



# PAULDING COUNTY BOARD OF COMMISSIONERS

## LOCAL BUSINESS

### AFFIDAVIT OF ELIGIBILITY

Complete all areas. Incomplete forms may be rejected. Submit by mail, fax or email to the below address  
240 Constitution Boulevard, Finance Dept., Dallas, GA 30132  
770.443.7602 or [purchase@paulding.gov](mailto:purchase@paulding.gov).

1. Legal Name of Business: \_\_\_\_\_
2. Mailing Address/Phone: \_\_\_\_\_ Physical Address (if different) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Phone \_\_\_\_\_ Email \_\_\_\_\_
3. Year business was established in Paulding County: \_\_\_\_\_
4. Business License Number issued by Paulding County: \_\_\_\_\_
5. Business Type: (corporation, partnership, sole proprietorship) \_\_\_\_\_
6. Trade(s): \_\_\_\_\_
7. Number of employees: \_\_\_\_\_
8. Preference criteria: Option 1 \_\_\_\_\_ Option 2 \_\_\_\_\_ Option 3 \_\_\_\_\_ Option 4 \_\_\_\_\_
  1. Primary business office & street address within Paulding County for at least nine (9) months
  2. At least 33% of full-time employees have primary residency in Paulding County
  3. The business is fifty-one (51%) percent owned by person(s) whose primary residence is in Paulding County
  4. Prime contractor does not meet above options and will obtain a project specific LBE status by sub-contracting certified LBE(s) at least 51% of total contract value.
9. Is your businesses' principal base of operations in Paulding County: \_\_\_Yes \_\_\_No
10. Does your business have any locations outside of Paulding County: \_\_\_\_\_  
 If yes, specify the location(s): \_\_\_\_\_

**CERTIFICATION: I hereby certify under penalty of perjury that the information which I have provided on this form is true and correct, that the business identified above satisfies the criteria of the option which I have designated, that I am authorized to sign on behalf of the business set out above, and if requested by the County will provide, within 10 days of notice, the necessary documents to substantiate the information provided on this form.**

By: \_\_\_\_\_ Authorized Representative: \_\_\_\_\_  
Print Name Signature

Title: \_\_\_\_\_ Date: \_\_\_\_\_

Subscribed and sworn before me by: \_\_\_\_\_ this \_\_\_\_\_, day of \_\_\_\_\_.

My commission expires: \_\_\_\_\_  
Notary Public

Seal

**Paulding County Board of Commissioners  
Purchasing Policy & Procedure  
Local Business Enterprise Program**

**Local Business Enterprise (LBE)** is a Paulding County program designed to promote opportunities for businesses located in Paulding County to participate in the procurement process for certain goods and services.

**Purpose and Scope:**

The LBE program is designed to return as much taxpayer money to the local economy in as short a time span as possible while at the same time foster inclusiveness with the County's procurement activities and provide more opportunities for local Paulding County businesses.

The Paulding County Board of Commissioners believes that it is important to encourage the participation of local businesses in the continuing business of County government; and that the participation of these types of businesses in procurement will strengthen the overall economic fabric of Paulding County, contribute to the County's economy and tax base, and provide employment to local residents. In doing so, the goal is to provide a significant opportunity for local businesses without eroding the fiscal benefits of the competitive bidding process. Therefore, the Board of Commissioners has made the success of local businesses a goal of Paulding County by implementing the Local Business Enterprise program.

This Local Business Enterprise Program shall consist of four parts: 1.) Defining the qualifications for being considered an LBE; 2.) LBE Program rules for evaluating bids where LBE(s) have successfully participated in the process; 3.) LBE Program exceptions; and 4.) LBE Program exclusions.

**1.) Definition of Local Business Enterprise**

To be defined as an LBE for the purpose of this program, a business must satisfy at least one of the following options:

**Option No. 1** – The business must have a primary business office located in and having a street address within Paulding County for at least nine (9) months immediately prior to the issuance of the quote/bid/proposal. In order to qualify as a primary business office, the office must be staffed by at least two (2) full-time employees, each of whom is present at the office at least thirty two (32) hours each week during the nine (9) month period. This option shall require a principal officer of the company to submit a statement certifying satisfaction of the above criteria, and include therein any supporting documentation as requested by the Purchasing Manager. Post Office boxes (*to include mailing/shipping center addresses*) shall not be used for the purpose of establishing a physical address nor shall a "shell" location be established for the sole purpose of qualifying as an LBE under this provision; OR

**Option No. 2** – For the ninety (90) day period prior to the issuance of the quote/bid/proposal, at least thirty-three (33%) percent of its full-time (*part-time, temporary, seasonal, and contract employees are not eligible*) shall have their primary residence in Paulding County. This option shall require a principal officer of the company to submit a statement certifying the payroll record for the ninety (90) day period prior to the bid advertisement as satisfying the above criteria and upon request submit the names and addresses of ALL full-time company employees with the Paulding County residences highlighted for verification as well as any other supporting documentation requested by the Purchasing Manager; OR

Option No. 3 - The business shall be at least fifty-one (51%) percent owned by one or more persons whose primary residence is in Paulding County. This option shall require a principal officer of the company to submit a statement certifying the home addresses and percentage of company ownership for verification.

No contract awarded to a Paulding County LBE under options 1, 2 or 3 above shall be assigned or subcontracted in any manner that permits thirty (30%) percent or more of the dollar value of the contract to be performed by an entity that is not a Paulding County LBE as defined herein.

Option No. 4 - A prime contractor not meeting any of the above criteria may obtain a project specific qualified LBE status by sub-contracting utilizing certified LBE(s). This option requires an otherwise non-LBE contractor to sub-contract at least fifty-one (51%) percent of the total contract value utilizing qualified LBE(s). The prime contractor shall include written documentation showing that at least fifty-one (51%) percent of the total contract award will be performed by a certified LBE(s).

The certified vendor list compiled by the Purchasing Division, Paulding County Government shall establish the group of Certified LBE's from which the bidder/proposer must solicit subcontractors for LBE participation.

It shall be a requirement for all prime contractors to self-perform at least 30% of the project work (in terms of Contract value) with its own forces. The prime contractor may include the value of all labor, material and equipment purchased in its percentage in order to meet this requirement.

All materials (pipe, GAB, Rip Rap, stone, concrete, asphalt, paper, etc.) and equipment (pumps, generators, computers, cameras, etc.) that are purchased or rented locally shall be allowed as part of the criteria used to meet the LBE requirements. When these items are necessary to complete the minimum LBE percent participation, it shall require a principal officer of the company to submit a statement certifying satisfaction with the above criteria, and include therein any supporting documentation such as receipts and/or load tickets or other information as requested by the Purchasing Manager

Regardless of the qualifying criteria used above (Options 1, 2, 3 or 4), the business(s) (including LBE sub-contractors used under Option No. 4) must hold a valid business license if required by the County and have no outstanding or unresolved taxes, fees, fines or penalties due to Paulding County.

The Purchasing Manager is hereby granted the authority to finally determine if the bidder qualifies as a Paulding County LBE based upon the above criteria.

## **2.) LBE Program**

Any request for bid/solicitation released by the Paulding County Board of Commissioners and responded to by a certified LBE (Options 1, 2 or 3), or by a prime contractor utilizing an LBE (Option 4), with a qualified, responsive and responsible bid/proposal may be eligible to receive a Local Business preference as set forth hereinafter..

### LBE's within 10% of the lowest actual bid

If the bidder that submits the lowest responsive bid and would otherwise normally qualify to receive the bid is not a certified Paulding County LBE and the second lowest bid is also not a certified Paulding County LBE as defined herein, the bids shall be evaluated to determine if an LBE has submitted a bid within ten (10%) percent of the lowest actual bid.

If an LBE is present within the ten (10%) percent range, the lowest bid submitted by a certified LBE that is within ten (10%) percent of the lowest actual bid, shall be deemed to be the lowest bidder IF said LBE agrees to reduce its bid to match the bid of the lowest actual bidder. However, only in the event that the Purchasing Manager determines that said certified LBE has submitted a bid that is responsive to the County's specifications, terms and conditions.

If the certified LBE described above does not elect to reduce its bid to match the bid of the lowest actual bidder by 5:00 p.m. on the second business day after notification from the Purchasing Manager, then the next lowest certified LBE shall be given the opportunity to match the bid of the lowest actual bidder as set forth above, provided that this LBE is also within ten (10%) percent of the lowest actual bid. Upon a failure to match the lowest actual bid, this opportunity shall be extended to each successive LBE within the ten (10%) percent range until a matching bid is either made or until each LBE within the range has failed to match the lowest actual bid.

*Second lowest bid is an LBE, but bid is not within 10% of the lowest actual bid*

If the bidder that submits the lowest responsive bid and would otherwise normally qualify to receive the bid is NOT a certified Paulding County LBE, and the second lowest bidder is a certified LBE but is not within ten (10%) percent of the lowest actual bid, then the second lowest bid shall be deemed to be the lowest bidder IF said LBE agrees to reduce its bid to match the bid of the lowest actual bidder by 5:00 p.m. on the second business day after notification from the Purchasing Manager. If no match is made by the deadline, then the bid award shall be made to the lowest actual bidder.

This LBE policy shall apply to the purchasing and contracting of materials, supplies, capital outlay or services necessary for maintenance, construction, repair or operation of County facilities or projects, and it shall only apply to said purchases and contracts in amounts over \$2,500.00.

When a Unit Price Contract is used under this policy, adjustments to the bid price (*to match the actual lowest bid*) by a winning LBE who was not the actual lowest bidder must be made subject to the following criteria: no quantities may be adjusted; no unit price item may be increased; no unit price item may be decreased by more than twenty (20%) percent of the original price; following adjustments the total price must be decreased by the exact percentage of the total bid difference percentage in order to arrive at a "matched" bid.

This LBE policy shall be modified to the levels outlined below for Public Works Projects (*Roads, Bridges, Water, Sewer, Stormwater, Pump Stations, Lift Stations or other similar capital construction projects*) when, in the sole opinion of the Paulding County Purchasing Manager, the equipment and/or material costs associated with the project are likely to exceed fifty (50%) percent of the total contract value. Such determination shall be made prior to the bid advertising, otherwise the normal course of this policy shall be deemed to be in effect. In the event the Purchasing Manager determines the equipment/material costs may exceed fifty (50%) percent of the contract value, the LBE participation requirements outlined in Option 4 above shall be reduced from fifty-one (51%) percent participation to thirty (30%) percent participation. All other requirements within this policy shall remain in effect.

If in the event no prior determination is made by the Purchasing Manager and the material costs are found to exceed fifty (50%) percent, the successful winning bidder shall be required to make a good faith effort to maximize the amount of certified LBE participation.

3.) LBE Exceptions

- *Bonding and Insurance.* Notwithstanding other provisions of this Policy, the Purchasing Division Manager may adjust the level or change the types of bonding and insurance normally required or accept alternative forms of security to the extent reasonably necessary to encourage procurement from local businesses. However, in no case shall capital projects in excess of \$100,000 be exempt from Payment and Performance bonds.
- *Progress Payments.* The Purchasing Division Manager may make such special provisions for progress payments as may deemed reasonably necessary to encourage procurement from local businesses.
- *Subcontracting Limit.* Paulding County's maximum limit for the percentage of work that can be normally subcontracted is waived under this LBE Policy for the purpose of subcontracting work to qualified LBEs'.

4.) LBE Exclusions

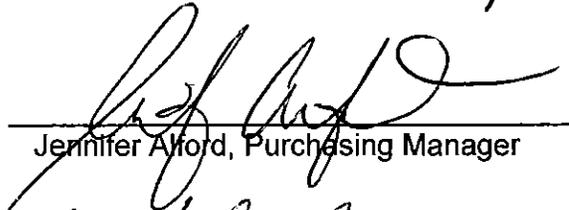
The LBE program will NOT be applicable for the following types of purchases, bids, or solicitations:

- Professional services of any kind;
- Public Works related projects with a contract value less than \$100,000 where bids and/or quotes were received by invitation.
- Goods or services provided under a cooperative purchasing agreement or inter-local agreement;
- Purchases or contracts which are funded in whole or part by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of preference;
- Purchases made or contracts let under emergency or non-competitive situations;
- P-Card purchases by Departments as authorized by P-card policy.

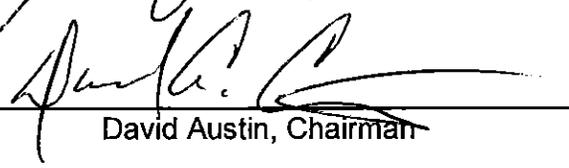
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Board of Commissioner Approval Date: 25<sup>th</sup> day of February, 2010

LBE Policy Recommended By: \_\_\_\_\_

  
Jennifer Aford, Purchasing Manager

LBE Policy Authorized By: \_\_\_\_\_

  
David Austin, Chairman