

Item # 49 (2)
Updated Pages of Exhibit 2

ADDITIONAL MATERIAL

10:00 a.m. Regular Meeting

APRIL 24, 2018

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY

ATTORNEY

The following pages reflect additional changes made as a result of the Board's discussion during its April 10, 2018, Board meeting and during the Board Workshop on April 17, 2018.

PROPOSED

ORDINANCE NO. 2018-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY BUSINESS OPPORTUNITY ACT RELATING TO COUNTY PROCUREMENT AND CONTRACTING OPPORTUNITIES FOR COUNTY BUSINESS ENTERPRISES ("CBEs") AND SMALL BUSINESS ENTERPRISES ("SBEs"); AMENDING SECTIONS 1-81 THROUGH 1-81.8 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND CREATING A NEW SECTIONS 1-81.9 AND 1-81.10 OF THE BROWARD COUNTY CODE OF ORDINANCES CODE ADDRESSING SMALL BUSINESS DEVELOPMENT AND PROCUREMENT PREFERENCES; AMENDING DEFINITIONS; ALLOWING ADDITIONAL TIME FOR BIDDERS TO DEMONSTRATE COMPLIANCE WITH CBE GOALS DURING THE PROCUREMENT PROCESS; CLARIFYING REQUIREMENTS FOR BIDDERS TO ESTABLISH GOOD FAITH EFFORTS TO MEET CBE GOALS; UPDATING CBE AND SBE CERTIFICATION STANDARDS; AMENDING ENFORCEMENT PROVISIONS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Vice-Mayor Mark D. Bogen and Commissioners Dale V.C. Holness and Barbara Sharief)

WHEREAS, the Broward County Board of County Commissioners has determined that amending Sections 1-81 through 1-81.8 and creating a new Section 1-81.9 of the Broward County Code of Ordinances, pertaining to the Broward County Business Opportunity Act of 2012, is appropriate at this time,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

1 Section 10. Section 1-81.9 of the Broward County Code of Ordinances is hereby
2 created to read as follows:

3 **Sec. 1-81.9. Small Business Development.**

4 (a) Program Graduation. A CBE or SBE that exceeds the CBE or SBE gross
5 revenue or personal net worth eligibility requirements of this Act, as applicable, will be
6 designated by the Program Director as a graduate of the Program. Program graduates
7 may complete their work under all current County projects under their previous CBE or
8 SBE status provided that the Bid submission date of those projects occurred prior to the
9 CBE's or SBE's date of Program graduation. CBEs or SBEs decertified for cause shall
10 not be considered Program graduates under this Act.

11 (b) Incentive Programs. The Program Director shall have the authority to
12 create incentives to encourage the development of local small businesses and to foster
13 relationships between the County, small businesses, and the regional business
14 community, including mentor-protégé programs and economic development initiatives.

15 Section 11. Section 1-81.10 of the Broward County Code of Ordinances is
16 hereby created to read as follows:

17 **Sec. 1-81.10. Procurement Preferences.**

18 (a) This section shall only apply if, pursuant to Section 1-81.3 or 1-81.4, no CBE
19 goal, or CBE or SBE reserve, is established in connection with a procurement due to
20 there being fewer than two (2) certified firms available to participate under or perform the
21 work required by the applicable project.

22 (1) Bids: If a responsive, responsible bid is received from a certified CBE or
23 SBE that is within ten percent (10%) of the lowest responsive, responsible
24 bid received from a nonCBE, nonSBE firm, the CBE or SBE (as applicable)

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are proposed additions.

1 shall be offered the opportunity to match the lowest responsive, responsible
2 bid. If the CBE or SBE firm (as applicable) matches the lowest responsive,
3 responsible bid, the CBE or SBE firm shall be deemed the lowest
4 responsive, responsible bidder.

5 (2) RFPs: If upon the completion of final rankings by the Evaluation Committee,
6 a nonCBE, nonSBE proposer is the highest-ranked proposer, and a
7 responsive, responsible CBE or SBE proposer receives a score that is
8 within five percent (5%) of the score obtained by the nonCBE, nonSBE
9 proposer, the highest-ranked responsive, responsible CBE or SBE
10 proposer shall be considered the highest-ranked proposer and shall have
11 the opportunity to proceed to negotiations with the County for award of the
12 contract.

13 Section ~~14~~ 12. SEVERABILITY.

14 If any portion of this Ordinance is determined by any Court to be invalid, the invalid
15 portion shall be stricken, and such striking shall not affect the validity of the remainder of
16 this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot
17 be legally applied to any individual(s), group(s), entity(ies), property(ies), or
18 circumstance(s), such determination shall not affect the applicability hereof to any other
19 individual, group, entity, property, or circumstance.

20 Section ~~12~~ 13. INCLUSION IN CODE.

21 It is the intention of the Board of County Commissioners that the provisions of this
22 Ordinance shall become and be made a part of the Broward County Code; and that the
23 sections of this Ordinance may be renumbered or relettered and the word "ordinance"
24

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1 may be changed to "section," "article," or such other appropriate word or phrase in order
2 to accomplish such intentions.

3 Section ~~13~~ 14. EFFECTIVE DATE.

4 This Ordinance shall become effective as provided by law.

5
6 ENACTED

7 FILED WITH THE DEPARTMENT OF STATE

8 EFFECTIVE

PROPOSED

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10 Approved as to form and legal sufficiency:
11 Andrew J. Meyers, County Attorney

12 By /s/ Tricia D. Brissett 04/20/18
13 Tricia D. Brissett (date)
14 Assistant County Attorney

15 By /s/ René D. Harrod 04/20/18
16 René D. Harrod (date)
17 Deputy County Attorney

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23 TDB/mm
04/20/18
24 CBE Bidder Compliance Ordinance
#280297

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