

**City of Tamarac**  
**Interoffice Memorandum**  
**Financial Services Department**

**To:** Michael C. Cernech  
City Manager

**Through:** Mark C. Mason, CPA  
Director of Financial Services

**From:** Keith K. Glatz, CPPO  
Purchasing & Contracts Manager

**Date:** January 29, 2020

**Re:** TO 2424 – Amend Tamarac Procurement Code to Add Veterans’  
Preference and Other Housekeeping Issues

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**Recommendation:**

That TO 2424 be placed on the Agenda of the February 12, 2020 Commission Meeting for First Reading.

**Issue:**

An amendment to the Tamarac Procurement Code is necessary to provide for a 2.5% preference for Veteran-owned businesses doing business with the City. Additionally, this amendment will provide for housekeeping language to amend the structure of the Selection Advisory Committee (SAC) and to authorize the City Manager to terminate agreements due to non-performance by a contractor.

**Background:**

The Tamarac Procurement Code was amended via Ordinance O-2019-05 this past Spring to provide for a local preference for vendors whose businesses are located within the City of Tamarac as well as for Certified Business Enterprises (CBE’s) as certified by the Broward County Office of Economic and Small Business Development.

During the November 13, 2019 City Commission meeting, the Commission recognized that American military veterans have made significant contributions to the freedom that we all enjoy as Americans, and that veterans are owed a debt of gratitude, and as such, the Commission directed the City Attorney to draft an ordinance that will provide a procurement preference of 2.5% for non-veteran owned businesses.

**Tamarac Procurement Code Section 6-146.1 entitled “Local Business Preference”**

Temporary Ordinance TO 2424 will amend Section 6-146.1 entitled “Local Business Preference” to grant a procurement preference to Veteran-owned businesses of 2.5%, similar to what is now granted to Broward County CBE vendors. When a veteran-owned business bid response falls within 2.5% of the low bid response of a non-Veteran owned business, (other than a local Tamarac firm and/or a Broward County CBE vendor), the veteran-owned firm would then have the opportunity to submit a Best and Final Bid Offer to the City. The BAFO would then need to

reflect pricing that was at least 1% lower than the low bid vendor. The veteran-owned vendor would be awarded the bid if they are able to meet the reduced pricing requirement of the code; however, if a veteran-owned business was competing against a Tamarac local vendor and/or a Broward County CBE vendor, the Tamarac local vendor, followed in order by a Broward County CBE would have precedence over the veteran-owned business. Other general provisions contained in the current Local Business Preference section would also apply to veteran owned businesses.

When the City is using an RFP process, a competing veteran-owned business would automatically earn an additional 2.5 points for each evaluator, however, if the vendor is also a Tamarac local vendor or a Broward County CBE, they would only receive points for the highest available category, and will only be eligible for the highest available number of points for that category, as the available preferences are not cumulative. As an example, a firm that is both a Tamarac local vendor and a Veteran-owned vendor would only be eligible to receive a maximum of 5 points which would be awarded to them based on their status as a Tamarac local vendor.

#### **Tamarac Procurement Code Section 6-146(b) – Selection Advisory Committee (SAC)**

Ordinance TO2424 also amends Section 6-146(b) related to the City's Selection Advisory Committee (SAC) provision, which defines a pre-determined Selection Advisory Committee (SAC) with the express purpose of evaluating proposals for professional services as defined by F.S. Chapter 287.055, the Consultants' Competitive Negotiations Act (CCNA) as Architects, Engineers, Landscape Architects and Surveyors. The current make-up of the Committee designates seven (7) specific titles to serve on the evaluation committees for these transactions, and over the years, this has become an outdated and cumbersome process mainly as a result of changes to the City's organizational structure. As an example, the current code specified that the Director of Utilities serve as a member of the committees, however, that position was eliminated when the City consolidated the Public Services Department several years ago.

The amended version removes the requirements for specific titles, and provides for a total of five (5) committee members to be appointed by the department director, and includes two (2) representatives from the using department, two (2) representatives from the Public Services Department which is the primary department affected by the State's CCNA requirements, and one (1) representative from the Financial Services Department to insure fiscal integrity. The ordinance also provides that the Purchasing and Contracts Manager or designee serves as a non-voting, facilitator of the committee instead of a voting member. This specific change will make it easier for the Purchasing and Contracts Manager to respond to issues related to the evaluation process itself.

#### **Tamarac Procurement Code Section 6-151 – "Types of Contracts and Contract Administration"**

Finally, TO 2424 will amend Section 6-151 of the Code by adding paragraph (e), which expressly authorizes the City Manager to cancel an agreement with a vendor for non-performance, and potentially suspend or debar a vendor after the City completes a due diligence process. The specific requirements for due diligence will be outlined in the City's Administrative Policies in order to facilitate the appropriate level of due diligence for each situation, and to ensure that the vendor is provided with a sufficient opportunity to cure any non-performance issues.

Fiscal Impact

There is no anticipated fiscal impact relating to the implementation of this ordinance.

Recommendation

Accordingly, it is recommended that Temporary Ordinance TO 2424 be approved.