

ITEM #49

**(Proposed Amendment
by Senator Geller)**

ADDITIONAL MATERIAL

PUBLIC HEARING

JUNE 13, 2023

SUBMITTED AT THE REQUEST OF

COUNTY ATTORNEY'S OFFICE

of probable consequences if the emergency purchase is not made. ~~In addition, t~~The Director of Purchasing shall review the justification and, if the request is approved, provide and maintain a written explanation a response setting forth the parameters and basis for all the approved emergency purchases. Both the justification and the response must be documented in writing, but may be initially completed orally and documented in writing as soon as practical thereafter if the nature of the emergency makes contemporaneous documentation impractical.

(b) On a quarterly basis, tThe Director of Purchasing shall, ~~within fifteen (15) days of the purchase,~~ report to the Board any emergency purchase that exceeds the Director of Purchasing's award authority, which report shall explain the circumstances that justified the purchase. On a quarterly basis, tThe Director of Purchasing shall, ~~within fifteen (15) days of the increase,~~ also report to the Board any increase exceeding ten percent (10%) of the original amount of the emergency purchase previously reported to the Board.

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Section 6. Sections 21.33 and 21.39 of the Broward County Administrative Code ~~is~~ are hereby amended to read as follows:

21.33. Issuance of Competitive Solicitations.

Competitive solicitations shall be posted on the Purchasing Division's approved electronic bidding platform, except that procurements for concession services at the Fort Lauderdale-Hollywood International Airport or North Perry Airport may instead be posted on a website maintained by the Broward County Aviation Department. Solicitations for construction and CCNA services shall be issued and noticed in accordance with the

applicable requirements of Florida law. Modifications and addenda to a solicitation shall be issued in the same manner as the original solicitation. The Director of Purchasing may issue ITBs for any amount without Board approval. With respect to RFPs, RLIs, and RFQs, the County Administrator may approve issuance of any solicitation with an anticipated total value of \$500,000 or less. Prior to the issuance of RFPs, RLIs, and RFQs with an anticipated total value of more than \$500,000 ~~requires Board approval, the~~ Purchasing Division shall provide written notice to the Board and post the proposed solicitation on a public website. If no County Commissioner requests, within five (5) business days after such written notice, that the solicitation not be issued without Board approval, the Purchasing Division may issue the solicitation; if any County Commissioner makes such a request, the proposed solicitation shall be presented to the Board for consideration.

21.39. Rejection of All Responses.

The Director of Purchasing may reject all responses to a solicitation, even when only one response is received, if the Director of Purchasing determines that doing so would be in the best interest of the County; provided, however, that only the Board may reject all responses to a solicitation where the issuance of the solicitation was approved by the Board, except as provided herein. For any RFP, RLI, or RFQ with an anticipated value of more than \$500,000 issued by the Purchasing Division pursuant to Section 21.33 without being placed on a Board agenda, the Purchasing Division shall provide written notice to the Board of the intent to reject all responses; if no County Commissioner requests, within five (5) business days after such written notice, that the rejection of all

responses be presented to the Board for consideration, the Director of Purchasing may reject all responses to the solicitation.

Section 7. Section 21.42 of the Broward County Administrative Code is hereby amended to read as follows:

21.42. Procedures for RFPs, RLI, and RFQs.

(a) *Matters Related to Pricing.* When price is a factor in an RFP, RLI, or RFQ, the provisions in Sections 21.41(a) through ~~(d)~~ (c) of this Code shall apply to the solicitation.

(b) *Withdrawal of Responses.* The provisions of Section 21.41(e) shall apply to RFPs, RLI, and RFQs. In addition, a vendor may also withdraw its response upon written approval by the Director of Purchasing if the vendor demonstrates to the reasonable satisfaction of the Director of Purchasing that withdrawal should be permitted based upon the grounds stated in the vendor's written justification, and the Director of Purchasing determines in writing that withdrawal would not be contrary to the purposes of this Code.

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Section 8. Section 21.46 of the Broward County Administrative Code is hereby amended to read as follows:

21.46. Reporting Requirements.

The Director of Purchasing shall post, on the Purchasing Division's public website, monthly reports as follows:

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