

**ITEM #69**

(Exhibit 1 – Amendment to the Proposed Ordinance)

# **ADDITIONAL MATERIAL**

**Public Hearing**

**DECEMBER 1, 2020**

**SUBMITTED AT THE REQUEST OF**

**OFFICE OF ECONOMIC AND SMALL  
BUSINESS DEVELOPMENT**

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%) less than the total points  
14       assigned to the highest-ranked responsive and responsible nonCBE.

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

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

1 specifications is likely to result in one or more Bids or Proposals from CBEs that would  
2 be eligible to receive the contract award; and (b) the Director of Purchasing issues a  
3 written determination that the delay occasioned by resolicitation would not materially harm  
4 the County's interests.

5 If a nonCBE is awarded the contract because no CBE with capacity to perform the work  
6 submits a responsive and responsible Bid or Proposal, ~~a nonCBE with the lowest~~  
7 ~~responsive and responsible Bid or the highest-ranked responsive and responsible~~  
8 ~~proposal, as applicable, may be awarded the contract with~~ or because no CBE meets the  
9 applicable requirements stated above, any contract awarded to a nonCBE must include  
10 at least a twenty-five percent (25%) CBE goal (unless the CBE goal is waived or otherwise  
11 modified by Board action), ~~or the County may reject all bBids and responses or Proposals~~  
12 ~~submitted.~~

13 . . .

14  
15 Section 3. Severability.

16 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
17 portion will be stricken, and such striking will not affect the validity of the remainder of this  
18 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
19 legally applied to any individual, group, entity, property, or circumstance, such  
20 determination will not affect the applicability of this Ordinance to any other individual,  
21 group, entity, property, or circumstance.

22  
23  
24  
Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.