

ITEM #71-A

**ADDITIONAL MATERIAL
REGULAR MEETING**

JUNE 10, 2025

**SUBMITTED AT THE REQUEST OF
PURCHASING DIVISION**



Finance and Administrative Services Department


PURCHASING DIVISION


115 S. Andrews Avenue, Room 212 • Fort Lauderdale, Florida 33301 • 954-357-6066 • FAX 954-357-8535

MEMORANDUM

DATE: June 4, 2025

TO: Board of County Commissioners

THRU: Stephen Farmer, Deputy Chief Financial Officer  Digitally signed by
STEPHEN FARMER
Date: 2025.06.05
11:37:11 -04'00'

FROM: Robert E. Gleason, Director
Purchasing Division Robert Gleason  Digitally signed by Robert
Gleason
Date: 2025.06.04 16:22:31
-04'00'

SUBJECT: June 10, 2025 – Commission Meeting – Agenda Item No. 71
MOTION TO ADOPT Resolution Amending the Broward County Administrative Code -
Procurement Code, Chapter 21

The Purchasing Division, in conjunction with the Office of the County Attorney, is presenting modifications to Broward County's Administrative Code – Procurement Code, Chapter 21.

Attached to this memorandum is a Procurement Code Revision Summary Chart identifying the section, markups, what/who change affects, and the reason change is recommended. The areas are grouped as follows:

1. "Cleanup" (i.e., language consistency, definitions, clarifications, etc.)
2. Process improvements (i.e., Sole Source, Sole Brand, etc.)
3. Updating vendor requirements (i.e., Drug-free and tie breakers)

Attachment

REG/csm/lg

c: Monica Cepero, County Administrator
Kimm Campbell, Deputy County Administrator
Andrew J. Meyers, County Attorney
Robert Melton, County Auditor
Constance Mangan, Assistant Director, Purchasing Division

Procurement Code Revision Summary Chart – May 2025

Section	What	Affects	Why
21.5. Exemptions from the Procurement Code.	(14) Services provided by nonprofit entities up to the Mandatory Bid Amount;	Purchasing Division Authority	Limits were removed from other exceptions on previous Code changes; this makes authority consistent for all exceptions.
21.23. Competitive Solicitations.	(f) <i>Drug Free Workplace.</i> The requirements of Section 1-71, et seq., Broward County Code of Ordinances (Procurement from Businesses provisions of Section 287.087, Florida Statutes, regarding a preference to vendors with Drug-Free Workplace Programs), shall apply to all competitive solicitations, unless specified otherwise in that section; provided, however, that the provisions of Section 440.102, Florida Statutes, shall apply to solicitations for construction goods or services to the extent those provisions are inconsistent with Section 1-71, et seq. prohibited by applicable law or applicable funding restrictions.	Vendor requirements	Modified based on Florida Statute changes and future repeal of Broward County Ordinance for Drug Free Ordinance.
21.23. Competitive Solicitations.	(k) <i>Performance and Payment Security.</i> The Director of Purchasing may require vendors to post performance and/or payment bonds for any competitive solicitation. Any required performance and/or payment bonds <u>is are</u> in addition to, and not in lieu of, the bid security for competitive solicitations stated in Section 21.23(j). The amount of the bonds shall be a percentage of the estimated total cost of goods or services being procured. The required form of the bonds shall be <u>set forth identified</u> in the solicitation. Such bonds shall be required for any solicitation for a construction project in accordance with the requirements of Section 255.05, Florida Statutes, <u>except that the Director of Purchasing may reduce or waive the requirements for performance and/or payment bonds for any solicitation to the extent permitted by Section 255.05, Florida Statutes.</u> The Director of Purchasing may reduce the amount of a performance and/or payment bond required in a solicitation, except as prohibited by Section 255.05, Florida Statutes.	Vendor requirements however no change to current procedures.	Language makes clearer there are two different bonds being referenced in this section, and tweaks language more closely to 255.05, FS.

Procurement Code Revision Summary Chart – May 2025

Section	What	Affects	Why
21.25. Sole Source Procurement.	<p>(a) The Director of Purchasing may conduct a Sole Source procurement upon determining there is only one source or one reasonable source <u>to meet the County's needs</u> for the specific goods or services required by the County, provided such procurement would not be inconsistent with applicable law, including, but not limited to, Sections 255.20 and 287.055, Florida Statutes, and further provided that nonstandardized Sole Source procurements above the award authority of the Director of Purchasing must be approved by the Board. Sole Source procurements may be conducted through any method authorized by this Code or by contracting directly with the Sole Source vendor, as the Director of Purchasing determines to be in the best interest of the County. Sole Source procurements shall be exempt from all County preferences, including, but not limited to, those under Sections <u>21.23(d), (e), (h), and (i)</u>.</p> <p>(b) Before conducting a Sole Source procurement that has not been the subject of <u>is above the Mandatory Bid Amount and for which an Request for Information RFI has not been conducted</u> within the preceding six (6) <u>twelve (12)</u> months, the Director of Purchasing shall post an Notice of Intent to Designate Sole Source RFI on the Purchasing Division's website <u>indicating an intent to utilize a Sole Source method of procurement to meet the County's need</u>. The Notice RFI shall identify the goods or services sought to be procured <u>needed by the County</u>. Vendors shall have five {5} <u>business days, or longer if required by Florida or federal law</u>, after the posting of the Notice RFI to submit a written explanation or other documentation contesting the proposed designation as a Sole Source <u>or identifying alternate sources or solutions to meet the County's need</u>. The Director of Purchasing shall consider such submittals and notify all submitting vendors of the decision <u>determine</u> whether to designate <u>the procurement</u> as a Sole Source, which decision shall not be subject to objection, protest, or appeal under this Code.</p>	Purchasing Division procedures (more efficient) and using agency {timelines}.	<ol style="list-style-type: none"> RFIs will now only be required for SS/ reasonable SS above "mandatory bid amount" {\$100k). SS/ reasonable SS <\$100k are typically based on business justification. Research can be completed in lieu of an RFI. The six-month timeframe was difficult to meet, especially on more complex projects that required negotiations {ex. software}.

Procurement Code Revision Summary Chart – May 2025

Section	What	Affects	Why
21.26. Sole Brand Procurement.	(b) Before conducting a Sole Brand procurement that has not been the subject of a Request for Information within the preceding six (6) months, the Director of Purchasing shall post a Notice of Intent to Designate Sole Brand on the Purchasing Division's website. The Notice shall identify the goods or services sought to be procured. Vendors shall have five (5) days after the posting of the Notice to submit a written explanation or other documentation contesting the proposed designation as a Sole Brand. The Director of Purchasing shall consider such submittals and notify all submitting vendors of the decision whether to designate as a Sole Brand, which decision shall not be subject to objection, protest, or appeal under this Code.	Purchasing Division – procedures (more efficient use of resources).	The Purchasing Division will still require Sole Brand justification and business case. An RFI would not be required - the Purchasing Division always has the option to issue. A competitive solicitation (including the brand requirement) would continue to be issued.
21.39. Rejection of All Responses.	The Director of Purchasing may reject all responses to a solicitation <u>or, if expressly identified in the solicitation, to a group</u> , even when only one response is received <u>to the solicitation or group</u> , if the Director of Purchasing determines that doing so would be in the best interest of the County; provided, however, that only the Board may reject all responses to a solicitation <u>or group</u> where the issuance of the solicitation was approved by the Board, except as provided herein. For any RFP, RLI, or RFQ with an anticipated value of more than \$500,000 issued by the Purchasing Division pursuant to Section 21.33 without being placed on a Board agenda, the Purchasing Division shall provide written notice to the Board of the intent to reject all responses; if no County Commissioner requests, within five (5) business days after such written notice, that the rejection of all responses be presented to the Board for consideration, the Director of Purchasing may reject all responses to the solicitation.	Purchasing Division authority, though similar to current practices.	Allows groups within a solicitation to act {awarded or rejected) individually from a solicitation.
21.41. Procedures for ITBs.	{h) Criteria for Breaking Ties.. <u>(4) If the foregoing does not resolve the tie, the vendor that maintains a drug- free workplace program consistent with Section 287.087, Florida Statutes.</u>	Purchasing Division procedures and Vendors.	Update based on Drug Free change in 21.23. For bids only – tie break criteria no. 4

Procurement Code Revision Summary Chart – May 2025

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21.42. Procedures for RFPs, RLIIs, and RFQs.	<p>{d) Criteria for Breaking Ties...</p> <p><u>{3) If the foregoing does not resolve the tie, the vendor that maintains a drug-free workplace program consistent with Section 287.087, Florida Statutes.</u></p>	Purchasing Division procedures and vendors.	<p>Update based on Drug Free change in 21.23.</p> <p>For RFPs/RLIs only – tie break criteria no. 3</p>
21.45. Evaluation Committees.	<p>(f) Responsibility of the Chair. The Chair of the Evaluation Committee shall maintain order at the meetings. Any person who interrupts or otherwise disrupts the Evaluation Committee's deliberations, or a vendor's presentation, may be removed from the meeting after being warned by the Chair.</p>	Purchasing Division procedures; no effect in role or responsibilities.	Purchasing Division now acts as the "Facilitator" for Evaluation Committee meetings. This avoids any issues with Sunshine law and is consistent with State procurement practice.
21.47. Award and Execution Authority.	<p>(2) The Director of Purchasing may award ITBs and execute the associated contract {if any) with a value over \$500,000, inclusive of any extensions or renewals, provided; <u>more than one vendor has submitted a response; the Director of Purchasing determines that the ITB has resulted in adequate, fair, and open competition; no the apparent low vendor has been determined to be <u>both nonresponsive or and nonresponsive</u>; no protests have been timely filed; and no County Commissioner objected to such intended award within five (5) business days after receiving notice from the Purchasing Division of the intent to award;</u></p>	Purchasing Division, however this is current practice – no change in procedures.	"Apparent low" language is the standard term for bid evaluation.

Procurement Code Revision Summary Chart – May 2025

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21.47. Award and Execution Authority.	<p>{3} The cumulative exercise of the Director of Purchasing's has the authority to extend, renew, and amend {e.g., adjust pricing, scope, etc.} any contract, regardless of the original awarding authority, provided the cumulative net amount of all exercises of the Director of Purchasing's authority with respect to any the contract shall does not exceed \$500,000; provided, however, that the Board may specifically approve in connection with any consideration of an amendment, extension, or renewal of the contract that the full amount of the Director of Purchasing's authority (i.e., \$500,000) be restored with respect to that contract; and</p>	Purchasing Division authority, however there is no change to authority based on change – it is keeping the same amounts currently.	Last sentence deleted as it confuses the topic; deletion makes section clearer.
21.51. Contracts Resulting from Solicitations or other Procurements	<p><i>Qualified Lists.</i> The Director of Purchasing may establish Qualified <u>Vendor</u> Lists of Vendors or Qualified <u>Products</u> Lists of Products for various goods or services <u>utilizing any competitive solicitation method</u>. The County may acquire those goods and services by <u>first awarding open-ended contracts to the qualified responding vendor(s)</u>, issuing Quotation Requests to the vendors on the applicable qualified list (or through other informal methods as may be established by the Director of Purchasing),² and then executing individual purchase orders or other purchase documentation by the appropriate awarding authority. <u>Vendors may be added to the qualified list at any time utilizing such competition as the Director of Purchasing determines appropriate, provided that the qualifications utilized for adding new vendors or products to the applicable qualified list are substantively identical to the qualifications utilized for vendors or products originally added to the qualified list. Vendors or products may be removed from the qualified list at any time if the Director of Purchasing determines that the vendor is no longer qualified to provide the applicable goods or services, if the vendor has been suspended or debarred by the County or another governmental entity, or if the product no longer meets the specifications required by the County.</u></p>	Purchasing Division terminology and procedures; however additions to QVL requirements do not affect how we currently create and manage QVLs.	Terminology updates and codifies QVL procedures.

Procurement Code Revision Summary Chart – May 2025

Section	What	Affects	Why
21.53. Duration of Contracts.	(1) Any additional extension period expressly provided for in the original contract to avoid a gap in services, provided such additional extension period does not exceed twelve (12) months.	Purchasing Division authority, however there is no change to authority based on markup – it is keeping the same amounts currently.	This change is not removing any authority - “(c)” is the gap extension. This extension time is still capped at \$500k, however it is not counted towards culmultative amount of Director of Purchasing.
21.53. Duration of Contracts.	(e) <u>Reinstatement of Expired Contracts.</u> The Director of Purchasing may, through a contract amendment, reinstate an expired contract in connection with the exercise of any authority delegated to the Director of Purchasing by the Board or under Section 21.47.	Purchasing Division and Using Agency (for contract).	Specifically allows this action.
21.74. Cause for Suspension.	The Director of Purchasing may suspend a party when the Director of Purchasing has probable cause to debar the party. A vendor may not be suspended for longer than three (3) <u>twelve (12)</u> months unless the County has commenced debarment proceedings against the vendor, in which case the suspension may last until the debarment proceedings are concluded.	Purchasing Division and Vendor.	Cleans up a conflicting provision {in Code} that allowed twelve months for suspension.
21.94. Definitions.	<u>Qualified Products List of Products (QPL)</u> means a list of products that meet the specifications for products that the County may require on an as-needed basis. <u>Qualified Vendor List of Vendors (QVL)</u> means a list of vendors the County determines are qualified to provide goods or services to the County on an as-needed basis.	Purchasing Division Terminology	Cleans up terminology to be consistent with ABA Model Code Regulation and general practice.