



1 Section 1. Section 1-81.1 of the Broward County Code of Ordinances is hereby  
2 amended to read as follows:

3 **Sec. 1-81.1. Objectives and definitions.**

4 ...

5 (c) *Program definitions.*

6 ...

7 (2) *Bid or Proposal* means a response to any County procurement solicitation.

8 ...

9  
10 Section 2. Section 1-81.3 of the Broward County Code of Ordinances is hereby  
11 amended to read as follows:

12 **Sec. 1-81.3. CBE goals and reserves.**

13 ...

14 (f) *Solicitations Involving Reserves.* When a CBE reserve is established in  
15 connection with a County solicitation, CBEs and nonCBEs may respond to the solicitation.  
16 If a CBE with capacity to perform the work submits a responsive and responsible Bid or  
17 ~~p~~Proposal, the work will be awarded to the CBE that submits the lowest responsive and  
18 responsible Bid, or the highest-ranked responsive and responsible ~~p~~Proposal, subject to  
19 the language stated below (and consistent with all applicable terms and conditions of the  
20 County's Procurement Code and subject to entering into an agreement acceptable to the  
21 County). The CBE with the lowest responsive and responsible Bid, or the highest-ranked  
22 responsive and responsible Proposal, as compared to all other CBEs (the "CBE  
23 Presumptive Awardee") shall be awarded the contract if the CBE Presumptive Awardee  
24 meets the following requirements, as applicable:

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in  
underscored type are additions.

1 A. Monetary Differential: The total Bid or Proposal amount of the CBE  
2 Presumptive Awardee: (a)(i) does not exceed Three Million Dollars (\$3,000,000)  
3 and (ii) does not exceed the total amount of the lowest responsive and responsible  
4 Bid, or the total amount of the highest-ranked responsive and responsible  
5 Proposal, as applicable, from a nonCBE by more than ten percent (10%); or  
6 (b)(i) exceeds Three Million Dollars (\$3,000,000) and (ii) does not exceed the total  
7 amount of the lowest responsive and responsible Bid, or the total amount of the  
8 highest-ranked responsive and responsible Proposal, as applicable, from a  
9 nonCBE by more than five percent (5%).

10 B. Points Differential: For competitive solicitations in which the Proposals are  
11 assigned point totals, the total points assigned to the CBE Presumptive Awardee  
12 is not more than \_\_\_\_\_ percent ( % ) less than the total points assigned to the  
13 highest-ranked responsive and responsible nonCBE.

14 If the CBE Presumptive Awardee does not meet the above requirements, as  
15 applicable, then the award shall be made to the nonCBE that submits the lowest  
16 responsive and responsible Bid, or the highest-ranked responsive and responsible  
17 Proposal, provided the Director of Purchasing determines the total amount of the Bid or  
18 Proposal is fair and reasonable. If a nonCBE is awarded the contract because no CBE  
19 with capacity to perform the work submits a responsive and responsible Bid or Proposal,  
20 a nonCBE with the lowest responsive and responsible Bid or the highest-ranked  
21 responsive and responsible proposal, as applicable, may be awarded or because the  
22 CBE Presumptive Awardee does not meet the applicable requirements stated above, the  
23 contract with the nonCBE must include at least a twenty-five percent (25%) CBE goal  
24

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1 (unless the CBE goal is waived or otherwise modified by Board action), or the County  
2 may reject all ~~Bids and responses~~ or Proposals submitted.

3 ...

4  
5 Section 3. Severability.

6 If any portion of this Ordinance is determined by any court to be invalid, the invalid  
7 portion will be stricken, and such striking will not affect the validity of the remainder of this  
8 Ordinance. If any court determines that this Ordinance, in whole or in part, cannot be  
9 legally applied to any individual, group, entity, property, or circumstance, such  
10 determination will not affect the applicability of this Ordinance to any other individual,  
11 group, entity, property, or circumstance.

12  
13 Section 4. Inclusion in the Broward County Code of Ordinances.

14 It is the intention of the Board of County Commissioners that the provisions of this  
15 Ordinance become part of the Broward County Code of Ordinances as of the effective  
16 date. The sections of this Ordinance may be renumbered or relettered and the word  
17 "ordinance" may be changed to "section," "article," or such other appropriate word or  
18 phrase to the extent necessary in order to accomplish such intention.

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20 Section 5. Effective Date.

21 This Ordinance is effective as of the date provided by law.

22  
23 ENACTED

24 FILED WITH THE DEPARTMENT OF STATE

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underscored type are additions.

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EFFECTIVE

Approved as to form and legal sufficiency:  
Andrew J. Meyers, County Attorney

By /s/ \_\_\_\_\_ 00/00/2020  
Sandy Steed (date)  
Assistant County Attorney

By /s/ \_\_\_\_\_ 00/00/2020  
Nathaniel A. Klitsberg (date)  
Senior Assistant County Attorney

SS/hb  
CBE Reserves Cap Ordinance.doc  
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