

STATE OF INDIANA

BEFORE THE BOARD OF CLARK COUNTY COMMISSIONERS

ORDINANCE NO. 8-2013

A RECIPROCAL ORDINANCE RECOGNIZING BUSINESSES LOCATED WITHIN THE LOUISVILLE - JEFFERSON COUNTY, KY - IN METROPOLITAN STATISTICAL AREA AS ELIGIBLE "LOCAL VENDORS" WITH RESPECT TO ANY SUBSEQUENTLY AVAILABLE OR APPLICABLE PROCURMENT PREFERENCES.

WHEREAS, this Board of Commissioners of Clark County, Indiana (this "Board"), is the executive body of the Clark County government unit pursuant to the provisions of IND. CODE § 36-2-2-2; and,

WHEREAS, this Board is also the legislative body of Clark County government pursuant to the provisions of IND. CODE § 36-1-2-9; and,

WHEREAS, this Board has previously granted a franchise to Clark-Floyd Landfill, LLC (the "Operator"), an Indiana limited liability company, for the operation of the Clark-Floyd Counties Landfill (the "Landfill") pursuant to the provisions of IND. CODE § 36-2-2-23 (the "Franchise Agreement"); and,

WHEREAS, the Operator has advised this Board of the opportunity to submit a proposal in response to Request for Proposals No. 3069 issued by the Louisville/Jefferson County Metro Government for Landfill Disposal and Material Recovery Services (the "RFP"), and that a response to the RFP is intended to be submitted by Eco-Tech, LLC ("Eco-Tech"), a Kentucky limited liability company that is an affiliated company of the Operator; and,

WHEREAS, the RFP establishes a preference for local vendors located within the Louisville – Jefferson County, KY - IN Metropolitan Statistical Area (the "Louisville MSA"), of which Clark County, Indiana, is a member; and,

WHEREAS, the RFP further requires Clark County to adopt a required reciprocal ordinance recognizing businesses located within the Louisville MSA as local businesses for the purpose of any available or applicable procurement preferences in the manner provided in, or equivalent to, the provisions of KRS 45A.490 to 45A.494; and,

WHEREAS, this Board finds that the submission of a proposal by the Operator and/or Eco-Tech to the RFP will be in the best interests of the Landfill, and that this Ordinance should hereby be promulgated as a reciprocal ordinance satisfying the local vendor preference requirements of the RFP.

NOW, THEREFORE, BE IT ORDAINED by this Board of Clark County Commissioners as follows:

1. Authority of Operator to Submit Proposal in Response to RFP. The Operator and/or Eco-Tech are hereby authorized to submit a response to the RFP on terms and conditions deemed appropriate to the Operator within the exercise of its sole discretion. In the event that the Operator/Eco-Tech's proposal/bid is accepted, the Operator is further authorized to accept municipal solid waste from the Louisville/Jefferson County Metro Government, and provide solid waste management services with respect thereto, at the Landfill to the extent required by the RFP and permitted by the Franchise Agreement, as amended.

2. Establishment of Eligibility for Local Vendor Preferences. To the extent permitted by applicable Indiana law, the Board hereby establishes a local vendor preference for bids or proposals submitted by local vendors in response to any procurement solicitation subsequently issued by or on behalf of Clark County or its political subdivisions that are subject to the jurisdiction or control of this Board (the "Public Agencies") on the following terms and conditions:

a. In order to qualify as a local vendor, a proposer company must:

(i) Be established in the Louisville MSA as defined by the United States Census Bureau for twelve (12) consecutive months and have an up to date Indiana Department of Revenue registration or Kentucky Revenue Commission number; or,

(ii) Have its headquarters located in the Louisville MSA, or have a branch office currently located in the Louisville MSA for at least twelve (12) consecutive months prior to the date of any proposal.

b. Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by the Public Agencies, an eligible local bidder shall be given a preference against a non-local bidder registered in any state or jurisdiction outside of the Louisville MSA that gives or requires a preference to bidders from that state or jurisdiction.

c. The preference shall be equal to the preference given or required by the state or jurisdiction of the non-local bidder.

d. If a procurement determination results in a tie between a local bidder and a non-local bidder, preference shall be given to the local bidder.

e. Any Public Agencies soliciting or advertising for bids for contracts shall include the local bidder preference established by this Ordinance part of the solicitation or advertisement for bids.

f. The preference for local bidders shall not be given if the preference conflicts with any applicable federal or Indiana law.

3. Effective Date of Ordinance. This Ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Board.

So Ordained this _____ day of July, 2013.

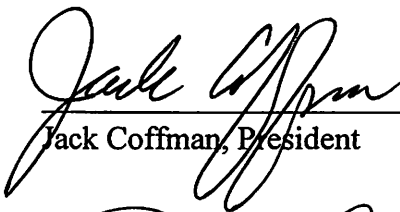
Members voting "NO":

Jack Coffman, President


Rick Stephenson, Commissioner

John D. Perkins, Commissioner

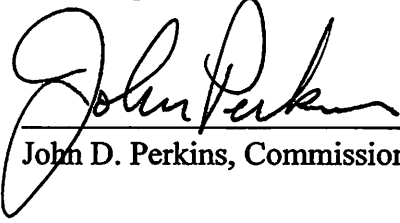
Members voting "YES":



Jack Coffman, President



Rick Stephenson, Commissioner



John D. Perkins, Commissioner

Attested by:



R. Monty Snelling, Clark County Auditor