

**PROPOSED**

## RESOLUTION NO. 2019-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE PROCUREMENT CODE; AMENDING CHAPTER 21 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"), RELATING TO THE CONTRACT EXECUTION AUTHORITY OF THE DIRECTOR OF PURCHASING; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, as amended on June 12, 2018, Chapter 21 of the Broward County Administrative Code authorizes the Director of Purchasing to award bids up to \$500,000 where more than one bidder has submitted a response;

WHEREAS, Chapter 21 also authorizes the Director of Purchasing to award bids above \$500,000 where no bidder has been determined to be nonresponsive or nonresponsible, no protests have been filed, more than one bidder has submitted a response, and no Commissioner has expressed an objection within five (5) days after receiving notice of intended award from the Purchasing Division;

WHEREAS, the award of a bid is sometimes required to be effectuated through execution of an associated contract;

WHEREAS, Chapter 21 does not currently expressly grant the Director of Purchasing the authority to execute contracts associated with bids that the Director of Purchasing has been granted the authority to award; and

WHEREAS, the Broward County Board of County Commissioners ("Board") desires to further amend the Broward County Administrative Code to provide such express authority to the Director of Purchasing, NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF  
2 BROWARD COUNTY, FLORIDA:

3  
4 Section 1. Section 21.14 of the Broward County Administrative Code is hereby  
5 amended to read as follows:

6  
7 **21.14. Authority of the Director of Purchasing.**

8 . . .

9 d. *Execution Authority.* In addition to any express delegation of power by the  
10 Board in connection with a particular procurement or expressly stated in a contract  
11 approved by the Board, the Director of Purchasing is authorized to execute the following  
12 contracts and amendments, to exercise the following extensions to and renewals of  
13 contracts, and to award the following bids, subject to any otherwise applicable durational  
14 limitations in the Code (the "Director's Execution Authority"):

15 . . .

16 4. Award bids up to \$500,000, including execution of any contracts associated  
17 with the award of the bid, provided that more than one bidder has submitted  
18 a response; and award bids in any amount over \$500,000, including  
19 execution of any contracts associated with the award of the bid, provided  
20 that no bidder has been determined to be nonresponsive or nonresponsible,  
21 no protests have been filed, and more than one bidder has submitted a  
22 response, and further provided that no Commissioner has expressed an  
23 objection within five (5) days after receiving notice of intended award from  
24 the Purchasing Division.

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

1 All contracts, amendments, extensions, renewals, and bids approved by the  
2 Director of Purchasing pursuant to this section may be executed by the Director of  
3 Purchasing. However, any exercise of the Director's Execution Authority above the  
4 amount of \$400,000, as calculated above, other than pursuant to subsection d.4 above,  
5 shall be executed jointly by the Director of Purchasing and the County Administrator. The  
6 Director's Execution Authority stated in this section is in addition to, and the provisions of  
7 this section do not apply to, Small Purchases procured pursuant to Section 21.33 and  
8 purchases that are subject to a delegation of authority pursuant to Section 21.15.

9  
10 Section 2. Severability.

11 If any portion of this Administrative Code Resolution is determined by any court to  
12 be invalid, the invalid portion will be stricken, and such striking will not affect the validity  
13 of the remainder of this Administrative Code Resolution. If any court determines that this  
14 Administrative Code Resolution, in whole or in part, cannot be legally applied to any  
15 individual, group, entity, property, or circumstance, such determination will not affect the  
16 applicability of this Administrative Code Resolution to any other individual, group, entity,  
17 property, or circumstance.

18  
19 Section 3. Inclusion in the Broward County Administrative Code.

20 It is the intention of the Board of County Commissioners that the provisions of this  
21 Administrative Code Resolution become part of the Broward County Administrative Code  
22 as of the effective date. The sections of this Administrative Code Resolution may be  
23 renumbered or relettered and the word "resolution" may be changed to "section," "article,"  
24

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underscored type are additions.

1 or such other appropriate word or phrase to the extent necessary in order to accomplish  
2 such intention.

3 Section 4. Effective Date.

4 This Administrative Code Resolution is effective upon adoption.  
5

6  
7 ADOPTED this                  day of                                  , 2019.  
8

9 **PROPOSED**

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

12 By /s/ Fernando Amuchastegui      01/02/19  
13      Fernando Amuchastegui      (date)  
14      Assistant County Attorney

15 By /s/ Danielle W. French      01/02/19  
16      Danielle W. French      (date)  
17      Deputy County Attorney

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24 Procurement Code Reso.doc  
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