

ORDINANCE 2025-__

AN ORDINANCE PERTAINING TO PROCUREMENT IN ORANGE COUNTY, FLORIDA; REVISING CHAPTER 17, ARTICLE III, DIVISION 4 (“MINORITY/WOMEN BUSINESS ENTERPRISE”); AMENDING SECTION 17-319 (“DEFINITIONS”), AMENDING SECTION 17-321 (“CONTRACT AND SUBCONTRACT GOALS”); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Orange County Board of County Commissioners (the “Board”) desires to have flexibility in contracting in order to complete public construction projects in the most cost effective and efficient manner; and

WHEREAS, the Board finds it necessary to amend certain sections of the Orange County Code in order to employ additional procurement methods to solicit construction projects in order to achieve that flexibility.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Amendments; In General. For the purposes of this section, additions are shown by underlines, deletions are shown by ~~strikethroughs~~, and asterisks (***) indicate portions of text which have not changed.

Section 2. Amendment to Section 17-319 (“Definitions”). Section 17-319 is hereby amended to read as follows:

Sec. 17-319. - Definitions.

When used in this division, the following terms are to be defined and construed as follows:

Good faith effort (contracts) means the efforts undertaken by a contractor to obtain minority/women-owned business enterprise

participation in a contract, and shall include all the following actions:

(1) Written notice to minority/women business enterprises that provides the type of work that the contractor intends to subcontract. The notice shall be by e-mail or fax no fewer than seven (7) ~~calendar~~ business days prior to bid or proposal opening, or in the case of a submittal of a utilization plan in a construction manager at risk or design build project, seven (7) business days prior to submittal of the utilization plan. All e-mails shall include the legal name of the firm. The notice shall advise:

a. That the minority/women business enterprise interest in the contract is being solicited;

b. The specific work the contractor intends to subcontract;

c. How to obtain information about and review of the contract plans and specifications;

d. Information on bonding and/or other pertinent insurance requirements;

e. The deadline for bid, ~~or~~ proposal or utilization plan submission to the prime contractor and the bid or proposal opening date; and

f. That the prime contractor will provide the M/WBE guidance on following the project and subscribing to timely updates and addenda issued through the County's procurement system and provide the minority/women business enterprise no less than twenty-four (24) hours' notice of all addenda.

(2) The prime contractor shall list the divisions of contract work not subcontracted to a M/WBE and provide an explanation why the M/WBE goals were not achieved.

(3) Follow-up of initial submittals of interest by contacting minority/business enterprises and document using a contract log, which shall include the firm's name address, contact information (e-mail, telephone and/or fax numbers), scope of work requested, the date, name of person making the effort, denote if M/WBE will bid, time quote received and notes denoting if plans and specs were sent. Each bidder shall use the standardized contract log.

(4) Where a non-minority/non-woman contractor is listed for work for which a minority/women business enterprise availability exists, the prime contractor shall submit all quotations received from minority/women business enterprises and the listed contractor within twenty-four (24) hours, if one (1) of the three (3) apparent low bidders. The prime contractor shall provide an explanation as to why the ~~minority/women~~ M/WBE quotations were not accepted.

76 Receipt of a lower quotation from a non-minority/non-women
77 business enterprise prior to or at the time of bid opening will not in
78 itself excuse a contractor's failure to meet contract goals. However,
79 a contractor's good faith effort obligation does not require a
80 contractor to accept a quotation from a minority/women business
81 enterprise which is an unreasonable price. For the purpose of this
82 subsection, "unreasonable price" means a price above (or below)
83 competitive levels which cannot be attributed to the
84 minority/women business enterprise attempt to cover costs inflated
by the present effect of discrimination.

86 (5) Contractor shall contact the business development
division staff as a resource to obtain M/WBE participation within
87 ten (10) calendar days of the posting of the solicitation.

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Section 3. Amendment to Section 17-321 ("Contract and subcontract goals").

90 Section 17-321 is hereby amended to read as follows:

Sec. 17-321. - Contract and subcontract goals.

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93 (g) In addition to any other requirements set forth in this
94 division, contractors who are awarded contracts by the county shall
95 submit a copy of their executed subcontract with the required
96 language from the Business Development Division as provided in
97 the competitive solicitation for each minority/women business
98 enterprise listed in their bid/proposal prior to execution of a contract
99 with the county. In the case of contractors who are awarded
100 contracts by the county for a construction manager at risk (CMAR)
101 project where design has not been completed prior to contract, or a
102 design build project shall submit a copy of their executed
103 subcontract with each M/WBE prior to execution of a guaranteed
104 maximum price (in the case of a CMAR) or at the time of completion
105 and approval by county of design (in the case of a design build
106 project).

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Section 4. Codification. The amendments to the Orange County Code set forth in
110 Sections 2 and 3 shall be codified. No other sections or parts of sections of this ordinance shall be
codified.

112 **Section 5. *Effective Date.*** This Ordinance shall take effect pursuant to general law.

ADOPTED THIS 22ND DAY OF April, 2025.

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ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

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By: _____
Jerry L. Demings
Orange County Mayor

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124 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
Deputy Clerk

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