



Broward County

Legislation Details (With Text)

File #:	23-991	Version:	1
		Status:	Agenda Ready
		In control:	PUBLIC HEARING
On agenda:	6/13/2023	Final action:	6/13/2023
Title:	MOTION TO ADOPT Resolution Amending the Broward County Administrative Code, the title of which is as follows: A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY PROCUREMENT CODE, CHAPTER 21 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AMENDING VARIOUS SECTIONS OF CHAPTER 21; MODIFYING CERTAIN PROCEDURAL MATTERS SUCH AS THE CALCULATION OF TIME, DELEGATION TO COUNTY AGENCIES, AND DURATION OF CONTRACTS; MODIFYING VARIOUS PROVISIONS RELATING TO METHODS OF PROCUREMENT AND COMPETITIVE SOLICITATIONS; MODIFYING CAUSES FOR DEBARMENT AND THE DURATION OF SUSPENSION; MODIFYING THE APPEAL PROCESS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Exhibit 1 - Copy of Proposed Resolution Amending the Broward County Administrative Code, 2. Exhibit 2 - Copy of Memorandum from the Office of the County Attorney, 3. Additional Material - Information		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

MOTION TO ADOPT Resolution Amending the Broward County Administrative Code, the title of which is as follows:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO THE BROWARD COUNTY PROCUREMENT CODE, CHAPTER 21 OF THE BROWARD COUNTY ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE"); AMENDING VARIOUS SECTIONS OF CHAPTER 21; MODIFYING CERTAIN PROCEDURAL MATTERS SUCH AS THE CALCULATION OF TIME, DELEGATION TO COUNTY AGENCIES, AND DURATION OF CONTRACTS; MODIFYING VARIOUS PROVISIONS RELATING TO METHODS OF PROCUREMENT AND COMPETITIVE SOLICITATIONS; MODIFYING CAUSES FOR DEBARMENT AND THE DURATION OF SUSPENSION; MODIFYING THE APPEAL PROCESS; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE, AND AN EFFECTIVE DATE.

Why Action is Necessary

A Resolution directing the County Administrator to publish notice of public hearing to consider adoption of the Resolution Amending the Broward County Administrative Code will be considered by the Board of County Commissioners at its meeting of June 6, 2023.

What Action Accomplishes

Allows for the Board's consideration of the Resolution Amending the Broward County Administrative Code.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

On February 23, 2021, the Broward County Board of County Commissioners ("Board") adopted a comprehensive rewrite of the Broward County Procurement Code, Chapter 21 of the Broward County Administrative Code ("Procurement Code"), effective May 1, 2021. The goals of the revised Procurement Code were to simplify and clarify the Procurement Code, codify certain practices, and reflect best practices. As was noted at the time, we anticipated that, upon application of the new Procurement Code, some glitches may become evident that would require clarifying or substantive amendment. Additionally, the Purchasing Division has identified other proposed changes designed to enhance the efficiency of the procurement process.

The proposed Resolution, if adopted, would:

1. Clarify the method of calculating deadlines that fall on a weekend or holiday (Section 21.8);
2. Authorize the Purchasing Director to delegate to County agencies the authority to execute contracts for purchases up to \$500,000 (previously \$100,000) (Section 21.11);
3. Permit the County Administrator's designee to determine whether a sufficient emergency exists to justify emergency purchases (Section 21.30);
4. Expedite competitive solicitations by permitting the Purchasing Director to publish solicitations without prior Board approval after providing County Commissioners an opportunity to object to the issuance (21.33);
5. Permit vendors to withdraw a proposal if the Purchasing Director determines the requested withdrawal is appropriate under the circumstances (Section 21.42(b));
6. Modify the five-year limitation on contracts to not apply to the following (Section 21.53(a)):
 - a. Any provision in the original contract that permits an extension of up to 12 months solely to avoid a gap in services;
 - b. ITBs awarded by the Director of Purchasing after notice to the Board and no objection to the

proposed award by any Commissioner; and

c. Any contract action by the Director of Purchasing, including award, renewal, and extension, up to \$500,000 in the aggregate for that contract;

7. Permit the Purchasing Director to extend any contract for up to 12 months to competitively solicit a new contract or to avoid a gap in critical services, provided the total cost for the extension does not exceed \$500,000 and subject to quarterly status reports to the Board (Section 21.53(d));

8. Extend the maximum period of a vendor suspension from three to up to 12 months (Section 21.78);

9. Modify the procedures and effects of procurement-related appeals (Section 21.88); and

10. Make minor clarifications to a number of other provisions.

Most of the proposed substantive changes are policy decisions for Board consideration and are recommended by County Administration and the Director of Purchasing. The Office of the County Attorney has provided a memorandum (Exhibit 2) explaining the proposed changes regarding appeals.

Any amendments or changes to the proposed Resolution that the Board may approve during its June 6, 2023, meeting will be distributed as additional material.

Source of Additional Information

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

Fiscal Impact

Fiscal Impact/Cost Summary

None.