

**ITEM #37**

**ADDITIONAL MATERIAL**

**Regular Meeting**

**NOVEMBER 10, 2020**

**SUBMITTED AT THE REQUEST OF**

**COMMISSIONER MARK BOGEN**

1       (1) Monetary Differential: The total Bid or Proposal amount of the CBE  
2       Presumptive Awardee: (a)(i) does not exceed Three Million Dollars  
3       (\$3,000,000) and (ii) does not exceed the total amount of the lowest  
4       responsive and responsible Bid, or the total amount of the highest-ranked  
5       responsive and responsible Proposal, as applicable, from a nonCBE by  
6       more than ten percent (10%); or (b)(i) exceeds Three Million Dollars  
7       (\$3,000,000) and (ii) does not exceed the total amount of the lowest  
8       responsive and responsible Bid, or the total amount of the highest-ranked  
9       responsive and responsible Proposal, as applicable, from a nonCBE by  
10       more than five percent (5%); and

11       (2) Points Differential: For competitive solicitations in which the Proposals are  
12       assigned point totals, the total points assigned to the CBE Presumptive  
13       Awardee is not more than ~~twenty percent (20%)~~ five percent (5%) less than  
14       the total points assigned to the highest-ranked responsive and responsible  
15       nonCBE.

16 If the CBE Presumptive Awardee does not meet the above requirements, as applicable,  
17 then the CBE with the next lowest responsive and responsible Bid, or the next  
18 highest-ranked responsive and responsible Proposal, as compared to all other CBEs, will  
19 be deemed the CBE Presumptive Awardee and awarded the contract if the CBE  
20 Presumptive Awardee meets the above requirements, as applicable. If no CBE  
21 Presumptive Awardee meets the above requirements, as applicable, the award may be  
22 made to the nonCBE that submits the lowest responsive and responsible Bid, or the  
23 highest-ranked responsive and responsible Proposal, provided the Director of Purchasing  
24 determines the total amount of the Bid or Proposal is fair and reasonable.

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