

Orange County Business Development Division


BCC Public Hearing:
Ordinance Amendment removing Section 17-321(d)
from Chapter 17, Article III, Division 4
("Minority/Women Business Enterprise Ordinance").

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Presentation Overview *Slide 1 of 5*

- » **Background**
- » **Proposed Amendment**
- » **Requested Action**



Background *Slide 2 of 5*

- » **M/WBE Ordinance establishes M/WBE Subcontractor Utilization goals for Prime Contractors.**
 - Goals determined by previous disparity study
 - Goals are broken down into four contract categories: Construction, Goods, Professional Services, and Services
- » **In general, for a bid or proposal to be responsive to an IFB/RFP, such bid or proposal must demonstrate that the Prime Contractor:**
 - Has met the M/WBE Subcontract Utilization Goal established in the IFB/RFP; or
 - Has provided adequate evidence that it made a good faith effort to meet such goal. (See: Definition of "good faith effort (contracts)" in Section 17-319 for evidential requirements).

Background (continued)

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Section 17-321(d) provides a conditional exemption from meeting the County's M/WBE Subcontractor Utilization goal and good faith effort requirements to Prime Contractors submitting bids for Construction contracts.

- Exemption applies if a bid submitted is lower than the next lowest responsive bidder by a margin determined by a "sliding scale" of values set forth in that provision.
- County must award Construction contracts to the lowest bidder that meets the exemption criteria.

Proposed Amendment

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The proposed amendment removes the Section 17-231(d) exemption for Prime Contractors for Construction. Such removal would:

- Support the County's efforts to meet its M/WBE Subcontractor Utilization Goal for Construction contracts;
- Make the M/WBE Subcontractor Utilization goal and good faith effort requirements consistent across all County contract categories; and
- Make the County consistent with other governmental agencies in the Orlando MSA (City of Orlando, School Board, and GOAA) as none of them provide any such an exemption.

Requested Action

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Approval of an ordinance amendment pertaining to Minority/Women Business Enterprise participation, deleting Section 17-321(D) from Chapter 17, Article III, Orange County Code, Division 4, Section 17-321 ("Contract and Subcontract Goals") and providing for codification and an effective date.
