



# Broward County

## Legislation Text

File #: 20-1786, Version: 1

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

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

**Department:** County Attorney

### Information

#### Requested Action

MOTION TO ADOPT Resolution No. 2020-523 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, October 20, 2020, at 10:00 a.m., in Room 422 of the Governmental Center to consider enactment of a proposed 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

The proposed Ordinance was prepared by the Office of the County Attorney at the direction of the Board of County Commissioners at its meeting of September 22, 2020.

#### What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting an Ordinance amending the Business Opportunity Act of 2012.

#### 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.

This item is being placed on the supplemental agenda at the request of the item’s sponsor, Mayor Dale V.C. Holness.

**Source of Additional Information**

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

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code.