

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE CRITERIA FOR BREAKING TIES IN RESPONSES TO COMPETITIVE SOLICITATIONS; AMENDING SECTION 21.31 OF THE BROWARD COUNTY ADMINISTRATIVE CODE (“ADMINISTRATIVE CODE”); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

WHEREAS, on June 2, 2020, the Broward County Board of County Commissioners (the “Board”) amended Sections 1-74 and 1-75 of the Broward County Code of Ordinances (“Local Preference Ordinance”), which provides certain preferences to local businesses; and

WHEREAS, the Board finds it appropriate to modify Section 21.31 of the Administrative Code to incorporate the definitions of local business and locally based business of the Local Preference Ordinance, as amended, as well as to clarify the calculation of a vendor’s dollar volume of work, NOW, THEREFORE,

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

Section 1. Section 21.31 of the Broward County Administrative Code is hereby created to read as follows:

21.31. Award.

...

c. *Criteria for Breaking Ties–Bids.* ~~If two or more bidders are tied~~ When a tie between two (2) or more bidders must be broken, the tie ~~may~~ shall be broken and the successful vendor selected by the following criteria presented in order of importance and

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1 consideration as documented in the vendor's response to the solicitation or any additional
2 information determined appropriate for consideration by the Director of Purchasing.

3 1. The ~~V~~ vendor located within Broward County that is a locally based
4 business, or, if none of the vendors is a locally based business, the vendor
5 that is a local business, as those terms are defined in Section 1-74 of the
6 Broward County Code of Ordinances.

7 2. If the foregoing does not resolve the tie, the ~~V~~ vendor ~~which~~ that provides
8 domestic partner benefits.

9 3. If the foregoing does not resolve the tie, the ~~V~~ vendor providing the most
10 advantageous delivery time if ~~provided~~ stated in the bid by the bidders,
11 provided the delivery time is an element of the solicitation.

12 4. If the foregoing does not resolve the tie, the ~~V~~ vendor that has the lowest
13 dollar volume of work previously awarded by the County over a the five (5)
14 year period ~~from~~ preceding the date of the bid submittal (excluding any
15 confirmed payments to CBE firms acting as subcontractors or
16 subconsultants on County contracts, as determined by OESBD).

17 ~~For purposes of this tiebreaker, to be considered a vendor located in Broward~~
18 ~~County, a vendor must be (1) in existence for at least six months prior to the solicitation~~
19 ~~opening; (2) at a business address physically located within Broward County; (3) in an~~
20 ~~area zoned for such business; (4) providing services from this location on a day-to-day~~
21 ~~basis; and (5) providing services from this location that are a substantial component of~~
22 ~~the services offered.~~

23 d. *Criteria for Breaking Ties—RLI and RFP.* If two (2) or more ranked vendors
24 are tied and it is necessary to break the tie, the tie shall be broken and the higher ranked

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1 vendor or vendors shall be selected by the following criteria presented in order of
2 importance and consideration as documented in the vendor's response to the solicitation
3 or any additional information determined appropriate for consideration by the Director of

4 Purchasing:

- 5 1. The vendor located within Broward County as set forth in Subsection
6 21.31.e. that is a locally based business, or, if none of the vendors is a
7 locally based business, the vendor that is a local business, as those terms
8 are defined in Section 1-74 of the Broward County Code of Ordinances.
- 9 2. If the foregoing does not resolve the tie, the vendor which that provides
10 domestic partner benefits.
- 11 3. If the foregoing does not resolve the tie, the vendor that has the lowest
12 dollar volume of work previously awarded by the County over a the five (5)
13 year period from preceding the date of the submittal (excluding any
14 confirmed payments to CBE firms acting as subcontractors or
15 subconsultants on County contracts, as determined by OESBD).
- 16 4. ~~A re-vote or re-assessment~~ If the foregoing does not resolve the tie, a revote
17 or reassessment of only the tied vendors.
- 18 5. ~~Preference to~~ If the foregoing does not resolve the tie, the vendor receiving
19 a majority of the total first-place votes.

20 . . .

21 Section 2. Severability.

22 If any portion of this Resolution is determined by any court to be invalid, the invalid
23 portion will be stricken, and such striking will not affect the validity of the remainder of this
24 Administrative Code Resolution. If any court determines that this Resolution, in whole or

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