



# Broward County

## Legislation Text

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File #: 20-1587, Version: 1

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### **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 EVALUATION OF PRINCIPAL PLACE OF BUSINESS FOR SUBSIDIARIES OF NONLOCAL ENTITIES; MODIFYING TIEBREAKER REFERENCES; AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by Commissioner Beam Furr)

#### **Why Action is Necessary**

A Resolution directing the County Administrator to publish notice of public hearing to consider enactment of the Ordinance is being considered by the Board of County Commissioners at its meeting of September 10, 2020.

#### **What Action Accomplishes**

Permits the Board to consider enactment of an Ordinance amending the Broward County Bidding Preference for Local Vendors.

#### **Is this Action Goal Related**

No

#### **Previous Action Taken**

#### **Summary Explanation/Background**

On June 2, 2020, the Board amended the Broward County Bidding Preference for Local Vendors, Section 1-74, et seq., of the Broward County Code of Ordinances (the "Local Preference Ordinance"), to define "local businesses" and "locally based businesses" on the basis of consistent, clear, and objective criteria, and to limit the allocation of five (5) evaluation points (5% of total points) for location to vendors that are locally based businesses, meaning businesses that have their principal place of business (or "nerve center") in Broward County.

When those amendments to the Local Preference Ordinance were enacted by the Board on June 2,

2020, Commissioner Furr began a discussion that resulted in several Commissioners requesting that additional language be developed to address the issue of location points for local subsidiaries of nonlocal parent entities. This item addresses that issue.

This proposed amendment to the Local Preference Ordinance would create a rebuttable presumption that a vendor does not have its principal place of business in Broward County if 50% or more of the total equity interests in the vendor are owned, directly or indirectly, by entities with a principal place of business located outside of Broward County. The vendor would be able to rebut the presumption by clear and convincing written evidence to the Director of Purchasing.

If the vendor rebuts the presumption and establishes that its principal place of business is in Broward County, the vendor can qualify as a “locally based subsidiary.” A locally based subsidiary would be entitled to participate in the “best and final offer” preference (under bids) on the same basis as a locally based business, but for evaluation points (under RFPs) would be eligible for a maximum of only 3% of the total evaluation points (e.g., a maximum of 3 points out of the 5 points usually available for location).

Finally, the proposed amendment removes the tiebreaker criteria for “best and final offer” ties, and instead states that ties are broken in accordance with the tiebreaker criteria stated in the Section 21.31 of the Broward County Administrative 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.