

1 **RESOLUTION TO AMEND SECTION 102-358 OF THE FULTON COUNTY**
2 **CODE OF LAWS RELATING TO LOCAL PREFERENCE IN CONTRACTING,**
3 **TO MORE CLEARLY DEFINE THE TERM “BUSINESS LOCATION”; TO**
4 **REQUIRE A DECLARATION OF THE EXISTENCE OF A BUSINESS**
5 **LOCATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER**
6 **PURPOSES**

7
8 **WHEREAS**, Section 102-358 of the Fulton County Code of Laws, relating to local
9 preference in contracting, provides, among other things, that whenever a contract is to
10 be awarded for the procurement of goods and services following the solicitation of
11 competitive sealed proposals, local preference shall be given to businesses having a
12 business location within the geographic boundaries of Fulton County; and

13 **WHEREAS**, said Section 102-358 further provides that the term “business
14 location means a physical structure, office, or suite, but does not include a post office
15 box or a temporary job or project site location...”; and

16 **WHEREAS**, said Section 102-358 further provides that whenever goods or
17 services are procured by the solicitation of competitive sealed proposals, local
18 preference shall be included in the evaluation criteria to be considered by the vendor
19 selection committee; and

20 **WHEREAS**, said Section 102-358 further provides that whenever goods or
21 services of any kind or description are to be obtained through the solicitation of
22 competitive sealed proposals, ten percent (10%) of the total available points available to
23 each proposer shall be awarded on the basis of whether the proposer has a “business
24 location within Fulton County, which means a physical structure, office or suite, but does
25 not include a post-office box or temporary job or project site location”; and

26 **WHEREAS**, Section 102-358 further provides that whenever goods or services of
27 any kind or description are to be obtained through an invitation for bids, for the purposes

1 of making an award to the lowest responsible bidder, and two or more bidders have
2 submitted the lowest bid with each of said bids being otherwise equal with respect to
3 quality and service, but only one such bidder has a business location within Fulton
4 County, then the recommendation for award shall be in favor of the bidder having a
5 business location within Fulton County; and

6 **WHEREAS**, the Board of Commissioners of Fulton County finds that confusion
7 may arise regarding the precise meaning of “business location” and therefore finds it
8 prudent and necessary to provide clarity regarding the circumstances where a business
9 would be eligible for local preference points as a result of having a business location
10 within the meaning of Section 102-358, by defining “business location” under Section
11 102-358 as follows:

12 “business location” means that the business has a ~~(staffed)~~ ~~(fixed)~~ ~~(physical,~~
13 **place of business**) located within Fulton County and has had the same for at
14 least one (1) year prior to the date of the business’ submission of its proposal
15 or bid, as applicable and has had held a **valid business license from Fulton**
16 **County for the business at a fixed, physical, place of business**, for at
17 least one (1) year prior to the date of the business’ submission of its proposal
18 or bid, as applicable”;

19 and by further providing that each business seeking local preference points under
20 Section 102-358 shall certify under oath that it is eligible to receive the local preference
21 points as set forth above as a part of the submission of its proposal or bid to Fulton
22 County and, in the event the affidavit or other declaration under oath is determined to be

1 false, such business shall be deemed “non-responsive” and shall not be considered for
2 award of the applicable contract.

3 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of
4 Fulton County, Georgia hereby amends paragraph (b) of Section 102-358 of the Fulton
5 County Code of Laws, to read as follows:

6 (b) For purposes of this section,

7 the term “business location” means that the business has a **staffed,**
8 **fixed, physical, place of business** located within Fulton County and
9 has had the same for at least one (1) year prior to the date of the
10 business’ submission of its proposal or bid, as applicable and has had
11 **held a valid business license from Fulton County for the business**
12 **at a fixed, physical, place of business,** for at least one (1) year prior
13 to the date of the business’ submission of its proposal or bid, as
14 applicable.

15 **BE IT FURTHER RESOLVED**, that the Board of Commissioners hereby amends
16 Section 102-358 of the Fulton County Code of Laws by adding a new paragraph (f), to
17 read as follows:

18 (f) each business seeking local preference points under Section 102-358 shall
19 certify under oath that it is eligible to receive the local preference points as set
20 forth above as a part of the submission of its proposal or bid to Fulton County
21 and, in the event the affidavit or other declaration under oath is determined to be
22 false, such business shall be deemed “non-responsive” and shall not be
23 considered for award of the applicable contract.



POLICY AND PROCEDURE	
SUBJECT: First Source Jobs Policy	
DATE:	NUMBER: 800-13

I. **STATEMENT OF POLICY:**

It is the policy of Fulton County Government to provide employment opportunities to the citizens of Fulton County. This policy will apply to all contracts procured through the Department of Purchasing & Contract Compliance valued in excess of \$200,000. The Prime Contractor is expected to utilize Fulton County's First Source Jobs Program to fill 50% of the entry level jobs which arise as a result of any project funded in whole or in part with County funds with residents of Fulton County.

II. **PURPOSE:**

The purpose of this policy is to create a pool of employable persons who are residents of Fulton County to be called upon as a source to fill jobs created as a result of any eligible project funded in whole or in part with County funds in order to provide stable economic opportunities for families throughout the County. The First Source Jobs Program will be implemented and administered by the Department of Purchasing & Contract Compliance and the Office of Workforce Development.

III. **DEFINITIONS:**

- A. ***Contractor*** - means any person having a contract with Fulton County.
- B. ***First Source Register*** - means a database that contains a listing of unemployed Fulton County residents who are enrolled in the Office of Workforce Development First Source Jobs Program, including customers participating in the Workforce Investment Act (WIA) Program.
- C. ***Eligible project*** - means any company, individual or entity entering into any type of agreement with the County for the procurement of services, construction, professional or consultant services which is funded in whole or part with County funds or county-administered funds in which the contractor is to receive \$200,000 or more in County expenditures or committed expenditures.
- D. ***Entry-level job*** - means any non-managerial, non-professional or non-technical position identified by the Contractor for which little or no prior work experience or vocational skill training is required to successfully perform the job tasks.

E. **Good Faith Effort** – means those active actions taken by the Contractor to fill the positions identified by the Contractor by interviewing all employees referred from the Office of Workforce Development and other aggressive actions undertaken by the Contractor to meet the goal of the First Source Jobs Program Agreement.

F. **Program** – First Source Jobs Program

G. **Purchasing Agent** – Director of the Department of Purchasing & Contract Compliance

IV. **DUTIES**

A. The Department of Purchasing & Contract Compliance:

- (1) Administration and enforcement of the policy.
- (2) The establishment of written policies and procedures required to administer and ensure compliance with this policy.
- (3) Provide all forms, applications, documents and papers related to the First Source Jobs Program in all solicitation documents for eligible projects valued in excess of \$200,000.
- (4) All applicable reports and forms will be discussed during all pre-bid/proposal meetings to inform prospective bidders/proposers of the goals and requirements of the Program.
- (5) Review First Source Agreements submitted by the contractor for compliance with this policy.
- (6) The Office of Contract Compliance will assist with monitoring the participation of Program employees during routine site visits and report findings to the Office of Workforce Development for confirmation and follow-up.

B. The Office of Workforce Development:

- (1) Assist in the establishment of written policies and procedures required to administer and ensure compliance with this policy.
- (2) Upon receipt of the Detailed Program Job Order Form and all other applicable documents, the Office of Workforce Development will consult its database and recruit referrals for the position(s) identified by the awarded contractor. The Office of Workforce Development will refer at least two (2) applicants for each job for the contractor to interview for the identified position.
- (3) Prior to the resident referral for an interview with the awarded contractor, the Office of Workforce Development will conduct an assessment of skill and aptitude utilizing nationally recognized standardized test, and conduct criminal background checks.

- (4) All program participants will be required to complete a job readiness class emphasizing conflict resolution, effective communication and money management.
- (5) A Career Advisor/Career Coach will be available to the resident and the contractor for up to one year after employment to provide support.
- (6) The Office of Workforce Development Program Manager must notify the Director of Human Services and the Purchasing Agent of any determination of non-compliance with the requirements of this policy and recommend a resolution or action to be taken.

V. FIRST SOURCE REGISTER

- (1) The Office of Workforce Development shall develop and maintain a register of Fulton County residents who are enrolled in the Program.
- (2) In compiling and maintaining the First Source Register, the Office of Workforce Development shall contact the state department of labor, community based organizations, welfare agencies and any other agencies whose primary target group is the economically disadvantaged for names to be placed on the register who are Fulton County residents.

VI. FIRST SOURCE AGREEMENT

- A. The County shall require the contractor for every eligible project to enter into a First Source Agreement and the agreement shall contain the following provisions to which the contractor agrees:
 - (1) The initial source for finding employees to fill 50% of the entry-level jobs created by the eligible project will be the First Source register.
 - (2) Each contractor shall make a good faith effort to fill 50% of the entry-level jobs created by the eligible project with residents on the First Source register.
 - (3) If during the term of a First Source agreement, the contractor should transfer all or a portion of its business concerns affected by the agreement to any other party by lease, sale, assignment or otherwise, the contractor as a condition of transfer shall require the transferee to agree, in writing, to the terms of the First Source Agreement. A new First Source Agreement shall be executed with the transferee prior to the effective date of the transaction.
 - (4) The First Source Agreement shall be approved and executed contemporaneously with the execution of the underlying contract for the eligible project.

VII. NON-COMPLIANCE WITH POLICY

- A. Upon a determination by the Purchasing Agent that a contractor has failed to comply with any portion of this policy, the County may impose any or all of the following:

- (1) Ten percent (10%) of all future payments under the involved eligible project shall be entitled to be withheld from a contractor that has violated this policy until the contractor complies with the provisions of this policy.

Department Sponsor: Department of Purchasing & Contract Compliance and Health and Human Services Agency/Office of Workforce Development

Policy Review Date:

Effective Date:

References:

Agencies Affected: Department of Purchasing & Contract Compliance and the Health and Human Services Agency/Office of Workforce Development