

COUNTY OF INYO
REQUEST FOR PROPOSALS



For a 1) Triennial Performance Audit of the Eastern Sierra Transit Authority and
2) a study exploring the relationship between the
Inyo and Mono County Local Transportation Commissions
and the Eastern Sierra Transit Authority

Deadline for Submission: December 23, 2010

County of Inyo
Public Works Department
P.O. Drawer Q, 168 N. Edwards St.
Independence, California 93526

REQUEST FOR PROPOSALS

INTRODUCTION

The Inyo County Local Transportation Commission (ICLTC) and the Mono County Local Transportation Commission (MCLTC) are the Regional Transportation Planning Agencies (RTPA) for Inyo and Mono Counties respectively. The Eastern Sierra Transit Authority is the public transportation operator in Inyo and Mono Counties and receives Transportation Development Act (TDA) funding from both the ICLTC and the MCLTC. On behalf of the ICLTC and the MCLTC, the County of Inyo (Inyo County), through its Public Works Department, seeks to obtain an independent contractor/consultant with expertise in transit planning, Regional Transportation Planning Agencies, and the Transportation Development Act to complete; 1) a Triennial Performance Audit of the operations of Eastern Sierra Transit Authority in Inyo and Mono Counties for the three year period starting on July 1, 2007 and ending on June 30, 2010 and, 2) a study clarifying the roles, responsibilities, and relationship between the governing boards of the Inyo and Mono Local Transportation Commissions and the Eastern Sierra Transit Authority.

SETTING

Inyo and Mono counties are located near the center of California (from north to south). The western edge of the counties is the crest of the Sierra Nevada and the east edge is the State of Nevada. Both are large, rural counties. Most of the population of the two counties is located close to U.S. Highway 395.

In 2006, the two counties together with the City of Bishop and the Town of Mammoth Lakes entered into a Joint Powers Agreement (JPA) to form the Eastern Sierra Transit Authority (ESTA). ESTA assumed operating responsibility for transit service in the two-county area on July 1, 2007. ESTA is built on the foundation of Inyo-Mono Transit, an agency that was administered by Inyo County. The ESTA governing board consists of two elected officials from each of the member entities; the City of Bishop, County of Inyo, Town of Mammoth Lakes and the County of Mono.

Since the creation of ESTA, Transportation Development Act funds flowing to the Inyo and Mono County Local Transportation Commissions have not been allocated to local streets and roads. Many of the services provided by the Eastern Sierra Transit Authority were developed through the Unmet Transit Needs hearing process. The Local Transportation Commissions have not formally altered or changed their relationship with the transit operator since the creation of a JPA with a governing board consisting of publicly elected officials.

ESTA is the primary public transit service in both Inyo and Mono Counties and provides regional fixed route service, Dial-a-Ride service in Lone Pine, Bishop, and Mammoth Lakes, and inter-regional service that reaches as far north as Reno, NV and as far south as Lancaster. ESTA is the only year-round provider of inter-regional public transportation for the entire Eastern Sierra region. Yosemite Area Regional Transit System (YARTS) provides inter-regional services during the

summer between Mono County and destinations in Yosemite and the western slope of the Sierra Nevada. ESTA operates local and interregional bus routes on schedules that are adjusted seasonally.

SCOPE OF WORK

The Consultant shall provide transit auditing and analysis services and shall prepare two specific transit-planning/auditing documents. The documents shall consist of : I) a Triennial Performance Audit of the Eastern Sierra Transit Authority for the period July 1, 2007 through June 30, 2010, and II) Evaluation of Transit Roles and Responsibilities. These two projects are further described below.

I. Triennial Performance Audit of the Eastern Sierra Transit Authority

The Triennial Performance Audit must satisfy the requirements set forth in Section 99246 of the Public Utilities Code. The audit must satisfy the requirements for both RTPA's, the Inyo and Mono County Local Transportation Commissions. The performance audit is to cover the triennium from July 1, 2007 through June 30, 2010.

Required Deliverables and Timeline:

- **Administrative Draft Triennial Performance Audit Report** – (six hard copies in an 8.5 by 11 inch format plus one electronic (.pdf) file)
 1. The report should include a statement of the audit objectives and a description of the audit scope and methodology and should, at minimum, include:
 - A full discussion of the audit findings and the auditor's conclusions
 - The cause of problem areas noted in the audit
 - Recommendations for actions to correct the problem areas and to improve operations, when called for by the audit objectives
 - A statement that the audit was made in accordance with generally accepted government auditing standards and disclose when applicable standards were not followed
 - Significant internal controls that were assessed, the scope of the auditor's assessment work, and any significant weaknesses found during the audit
 - Notation of all significant instances of noncompliance and abuse and all indications or instances of illegal acts that could result in criminal prosecution that were found during or in connection with the audit
 - Pertinent views of responsible officials of the organization, program, activity, or function audited concerning the auditor's findings, conclusions and recommendations, and what corrective action is recommended

- A description of any significant noteworthy accomplishments, particularly when management improvements in one area may be applicable elsewhere
- A listing of any significant issues needing further study and consideration; and
- A statement about any pertinent information that was omitted because it is deemed privileged or confidential. The nature of such information should be described, and the basis under which it is withheld should be stated.
-
- **Final Triennial Performance Audit Report** – (thirty hard copies of the report plus one electronic (.pdf) file)
- **The report must be delivered no later than June 1, 2011.**
- The auditor will retain all work-papers and records for a minimum period of three (3) years from the date the final audit report is accepted. All such documents shall be the property of Inyo County and made available to Inyo County, ICLTC, MCLTC, and federal and state grantor agencies during normal business hours.

Required Tasks:

1. Determine compliance with statutory and regulatory requirements

The consultant will be required to review and determine the operator's compliance with the Transportation Development Act (TDA) and related sections of the California Code of Regulations. At a minimum, the Code Sections for which compliance is to be verified are those specified within the "Performance Audit Guidebook for Transit Operators and Regional Transportation Planning Entities," published by the California Department of Transportation. Should the consultant identify instances on non-compliance, a finding regarding the non-compliance should be made in the audit report. The non-compliance findings must describe how the findings apply to each County.

2. Verify performance indicators

As part of the performance audit, Section 99246 of the Public Utilities Code requires verification of five performance indicators: operating cost per passenger, operating cost per vehicle service hour, passengers per vehicle service hour, passengers per vehicle service mile, and vehicle service hours per employee. The consultant will review and validate the operator's collection of basic data needed to calculate these indicators for each fiscal year in the triennium. The consultant will be expected to analyze performance indicators with the intent of identifying potential issues or concerns that may need further examination during the functional review. This analysis shall be applied to the performance of ESTA in each County.

3. Review Operator Functions

The consultant will provide an overall characterization of the functions of the transit operator consistent with the Triennial Performance Audit Guidebook. This should include a review of both initial and detailed operator functions such as

operator characteristics, mode of service, type of service, size of operator, functions performed by the operator, general management and organizations, service planning, marketing and public information, scheduling, dispatch and operations, as appropriate. This functional analysis shall address the performance of ESTA throughout its service area (Inyo and Mono Counties).

II. Transit Roles and Responsibilities Evaluation

Define the role of the Eastern Sierra Transit Authority in service delivery, service planning, reporting, funding, and administration for the public transit services within the Authority's service area. This includes, but is not limited to, Transportation Development Act funds, the State Transportation Improvement Program, Transit Security Grants, Proposition 1B grants, Eastern Sierra Transit's role as a Consolidated Transit Service Agency, and the unmet transit needs hearing process. Create a draft document summarizing the evaluation, give the report to the governing boards of 1) ESTA, 2) the Mono County Local Transportation Commission, and 3) the Inyo County Local Transportation Commission, and create a final report incorporating guidance from agency staff and the governing boards of the three agencies.

Required Deliverables and Timeline:

- **Draft Report** (six hard copies in an 8.5 by 11 inch format plus one electronic (.pdf) file)
- **Presentations.** Make three separate presentations of the draft report, one each to the Inyo County Local Transportation Commission, Mono County Local Transportation Commission, and the Eastern Sierra Transit Authority Board of Directors
- **Final Report** (six hard copies in an 8.5 by 11 inch format plus one electronic (.pdf) file)
- **The final report must be delivered no later than June 30, 2011.**

Required Tasks:

1. **Kickoff meeting with staff from the Inyo County Local Transportation Commission, Mono County Local Transportation Commission, Eastern Sierra Transit Authority, and Caltrans District 9.**
Meeting to review available data from the three agencies, including Organization and Procedures Manual, By Laws, and ESTA charter documents and to clarify/finalize the objective of the evaluation.
2. **Role of Eastern Sierra Transit**
Define the role of the Eastern Sierra Transit Authority in service delivery, service planning, reporting, funding, and administration for the public transit services within the Authority's service area.
3. **Role of the Regional Transportation Planning Agencies**
Define the role of the Inyo and Mono County Local Transportation Commissions in authorizing, funding, reporting on, and administration of public transit services

within the purview of each respective LTC. Include a discussion of the LTC's requirements under the Transportation Development Act and the Unmet Transit Needs findings and hearings process. Discussion should address TDA claimant approaches and options. Submit a draft version of a report to the three agencies summarizing the findings.

4. **Presentations to the governing Boards of the Inyo County Local Transportation Commission, the Mono County Local Transportation Commission, and the Eastern Sierra Transit Authority**

Make an interactive presentation of the draft report to the governing boards of each agency describing the organizational relationship between the Local Transportation Commissions and ESTA. Highlight those areas where there is shared responsibility and address opportunities for efficiency and effectiveness. Propose a method to formalize the relationship and roles of the different agencies.

5. **Create Final Document Memorializing Role of Each Agency**

Create a final written document and electronic file (.pdf) of the report for the Local Transportation Commissions of both Mono and Inyo Counties, and for the Eastern Sierra Transit Authority summarizing the roles and responsibilities of each agency as it relates to the funding, reporting, and administration of public transit services.

SERVICES PROVIDED BY INYO COUNTY, MONO COUNTY, AND EASTERN SIERRA TRANSIT AUTHORITY STAFF

Inyo County, Mono County, and the Eastern Sierra Transit Authority will provide the services listed below in support of the Consulting firm's services:

- A. Relevant documents.
- B. Input from each agency as needed.
- C. Access to personnel.

RESPONSE TO THIS RFP

Responses to this RFP must contain the items listed below. Any proposal that does not include all of the requested information may be considered as non-responsive and may not be considered.

The RFP should include a narrative that addresses the nature of the two projects. This narrative should demonstrate an understanding of the scope of work for each project and should discuss the proposed approach to the two projects.

1. **Transmittal letter.** The transmittal letter should include the name, title, mailing address, e-mail address (if available), phone number and original signature of an individual with authority to negotiate on behalf of and to contractually bind the proposer, and who may be

contacted during the period of proposal evaluation. Only one original of the transmittal letter need be prepared to accompany all copies of the Technical and Cost Proposals.

2. Introduction. In this section, the Proposer should demonstrate an adequate understanding of the roles and relationships of the Counties, the LTC's, ESTA, and the local conditions within the Inyo and Mono County service area.

2. Triennial Performance Audit Plan Technical Approach. The audit plan should include:

- a. A description of the overall audit program being submitted, including an explanation of the basic purpose and general focus of the audits.
- b. An explanation of the consultant's intended role as auditor, as related to the role of the LTC's and the operator, including the division of work between the LTC staff, ESTA staff, and the consultant.
- c. A thorough explanation of the consultant's proposed course of action. References should be made to RFP requirements and the consultant's plans for meeting those requirements. If the consultant proposes major changes in the RFP approach, those changes should be clearly specified. The consultant should specify, techniques, especially data elements to be sampled, staff to be interviewed, documents to be reviewed, etc.
- d. An itemized description of the proposed project schedule, and the end products to be produced. The project must be completed by June 1, 2011. It is anticipated that the Notice to Proceed will be issued by February 15, 2011.

4. Roles and Responsibilities Evaluation Plan Technical Approach. The plan for the evaluation of the roles and responsibilities for the agencies should include:

- a. A description of the evaluation, including an explanation of the basic purpose and general focus of the evaluation.
- b. An explanation of the consultant's intended approach to the evaluation including the division of work between the LTC staff, ESTA staff, and the consultant.
- c. A thorough explanation of the consultant's proposed course of action. References should be made to RFP requirements and the consultant's plans for meeting those requirements. If the consultant proposes major changes in the RFP approach, those changes should be clearly specified. The consultant should specify, techniques, especially data elements to be sampled, staff to be interviewed, documents to be reviewed, etc.
- d. An itemized description of the proposed project schedule, and the end products to be produced. The project must be completed by June 30, 2011. It is anticipated that the Notice to Proceed will be issued by February 15, 2011.

5. Project Management. The Proposer must prepare an explanation of the project management system and practices to be used to assure that the project is completed within the scheduled time frame and that the quality of the required products will meet the Counties' requirements.

6. Consultant and Subcontractor Staff. The proposal must describe the qualifications and experience of each professional who will participate in the project, including a resume for each member of the project team. A Project Manager must be designated, and an organizational chart showing the manager and all project staff must be included. A matrix

must be presented indicating the effort, either in percentage of the total project or in man-hours, which will be contributed by each professional, during each phase or task making up the project. If a subcontractor will be used, the proposer must include a letter from the subcontractor committing to perform at least the work shown for subcontractor professionals in the above-described matrix. If local firms/vendors will be used they should be clearly identified.

- 7. Consultant Qualifications and References.** The proposal must describe the nature and outcome of projects previously conducted by the consultant which are related to the work described within this RFP. Particular attention should be paid to consultant's qualifications relative to state and federal laws pertaining to transit, particularly, experience with the California Transportation Development Act. Descriptions should include a client contact name, address, phone number, a description of the type of work performed, approximate date on which the work was completed and professional staff who performed the work. If a subcontractor is proposed, two or three similar qualifications and references should be provided for the subcontractor. Up to two samples of the consultant's reports on closely related projects should also be included, if available.
- 8. Contract.** A statement as to the respondent's ability to enter into County of Inyo Standard Contract No. 116 (attached hereto), which will govern the selected respondent's work. Note ability to meet Insurance requirement set forth in *Terms and Conditions* No. 9 on page 4 of Contract. Proposers are cautioned that exceptions that proposer may take to Contract No. 116 may result in proposer's response being deemed unresponsive.
- 9. Price Proposal.** In addition to a Technical Proposal, the prospective contractor shall prepare a detailed Cost Proposal for the work to be performed. The Cost Proposal shall itemize all items that will be charged to Inyo County, including travel charges that will be involved in the project and included in the bid amount. Costs shall be segregated by the two primary projects (performance audit and roles/responsibilities evaluation) to show specific tasks within the scope of work, staff hours allocated to each task, rates, classifications, administrative overhead and a rate schedule for extra work. If subcontractors are to be used, the prospective contractor must indicate any markup that the prospective contractor plans to take on subcontracts. The same breakdown of subcontract costs shall be provided as is required for contractor costs above.

Failure to provide detailed cost breakdowns may be cause for rejection of the proposal.

PROJECT EVALUATION

It is the intent of the County to evaluate all proposals received in response to this RFP. To be considered, proposals must be received prior to the close of business on December 23, 2010, at the Inyo County Public Works Department, 168 N. Edwards Street, P.O. Box Q, Independence CA 93526.

Following an initial screening by the selection committee of all the proposals, a short list of the most qualified respondents will be established, consisting of up to three firms. If necessary, these firms will be interviewed by a selection committee to further evaluate each firm's capability, experience, staffing level, availability, history, past clientele, and ability to meet deadlines, budgets and work with public agencies. Following this, the County shall commence contract negotiations with the highest ranked respondent, as more fully described below.

Inyo County hereby notifies all proposers that it will affirmatively ensure that in regard to any contract entered into pursuant to this RFP, disadvantaged business enterprises will be afforded full opportunity to submit proposals in response to this invitation, and that proposers will not be discriminated against on the grounds of race, religion, creed, medical condition, color, marital status, ancestry, gender, age, national origin or physical or mental disability in consideration for award. In addition, Inyo County requires that any consultant or consulting firm hired by Inyo County to perform any work activity does not discriminate against any employee or applicant for employment because of race, religion, creed, medical condition, color, marital status, ancestry, sex, age, national origin or disability.

Inyo County retains the right to reject any and all proposals that do not comply with provisions of this request for proposal or for unforeseen reasons related to funding of this project.

This request for proposals does not obligate Inyo County to award a contract to conduct performance audits or evaluation analysis, nor does it commit Inyo County to pay for any costs associated with the preparation and submittal of a proposal. The Scope of Work is subject to modification as work progresses on each element.

EVALUATION CRITERIA/SELECTION PROCESS

A selection committee composed of staff of the Mono and Inyo County LTC's and ESTA will evaluate all proposals that are received by the established deadline. The information provided in each proposal will be the basis for selecting a consultant firm. The criteria for selection will be determined from the following areas with the weights for each specific area as indicated.

- A. Consultant's demonstration of a clear understanding of the projects as evidenced by the written and, if applicable, oral proposal..... 20%
- B. Consultant's specialized experience, qualifications and technical competence as related to the services required, including but not limited to public transit, performance auditing, transit planning, and the California Transportation Development Act..... 20%
- C. Consultant's past record of performance including control of costs, quality of work and completion in a timely manner 20%
- D. Consultant's relative allocation of resources, in terms of quality and quantity, to key tasks, including the time and skills of personnel assigned to the task and the consultant's approach to managing resources and project output 20%

E. Specific experience of the project team to be assigned	10%
F. Cost proposal.....	10%
Total	100%

The three respondents receiving the highest preliminary ranking from the review committee may be invited to an interview. If there is an interview, the review committee will make a final ranking of the top three respondents. The County will commence contract negotiations with the firm receiving the highest final ranking.

If the County and that firm are unable to consummate an agreement, the County will reject that firm and begin negotiations with the firm receiving the second highest rank from the committee. This process shall continue until the County reaches an agreement with a consultant.

Once an agreement is reached, the successful consultant shall execute Standard County Contract No. 116, which will then be forwarded to the Inyo County Board of Supervisors for approval. The execution of the contract by the Chairperson of the Inyo County Board of Supervisors will constitute notice to the consultant to proceed with the work.

LOCAL AND SMALL BUSINESS ENTERPRISE CONTRACTING PREFERENCE

This project is subject to Inyo County Ordinance No. 1156, *An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 6.06 to the Inyo County Code to Provide Contracting Preferences for Local and Small Businesses*, which is included in the bid package.

The County will award the Contract to a responsive and responsible Bidder submitting the lowest bid, **as subject to Inyo County Ordinance No. 1156**. The lowest bid shall be the lowest of the bid prices on the basis of the total base bid. The County reserves the right to add or deduct from the contract any of the additive or deductive items after the lowest responsible bidder has been determined. Further, if additive or deductive bid items are so included, the County reserves the right to, and shall, award the Contract for the amount of work which the County, in its sole discretion, determines at the time of award to be in the County's best interest.

Inquiries: Direct questions to: Courtney Smith, Transportation Planner, Inyo County Local Transportation Commission staff, at telephone number (760) 878-0207 or e-mail csmith@inyocounty.us. If you have any questions, please submit these in writing. Responses to those questions will be uploaded onto the Inyo County Local Transportation Commission website at <http://www.inyoltc.org/transit.html>.

Qualified individuals and firms wishing to submit proposals should send them to:

Courtney Smith
Inyo County Public Works Department
P.O. Box Q
168 N. Edwards Street
Independence, CA 93526

DEADLINE: To be considered, six (6) copies of the Proposal must be received at the above address by the close of business on December 23, 2010, postmarks and facsimiles are not acceptable.

Ted Pedersen
Inyo County Public Works Director

Date: November 22, 2010

ATTACHMENT A

CONTRACT

(Contact the Inyo County Public Works Department at (760) 878-0201
if you would like to receive a paper copy of this contract)

B. Minimum Limits of Insurance. Contractor shall maintain limits no less than:

1. General Liability (including operations, products and completed operations as applicable): \$ 1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability: \$ 300,000 per accident for bodily injury and property damage.
3. Employer's Liability: \$ 1,000,000 per accident for bodily injury or disease.
4. Errors and Omissions Liability: \$ 1,000,000 per occurrence.

C. Deductibles and Self-insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the County. At the option of the County, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the County, its officers, officials, employees and volunteers; or the Contractor shall provide a financial guarantee satisfactory to the County guaranteeing payment of losses and related investigations, claims administration, and defense expenses.

D. Other Insurance Provisions. The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The County, its officers, officials, employees, and volunteers are to be covered as insureds with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of the contractor; and with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Contractor's insurance, or as a separate owner's policy (CG 20 10 11 85).
2. For any claims related to this project, the Contractor's insurance coverage shall be primary insurance as respects the County, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the County, its officers, officials, employees, or volunteers shall be excess of the Contractor's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the County.
4. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

E. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. The County at its option may waive this requirement.

F. Verification of Coverage. Contractor shall furnish the County with original certificates and amendatory endorsements effecting coverage required by this clause. The endorsements should be on forms provided by the County or on other than the County's forms, provided those endorsements or policies conform to the requirements. All certificates and endorsements are to be received and approved by the County before work commences. The County reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by the specifications at any time.

ATTACHMENT B

INYO COUNTY ORDINANCE No. 1156

(Contact the Inyo County Public Works Department at (760) 878-0201
if you would like to receive a paper copy of this Ordinance)

ORDINANCE NO. 1156

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, ADDING CHAPTER 6.06 TO THE INYO COUNTY CODE TO PROVIDE CONTRACTING PREFERENCES FOR LOCAL AND SMALL BUSINESSES

The Board of Supervisors of the County of Inyo ordains as follows:

SECTION 1. PURPOSE AND AUTHORITY

The purpose of this ordinance is to contribute to the economic and social well-being of all the citizens of the County by providing a contracting preference for local and small businesses. As a market participant, and pursuant to Public Contract Code § 2002, the County may award a purchasing preference to certain entities to vindicate the governmental purpose of encouraging County and regional economic development.

SECTION 2. ADDITION OF CHAPTER 6.06 TO INYO COUNTY CODE.

Chapter 6.06 is added to the Inyo County Code to read as follows:

Chapter 6.06

CONTRACTING PREFERENCES

Sections:

- 6.06.010 Findings.**
- 6.06.020 Definitions.**
- 6.06.030 General Provisions.**
- 6.06.040 Local Business and Small Business Preference.**
- 6.06.050 Small Business Subcontracting Preference.**
- 6.06.060 Limit On Contracting Preference.**

6.06.010 Findings

Businesses located in Inyo County contribute to the economic and social well-being of all the citizens of the County. Such businesses provide convenient services within the County and provide employment for County citizens. Further, the payroll paid by and income earned by local businesses tend to be largely expended within the County, which enhances the business environment in the County and the well-being of its citizens. It is in the public interest to encourage a vibrant business environment in the County. Providing modest purchasing preferences for County businesses furthers the goal of building a healthy economy in the County. Further, providing contracting preferences for all small businesses is allowed by State law, expands the types of contracts for which preferences may be given, and benefits local small businesses, also furthering the goal of building and maintaining a healthy local economy.

6.06.020 Definitions.

- A. A **Small Business** is a business which is certified by the State of California or the Small Business Administration as a small business.
- B. A **Local Business** is a business which:
 - 1. Has its headquarters, distribution point or locally-owned franchise located in or having a street address within the County for at least six months immediately prior to the issuance of the request for competitive bids by the County; and
 - 2. Holds any required business license by a jurisdiction located in Inyo County; and
 - 3. Employs at least one full-time or two part-time employees whose primary residence is located within Inyo County, or if the business has no employees, shall be at least fifty percent owned by one or more persons whose primary residence is located within Inyo County.

4. Meets the conditions of one through three of this subsection, but within Mono or Inyo and Mono Counties, if no Inyo County local business submits a bid that is within eight percent of the lowest bid submitted.

C. A **Responsive Bid** is a bid which responds to the requirements of the request for bids and is submitted by a responsible bidder.

6.06.030 General Provisions.

A. The preferences provided in this chapter are intended to extend to the limit of the jurisdiction of Inyo County under California law. Such preferences do not apply where prohibited by Federal or State law. Such preferences do not apply where funding agencies prohibit such preferences as a condition of providing funding for the anticipated project. Where this Chapter provides preferences for multiple classes of entities, and one or more of those classes of entities are disallowed contracting preference by Federal or State law or by the funding agency, those disallowed entities will not be provided preferences, but the remaining classes of entities shall receive preferences.

B. Requests for bids or proposals issued by the County shall specify the applicable contracting preferences available pursuant to this Chapter.

6.06.040 Local Business and Small Business Preference.

Except as excluded by Section 6.06.030(A), for all contracts awarded by Inyo County, if the lowest responsive bid is submitted by a local business or a small business, that business shall be awarded the contract. If the lowest responsive bid is not submitted by a local business or a small business, the lowest responsive bid submitted by a local business that is within eight percent of the lowest responsive bid or by a small business that is within five percent of the lowest responsive bid shall be considered the low bid and that business shall be awarded the contract. To be eligible, a local business or a small business shall provide certification with its bid that it is such business as herein defined.

6.06.050 Small Business Subcontracting Preference.

For public works and road construction contracts awarded by Inyo County, where no entity qualifying under this Chapter for a contracting preference submits a responsive bid that is the lowest or within five percent of the lowest responsive bid, there shall be a preference given to bids in which at least ten percent of the monetary value of the work to be performed is subcontracted to a small business or businesses. If such bid is the lowest responsive bid, that contractor shall be awarded the contract. If such bid is not the lowest responsive bid, any such bid that is within five percent of the lowest responsive bid shall be considered the low bid, and that contractor shall be awarded the contract.

6.06.060 Limit On Contracting Preferences.

Contracting preferences under this Chapter shall not exceed \$10,000.00 for any one solicitation and award determination.

SECTION 3. SEVERABILITY


If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional, without regard to whether any portion of this ordinance would be subsequently declared unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE

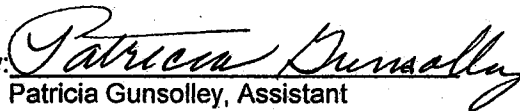
This Ordinance shall take effect and be in full force and effect thirty (30) days after its adoption. Before the expiration of fifteen (15) days from the adoption hereof, this Ordinance shall be published as required by Government Code Section 25124. The Clerk of the Board is hereby instructed and ordered to so publish this Ordinance together with the names of the Board members voting for and against the same.

PASSED AND ADOPTED this 25th day of May, 2010, by the following vote:

AYES: Supervisors Arcularius, Cash, Brown, Fortney and Cervantes
NOES: -0-
ABSTAIN: -0-
ABSENT: -0-


Richard Cervantes, Chairperson
Inyo County Board of Supervisors

ATTEST: Kevin Carunchio
Clerk of the Board

By: 
Patricia Gunsolley, Assistant

s/Ordinance/ContractingPrefSmBusiness

4/29/10

In the Rooms of the Board of Supervisors

County of Inyo, State of California

I, HEREBY CERTIFY, that at a meeting of the Board of Supervisor of the County of Inyo, State of California, held in their rooms at the County Administrative Center in Independence on the 25th day of *May*, 2010 an order was duly made and entered as follows: **AMENDED**

Ordinance 1156/
Local/Small Business
Preference

On a motion by Supervisor Arcularius and a second by Supervisor Cash, Ordinance 1156 titled "An Ordinance of the Board of Supervisors of the County of Inyo, State of California, Adding Chapter 6.06 to the Inyo County Code to Provide Contracting Preferences for Local and Small Businesses," was enacted: motion unanimously passed and adopted.

WITNESS my hand and the seal of said Board this 25th

Day of May 2010



Patricia Gunsolley
Patricia Gunsolley, Assistant

By:

Routing	
CC	<u>X</u>
Purchasing	<u>X</u>
Personnel	_____
Auditor	_____
CAO	<u>X</u>
Other	_____
DATE: May 26, 2010	