



# Broward County

## Legislation Text

File #: 20-1839, 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 BUSINESS OPPORTUNITY ACT AND COUNTY BUSINESS ENTERPRISE ("CBE") AND SMALL BUSINESS ENTERPRISE ("SBE") ELIGIBILITY REQUIREMENTS; AMENDING SECTION 1-81.2 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE") ADDRESSING ELIGIBILITY REQUIREMENTS FOR CERTIFICATION AS A CBE OR SBE; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Mayor Dale V.C. Holness)

#### 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 October 6, 2020.

#### What Action Accomplishes

Amends Section 1-81.2 of the Broward County Code of Ordinances addressing eligibility requirements for certification as a CBE or SBE.

#### Is this Action Goal Related

Yes

#### Previous Action Taken

#### Summary Explanation/Background

This item supports the Commission Value "Ensuring economic opportunities for Broward's diverse population and businesses and the Commission Goal "Utilize goals and policies to create employment opportunities and support for economically disadvantaged members of the community."

On September 22, 2020, the Board of County Commissioners directed the Office of the County Attorney to draft amendments to the Business Opportunity Act of 2012 addressing County Business Enterprise ("CBE") and Small Business Enterprise ("SBE") eligibility requirements. Under certain

Broward County (“County”) contracts, firms that are certified as CBEs or SBEs contract with nonaffiliated subcontractors or subconsultants for various services. In certain circumstances, the payments received by the CBE or SBE from the County for subcontractor or subconsultant work are passed through directly to the subcontractor or subconsultant. Under the current Code provision, these passed-through amounts may cause a CBE or SBE firm to lose eligibility as a CBE or SBE.

The proposed amendment would exclude from the calculation of average annual gross revenue (which is used to determine eligibility) any amounts paid directly by a CBE or SBE to a nonaffiliated subcontractor or subconsultant pursuant to a subcontract resulting from an agreement between the CBE or SBE and the County.

Based on the Board’s discussion on October 6, 2020, an alternate version of the ordinance is being prepared for the Board’s consideration. It is expected that this alternate version will be distributed as Additional Material by Monday, October 12. The alternate version will be addressed during individual Commissioner agenda briefings.

**Source of Additional Information**

Annika E. Ashton, Deputy County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

Fiscal Impact Statement by the Office of Management and Budget is attached as Exhibit 2.