

ITEM #49

**(Proposed Amendment
by Senator Geller)**

ADDITIONAL MATERIAL PUBLIC HEARING

JUNE 13, 2023

**SUBMITTED AT THE REQUEST OF
COUNTY ATTORNEY'S OFFICE**

115 of probable consequences if the emergency purchase is not made. ~~In addition, t~~The
116 Director of Purchasing shall review the justification and, if the request is approved, provide
117 ~~and maintain a written explanation~~ a response setting forth the parameters and basis for
118 ~~all the approved~~ emergency purchases. Both the justification and the response must be
119 documented in writing, but may be initially completed orally and documented in writing as
120 soon as practical thereafter if the nature of the emergency makes contemporaneous
121 documentation impractical.

122 (b) On a quarterly basis, ~~t~~The Director of Purchasing shall, ~~within fifteen (15)~~
123 ~~days of the purchase,~~ report to the Board any emergency purchase that exceeds the
124 Director of Purchasing's award authority, which report shall explain the circumstances
125 that justified the purchase. On a quarterly basis, ~~t~~The Director of Purchasing shall, ~~within~~
126 ~~fifteen (15) days of the increase,~~ also report to the Board any increase exceeding
127 ten percent (10%) of the original amount of the emergency purchase previously reported
128 to the Board.

129 . . .

130 Section 6. Sections 21.33 and 21.39 of the Broward County Administrative
131 Code ~~is~~ are hereby amended to read as follows:

132 **21.33. Issuance of Competitive Solicitations.**

133 Competitive solicitations shall be posted on the Purchasing Division's approved
134 electronic bidding platform, except that procurements for concession services at the Fort
135 Lauderdale-Hollywood International Airport or North Perry Airport may instead be posted
136 on a website maintained by the Broward County Aviation Department. Solicitations for
137 construction and CCNA services shall be issued and noticed in accordance with the

138 applicable requirements of Florida law. Modifications and addenda to a solicitation shall
139 be issued in the same manner as the original solicitation. The Director of Purchasing may
140 issue ITBs for any amount without Board approval. With respect to RFPs, RLIs, and
141 RFQs, the County Administrator may approve issuance of any solicitation with an
142 anticipated total value of \$500,000 or less. Prior to the issuance of RFPs, RLIs, and
143 RFQs with an anticipated total value of more than \$500,000 ~~requires Board approval,~~ the
144 Purchasing Division shall provide written notice to the Board and post the proposed
145 solicitation on a public website. If no County Commissioner requests, within five (5)
146 business days after such written notice, that the solicitation not be issued without Board
147 approval, the Purchasing Division may issue the solicitation; if any County Commissioner
148 makes such a request, the proposed solicitation shall be presented to the Board for
149 consideration.

150 **21.39. Rejection of All Responses.**

151 The Director of Purchasing may reject all responses to a solicitation, even when
152 only one response is received, if the Director of Purchasing determines that doing so
153 would be in the best interest of the County; provided, however, that only the Board may
154 reject all responses to a solicitation where the issuance of the solicitation was approved
155 by the Board, except as provided herein. For any RFP, RLI, or RFQ with an anticipated
156 value of more than \$500,000 issued by the Purchasing Division pursuant to Section 21.33
157 without being placed on a Board agenda, the Purchasing Division shall provide written
158 notice to the Board of the intent to reject all responses; if no County Commissioner
159 requests, within five (5) business days after such written notice, that the rejection of all

160 responses be presented to the Board for consideration, the Director of Purchasing may
161 reject all responses to the solicitation.

162 Section 7. Section 21.42 of the Broward County Administrative Code is hereby
163 amended to read as follows:

164 **21.42. Procedures for RFPs, RLI, and RFQs.**

165 (a) *Matters Related to Pricing.* When price is a factor in an RFP, RLI, or RFQ,
166 the provisions in Sections 21.41(a) through ~~(d)~~ (c) of this Code shall apply to the
167 solicitation.

168 (b) *Withdrawal of Responses.* The provisions of Section 21.41(e) shall apply to
169 RFPs, RLI, and RFQs. In addition, a vendor may also withdraw its response upon written
170 approval by the Director of Purchasing if the vendor demonstrates to the reasonable
171 satisfaction of the Director of Purchasing that withdrawal should be permitted based upon
172 the grounds stated in the vendor's written justification, and the Director of Purchasing
173 determines in writing that withdrawal would not be contrary to the purposes of this Code.

174 . . .

175 Section 8. Section 21.46 of the Broward County Administrative Code is hereby
176 amended to read as follows:

177 **21.46. Reporting Requirements.**

178 The Director of Purchasing shall post, on the Purchasing Division's public website,
179 monthly reports as follows:

180 . . .