3) months nor more than twenty-four (24) months as determined in the sole discretion of the Purchasing Agent. The County shall also have the right to terminate all or any part of any contract entered into with such person or business.

(e) Prior to the County declaring any person or business not a "local vendor" or ineligible to transact business with the County, such person or business shall be entitled to a public hearing before the Board of Supervisors and to a five (5) day notice of the time and place thereof.

(f) This section shall not apply to contracts required by state or federal statutes or regulations to be awarded to the "lowest responsible bidder," or otherwise exempted from local preferences.

(g) The provisions of this section in regard to motor vehicles are suspended from the effective date of the addition of this subdivision (g) February 22, 2024 through December 31, 2024.

**Section 2.** The foregoing ordinance shall take effect thirty (30) days from the date of the passage hereof, and prior to the expiration of fifteen (15) days from the passage hereof the full text shall be published once in the Sun Gazette, a newspaper printed and published in the County of Tulare, State of California, together with the names of the members of the Board of Supervisors voting for and against the same.

THE FOREGOING ORDINANCE was passed and adopted by the Board of Supervisors of the County of Tulare, State of California, on the 23rd day of January 2024, at a regular meeting of said Board duly and regularly convened on said day by the following vote:

AYES: SUPERVISORS MICARI, VANDER POEL, SHUKLIAN, VALERO AND TOWNSEND  
NOES: NONE  
ABSTAIN: NONE  
ABSENT: NONE

COUNTY OF TULARE


By:   
Chair, Board of Supervisors

ATTEST: JASON T. BRITT  
County Administrative Officer/  
Clerk of the Board of Supervisors



By:   
Deputy Clerk

Approved as to Form:  
County Counsel

By:   
Matter # 203 20231031