



# Broward County

## Legislation Text

File #: 20-581, 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 BIDDING PREFERENCE FOR LOCAL VENDORS; AMENDING SECTIONS 1-74 AND 1-75 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); PROVIDING FOR INCLUSION OF PRINCIPAL PLACE OF BUSINESS IN THE EVALUATION CRITERIA FOR CERTAIN PROCUREMENTS; 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 March 10, 2020.

#### What Action Accomplishes

Sets a public hearing during which the Board may consider amending Sections 1-74 and 1-75 of the Broward County Code of Ordinances.

#### Is this Action Goal Related

No

#### Previous Action Taken

#### Summary Explanation/Background

On December 3, 2019, the Board directed that fair and objective criteria for the application of the local bidder preference for competitive solicitations be developed, and that any required proposed amendment to the Broward County Local Bidder Preference Ordinance, Section 1-74, et seq., Broward County Code of Ordinances, be prepared. The proposed Ordinance (Exhibit 1) reflects the input received from the Purchasing Division, the Small Business Development Advisory Board, and representatives of local businesses.

There are four distinct local preferences: (1) a best and final bid opportunity; (2) up to five (5)

evaluation points per evaluator (as determined by the Purchasing Division); (3) an opportunity for a local vendor within 5% of total awarded points to proceed to negotiations ahead of a highest-ranked nonlocal vendor; and (4) a tiebreaker.

If enacted, the proposed Ordinance would codify the "up to five (5) evaluation points per evaluator" preference and clarify the application of each preference based upon whether the vendor is a "local business" or a "locally based business," which would be defined as follows:

- A "local business" is a vendor that has continuously maintained a physical address in Broward County for at least the preceding one (1) year period, listed on a valid business tax receipt, in an area zoned for such business, from which the vendor operates and performs on a day-to-day basis business that is a substantial component of the goods and services at issue in the applicable solicitation; and
- A "locally based business" must meet the requirements for a local business (as defined above) and, additionally, must maintain (as of the bid submittal) and must have maintained for the one (1) year period preceding the bid posting date, its principal place of business at the local business location in Broward County.

To demonstrate that it is a locally based business, a vendor would be required to submit evidence regarding its local business location, local employees, local management, and that it has not claimed any other principal place of business in the preceding one (1) year period. The vendor's principal address as listed on Sunbiz.org would not be determinative.

The proposed Ordinance also provides that a materially false representation or attestation regarding local business location is good cause for suspension or debarment under the Procurement Code.

### **Source of Additional Information**

René D. Harrod, 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.