



WEST PALM BEACH

## City Commission Agenda Cover Memorandum

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<b>Originating Department:</b> Procurement (PRC)	<b>Meeting Type:</b> Regular	<b>Advertised:</b> Required?: <input type="radio"/> Yes <input checked="" type="radio"/> No	<b>ACM#:</b> <b>21365</b>
	<b>Agenda Date:</b> 04/24/2017		

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**Subject:**

Public Hearing and Second Reading of Ordinance No. 4705-17 amending the Procurement Code to provide a preference in the award of procurements for goods, services and construction for certified service-disabled veteran business enterprises.

**Ordinance/Resolution:**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66, PROCUREMENT, TO CREATE SECTION 66-75 TO PROVIDE A PREFERENCE IN THE AWARD OF PROCUREMENTS TO CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**Staff Recommended Motion:**

Approve Ordinance No. 4705-17.

**Background:**

Florida has the third largest population of veterans in the nation, with more than 1.6 million veterans; 75% of whom have served during periods of conflict. Florida is home to approximately 500,000 Vietnam-era veterans; 231,000 veterans of Afghanistan and Iraq; 160,000 women veterans; and 164,000 World War II veterans.

With the intent to rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state and the public, the Florida Legislature enacted the Florida Service-Disabled Veteran Business Enterprise Opportunity Act, found at Sec. 295.187, Florida Statutes.

The Florida Service-Disabled Veteran Business Enterprise Opportunity Act provides that an independently owned and operated business that:

1. Employs 200 or fewer permanent full-time employees;
2. Has a net worth of \$5 million or less;
3. Is organized to engage in commercial transactions;
4. Is domiciled in Florida

- 5. Is at least 51% owned by one or more service-disabled veterans; and
- 6. The management of which is controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran;  
is a service-disabled veteran-business enterprise; and

The Florida Service-Disabled Veteran Business Enterprise Opportunity Act:

- a) Establishes a procedure by which the State will certify a business as a Certified Service-Disabled Veteran Business Enterprise;
- b) Provides a preference for the selection of certified service-disabled veteran business enterprises in the procurement of goods, services and construction by the State; and
- c) Encourages political subdivisions of the state to offer a similar consideration to Certified Service-Disabled Veteran Business Enterprises.

Ordinance No. 4705-17 creates Sec. 66-75 of the Procurement Code to provide a preference for the participation by Service-Disabled Veteran Business Enterprises in City procurements for good, services and construction. The Ordinance will provide that when considering two or more bids/proposals for the procurement of goods, services or construction, and at least one of which is: i) from a certified service-disabled veteran business enterprise, and ii) is equal with respect to all relevant considerations, including price, quality and service, such procurement or contract shall be awarded to the certified service-disabled veteran business enterprise. The Ordinance will be effective for procurement solicitations issued as of June 1, 2017.

**Fiscal Note**

Current Year:	Annualized:	Budgeted: No Budget	Unbudgeted:	Funding Source:
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**Comment:** No Fiscal Impact

**Electronic Attachments:** [Click here for assistance with naming convention.](#)

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Is this ACM related to a **Grant**?  Yes  No

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Is this ACM related to **Housing**?  Yes  No

Originating Department - Approved by: Festus F Hayden on 04/12/2017



*Linda McDermott*

04/12/2017 City Attorney's Department

*Nancy Webeck*

04/12/2017 Asst. City Administrator

*David B. Miller*

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**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, AT CHAPTER 66, PROCUREMENT, TO CREATE SECTION 66-75 TO PROVIDE A PREFERENCE IN THE AWARD OF PROCUREMENTS TO CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES; PROVIDING A CONFLICTS CLAUSE, A CODIFICATION CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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WHEREAS, Florida has the third largest population of veterans in the nation, with more than 1.6 million veterans; 75% of whom have served during periods of conflict; and

WHEREAS, Florida is home to approximately 500,000 Vietnam-era veterans; 231,000 veterans of Afghanistan and Iraq; 160,000 women veterans; and 164,000 World War II veterans; and

WHEREAS, with the intent to rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state and the public, the Florida Legislature enacted the Florida Service-Disabled Veteran Business Enterprise Opportunity Act, found at Sec. 295.187, Florida Statutes; and

WHEREAS, the Florida Service-Disabled Veteran Business Enterprise Opportunity Act provides that an independently owned and operated business that:

1. Employs 200 or fewer permanent full-time employees;
2. Has a net worth of \$5 million or less;
3. Is organized to engage in commercial transactions;
4. Is domiciled in Florida
5. Is at least 51% owned by one or more service-disabled veterans; and
6. The management of which is controlled by one or more service-disabled veterans or, for a service-disabled veteran with a permanent and total disability, by the spouse or permanent caregiver of the veteran;

is a service-disabled veteran-business enterprise; and

WHEREAS, the Florida Service-Disabled Veteran Business Enterprise Opportunity Act establishes a procedure by which the State will certify a business as a Certified Service-Disabled Veteran Business Enterprise; and

WHEREAS, the Florida Service-Disabled Veteran Business Enterprise Opportunity Act provides a preference for the selection of certified service-disabled veteran business enterprises in the procurement of goods, services and construction by the State; and

**ORDINANCE NO. 4705-17**

WHEREAS, the Florida Service-Disabled Veteran Business Enterprise Opportunity Act specifically encourages political subdivisions of the state to offer a similar consideration to Certified Service-Disabled Veteran Business Enterprises; and

WHEREAS, in honor of the veterans' service and sacrifice, the City Commission of the City of West Palm Beach desires to provide similar economic considerations to rectify the economic disadvantage felt by service-disabled veterans; and

WHEREAS, to achieve this objective without disrupting the procurement practice and priorities already in law, and in compliance with statute, the City Commission desires to amend the Procurement Code of the City of West Palm Beach to provide a preference for the participation by Service-Disabled Veteran Business Enterprises in City procurements for good, services and construction;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:**

**SECTION 1:** The Code of Ordinances of the City of West Palm Beach is hereby amended at Chapter 66, Procurement, to create Section 66-75 – Service-Disabled Veteran Preference, which shall read as follows:

**CHAPTER 66 - PROCUREMENT**

**ARTICLE IV – PROCUREMENT METHODS**

**Sec. 66-75. – Service-Disabled Veteran Preference**

- (a) *Definitions.* When used in this section, the following term is to be defined and construed as follows:
  - (1) *Certified service-disabled veteran business enterprise* shall mean a business that has been certified by the State of Florida to be a service-disabled veteran business enterprise as defined in F.S. §295.187.
  
- (b) When considering two or more qualified bids, proposals or replies for the procurement of goods, services or construction, and at least one of which is: i) from a certified service-disabled veteran business enterprise, and ii) is equal with respect to all relevant considerations, including price, quality and service, such procurement or contract shall be awarded to the certified service-disabled veteran business enterprise.
  
- (c) The procurement official shall provide the city commission with a report, on a quarterly basis, detailing the participation in procurements by service-disabled veteran business enterprises.

**ORDINANCE NO. 4705-17**

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** Should any section or provision of this Ordinance or any portion, paragraph, sentence or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

**SECTION 4:** Authority is hereby granted to codify the text amendments set forth in Section 1 of this Ordinance.

**SECTION 5:** This Ordinance shall be effective for procurement solicitations issued as of June 1, 2017.