



# Broward County

## Legislation Text

File #: 21-1447, Version: 1

### **Broward County Commission Regular Meeting**

**Director's Name:** Andrew J. Meyers

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ENACT Ordinance, the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY BUSINESS OPPORTUNITY ACT AND RELATING TO COUNTY BUSINESS ENTERPRISE (“CBE”) GOALS; AMENDING SECTION 1-81.3 OF THE BROWARD COUNTY CODE OF ORDINANCES (“CODE”) ADDRESSING THE WAIVER OF CBE GOALS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

#### Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance was adopted by the Board of County Commissioners at its meeting of August 24, 2021.

#### What Action Accomplishes

Allows the Board to consider enactment of the Ordinance amending the Business Opportunity Act of 2012 regarding the waiver of CBE goals.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

Pursuant to the Broward County Business Opportunity Act of 2012 (“Act”), most County contracts are required to include a CBE participation goal of at least twenty-five percent (25%) of the total value of the contract, unless the Board approves a different goal or approves no CBE goal after consideration of the recommendation by the Office of Economic and Small Business Development (“OESBD”).

For larger solicitations (i.e., an anticipated total value of more than \$500,000), Board approval is required to advertise the solicitation. The agenda item seeking Board approval to advertise large solicitations provides an opportunity for the Board to consider waiver or modification of the CBE goal.

For smaller solicitations (i.e., an anticipated value of \$500,000 or less), Board approval is not required to advertise the solicitation; the County Administrator is authorized to approve advertisement of these solicitations. However, under the current version of the Act, Board approval is still required to waive or modify the CBE goal for these solicitations.

The proposed Ordinance would amend the Act to allow the County Administrator to waive or modify CBE goals for smaller solicitations with an anticipated value of \$500,000 or less. In such instances, the waiver or modification would first be recommended by OESBD, and the Director of Purchasing would notify the Board in writing of the proposed waiver or modification. If no County Commissioner objects to the proposed waiver or modification within five (5) business days after that notice, the County Administrator would be authorized to approve the proposed waiver or modification. If a County Commissioner objects to the proposed waiver or modification, the proposed waiver or modification would be presented to the Board for its consideration.

An ellipsis has been added on page 3, line 10, of the attached Exhibit 1 to clearly indicate that existing subsequent provisions of the Act are not affected by this amendment.

**Source of Additional Information**

René D. Harrod, Chief Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Per the Office of Management and Budget, the estimated impact on the budget does not exceed the threshold required for a Fiscal Impact Statement.