



# Broward County

## Legislation Text

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File #: 21-1081, 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 DIRECT** Office of the County Attorney to draft an Ordinance amending Section 1-81.3 of the Broward County Code of Ordinances regarding the waiver of County Business Enterprise (CBE) goals for solicitations of \$500,000 or less.

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

Board direction is required for the Office of the County Attorney to draft an Ordinance.

#### **What Action Accomplishes**

Directs the Office of the County Attorney to draft an Ordinance.

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

No

#### **Previous Action Taken**

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

Pursuant to the Broward County Business Opportunity Act of 2012 ("Act"), there is a required CBE participation goal of at least twenty-five percent (25%) of the total value of most County contracts, unless the Board approves a different goal or approves that no CBE goal be set. In instances where Board approval is required to advertise a solicitation with an anticipated total value of more than \$500,000, the agenda item asking for approval of the solicitation provides an opportunity for the Board to consider waiver of the CBE goal. Pursuant to the Procurement Code, the County Administrator may administratively approve the issuance of any solicitation with an anticipated value of \$500,000 or less. Although Board approval is not required to issue such solicitations, the Act still requires Board approval to waive CBE goals for these solicitations.

The proposed Ordinance would amend the Act to allow the County Administrator or the Director of Purchasing to administratively approve the waiver of a CBE goal when the solicitation has an anticipated value of \$500,000 or less. Prior to administratively approving a waiver of CBE goals on such a solicitation, the Director of Purchasing would notify the Board in writing of the intended action. This notification would be done through a formal report to the Board, similar to the current reporting requirements of the Purchasing Division. As part of the process, sufficient time would be provided after receipt of the notice from the Purchasing Division for a Commissioner to object to the lack of a CBE goal on the applicable solicitation, in which event an agenda item could be prepared to enable

Board consideration.

**Source of Additional Information**

Nathaniel A. Klitsberg, Senior Assistant County Attorney, 954-357-7600

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

To be determined by the Office of Management and Budget upon presentation of a draft Ordinance.