

ARTICLE III
Preferential Bidding Procedures
[Adopted 10-27-2008 (Ch. 2, Art. I, § 2-8, of the 1989 Code)]

§ 118-12. Definitions.

For the purpose of this article, "Town-based business" means a business with a principal place of business located within the Town. A business shall not be considered a Town-based business unless satisfactory evidence has been produced to the Town Manager whereby the business establishes that it owns real property which has its principal place of business and pays taxes on real and personal property to the Town of Southington. Such evidence may include proof of ownership of real estate by copy of deed and copies of paid tax bills for real and personal property. The personal property shall be used for the business in the performance of the bid.

§ 118-13. Lowest responsible bidder. [Amended 10-9-2012]

On any project, which shall be defined as all contracts to be made or let for work to be done or for supplies to be purchased for the Town, which is \$10,000 or more, the lowest responsible bidder shall be determined in the following manner:

- A. Any Town-based bidder which has submitted a bid of no more than 10% higher than the low bid, when such bid is between \$10,000 and \$500,000, provided such Town-based bidder agrees to accept the award of the bid in the amount of the low bid. If more than one Town-based bidder has submitted a bid no more than 10% higher than the low bid and has agreed to accept the award at the amount of the low bid, the lowest responsible bidder shall be that one of such Town-based bidders which has submitted the lowest responsible bid. **[Amended 1-8-2018]**
- B. Any Town-based bidder which has submitted a bid of no more than 3.5% higher than the low bid, when such bid is between \$500,001 and \$1,000,000, provided such Town-based bidder agrees to accept the award of the bid in the amount of the low bid. If more than one Town-based bidder has submitted a bid no more than 3.5% higher than the low bid and has agreed to accept the award at the amount of the low bid, the lowest responsible bidder shall be that one of such Town-based bidders which has submitted the lowest responsible bid.
- C. Any Town-based bidder which has submitted a bid of no more than 2% higher than the low bid, when such bid is over \$1,000,001, provided such Town-based bidder agrees to accept the award of the bid in the amount of the low bid. If more than one Town-based bidder has submitted a bid no more than 2% higher than the low bid and has agreed to accept the award at the amount of the low bid, the lowest responsible bidder shall be that one of such Town-based bidders which has submitted the lowest bid.

§ 118-14. Applicability.

The provisions of this article shall not apply to any projects which prohibit preferential bidding procedures, which may include but may not be limited to state and federally funded projects.

Section 118-12

~~For the purpose of this article, "Town-based business" means a business with a principal place of business located within the Town. A business shall not be considered a Town-based business unless satisfactory evidence has been produced to the Town Manager whereby the business establishes that it owns real property which has its principal place of business and pays taxes on real and personal property to the Town of Southington. Such evidence may include proof of ownership of real estate by copy of deed and copies of paid tax bills for real and personal property. The personal property shall be used for the business in the performance of the bid.~~

A business shall not be considered a "town-based business" unless evidence to establish that said business has a bona fide principal place of business in Southington and such evidence is included with each bid submitted by said business. Such evidence shall include satisfactory proof of ownership of or a long-term lease (longer than one year) of the real estate at which the principal place of business is operated. A "town-based business" shall be required to maintain such status throughout the term of any contract with the Town of Southington and failure to maintain such status shall be grounds for the Town to terminate said contract at its sole option. A business shall not be considered to be a "town-based business" if at the time of the bid award the business is delinquent in the payment of any real estate taxes, personal property taxes or water and/or sewer charges or if it does not have a current personal property declaration on file with the Southington Assessor.