

ADMINISTRATIVE POLICY AND PROCEDURE

AP #55

DATE ISSUED: May 11, 2004

**SUBJECT: TOLEDO MUNICIPAL CODE 187.34(D)(2)
LOCAL PREFERENCE PROOF OF SUITS –
NON-PRINCIPAL PLACE OF BUSINESS**

INTRODUCTION: The Toledo City Council has determined that it is in the public interest for the City of Toledo to purchase equipment, material and supplies from local businesses, and to hire local contractors to perform public improvement contracts. City Council has provided via legislative action, for a system of preferences for local business that are calculated to benefit the local economy, increase local job opportunities and generate additional tax revenues for the City of Toledo. Toledo Municipal Code §187.34(d)(2) includes a provision for extending a partial local preference to businesses that have a location, but not a principal place of business, in Toledo. Those businesses would be ones that have a physical, viable place of business located within the corporate limits of the City of Toledo, but that do not have their principal place of business within the corporate limits of the City of Toledo. The purpose of this policy is to provide for uniform application of Toledo Municipal Code §187.34(d)(2) by ensuring that certain factors are considered in making eligibility determinations.

I. ADMINISTRATIVE POLICY

- A. In order to receive the preference authorized by TMC §187.34(d)(2), a business must provide proof that it satisfies the following five (5) criteria, calculated to demonstrate its existence as a physical, viable place of business within the corporate limits of the City of Toledo:
 - 1. For a minimum of one (1) year prior to the contract bid date, the business must have a legally-recognized possessory interest in real estate located within the corporate limits of the city of Toledo, having improvements on such real estate and maintaining it in a manner consistent with industry practices.
 - 2. The business must hold itself out to the community as having a business office or location(s) within the corporate limits of the City of Toledo.

3. The business must store or take delivery of business equipment, machinery, tools of the trade or inventory at the location within the corporate limits of the City of Toledo.
4. The business must intend to remain indefinitely at its location within the corporate limits of the City of Toledo.
5. The business must have used the local place of business for the purpose of performing work within the past calendar year.

II. PROCEDURE

- A. The department, division or agency head administering the contract shall request any business claiming that it maintains a physical and viable non-principal place of business within the corporate limits of the City to provide documented proof that it satisfies each of the five criteria.
- B. The department, division or agency head must make a site visit to confirm the information.

III. RESPONSIBILITY

- A. All department, division and agency heads who administer contracts are responsible for observing and following this Administrative Policy and Procedure.
- B. The Director of Affirmative Action and Contract Compliance and the Commissioner of Purchasing are responsible for monitoring and enforcing compliance with this Administrative Policy and Procedure.

IV. EFFECTIVE DATE

This Administrative Policy and Procedure shall take effect and be enforced from the date of issuance.

Jack Ford, Mayor