

~~EXCEEDS THE LOWEST RESPONSIVE BID BY A BUSINESS THAT IS NOT A LOCAL BUSINESS BY NOT MORE THAN THE SPECIFIED PERCENTAGE MAY BE AWARDED THE CONTRACT.~~

~~C. AN ORDINANCE OR RESOLUTION THAT ESTABLISHES A LOCAL PREFERENCE:~~

~~(1) SHALL PROVIDE THAT THE LOCAL PREFERENCE SHALL BE AVAILABLE TO A PERSON THAT OPERATES AN ACTIVE BONA FIDE BUSINESS IN GARRETT COUNTY AS EVIDENCED IN ACCORDANCE WITH THE TERMS OF THE ORDINANCE OR RESOLUTION;~~

~~(2) MAY ESTABLISH ADDITIONAL ELIGIBILITY REQUIREMENTS FOR A BUSINESS TO QUALIFY TO RECEIVE A PREFERENCE;~~

~~(3) MAY PROVIDE THAT THE PREFERENCE IS AVAILABLE TO AN OUT-OF-COUNTY BUSINESS IF, AS PART OF THE CONTRACT, THE BUSINESS AGREES TO SUBCONTRACT WITH ONE OR MORE LOCAL BUSINESSES FOR A SPECIFIED PERCENTAGE OF WORK UNDER THE CONTRACT; AND~~

~~(4) SHALL PROVIDE THAT THE LOCAL PERCENTAGE PREFERENCE IS ONLY AVAILABLE IF THE BUSINESS ELIGIBLE FOR THE PREFERENCE REQUESTS THE PREFERENCE WHEN BIDDING ON THE CONTRACT.~~

A. (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "LOCAL FIRM" MEANS A BUSINESS ENTITY THAT HAS ITS PRINCIPAL OFFICE IN GARRETT COUNTY OR MAINTAINS AN ACTIVE BUSINESS IN GARRETT COUNTY AS DEFINED AND EVIDENCED BY CRITERIA SET BY THE COUNTY COMMISSIONERS BY ORDINANCE OR RESOLUTION.

(3) "NONRESIDENT FIRM" MEANS A BUSINESS ENTITY THAT IS NOT A LOCAL FIRM.

B. THE COUNTY COMMISSIONERS MAY ESTABLISH BY ORDINANCE OR RESOLUTION A LOCAL PREFERENCE PROGRAM APPLICABLE TO CONTRACTS AWARDED BY THE COUNTY BY COMPETITIVE BIDS IN ACCORDANCE WITH THIS SECTION.

C. (1) UNDER A LOCAL PREFERENCE PROGRAM ESTABLISHED UNDER THIS SECTION, IF THE STATE OR THE POLITICAL SUBDIVISION IN WHICH A NONRESIDENT FIRM IS LOCATED GIVES AN ADVANTAGE TO ITS RESIDENT BUSINESSES, THE COUNTY COMMISSIONERS MAY GIVE AN IDENTICAL ADVANTAGE TO THE LOWEST RESPONSIVE AND RESPONSIBLE BID FROM A LOCAL FIRM OVER THAT OF THE NONRESIDENT FIRM.

(2) AN ADVANTAGE MAY INCLUDE:

(I) A PERCENTAGE PREFERENCE;

(II) AN EMPLOYEE RESIDENCY REQUIREMENT; OR

(III) ANY OTHER PROVISION THAT FAVORS A LOCAL FIRM OVER A NONRESIDENT FIRM.