

OCT 18 2011 NP/CMS

ORDINANCE NO. 2011-11

EFFECTIVE DATE
OCT 31 2011

AN ORDINANCE OF ORANGE COUNTY, FLORIDA, AMENDING CHAPTER 17, ARTICLE III, BY CREATING DIVISION 5, SECTION 17-335, ENTITLED "SERVICE-DISABLED VETERAN BUSINESS PROGRAM" PROVIDING FOR A STATEMENT OF INTENT; APPLICABILITY; DEFINITIONS ; REGISTRATION REQUIREMENTS; VENDOR PREFERENCE; REPORTING DUTIES OF BUSINESS DEVELOPMENT DIVISION; AND THE AUTHORITY TO ADOPT RULES, POLICIES AND PROCEDURES TO IMPLEMENT THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the policy of the Board of County Commissioners to foster economic development and business opportunities within Orange County, and to promote the growth and development of local businesses; and

WHEREAS, the Board of County Commissioners intends to enact this Ordinance to be codified as a new Division 5 of Article III, Orange County Code; and

WHEREAS, in 2008, under Section 295.187, Florida Statutes, the State of Florida created the "Florida Service-Disabled Veteran Business Enterprise Opportunity Act" which encourages counties to offer similar programs to businesses certified under this section; and

WHEREAS, the Board of County Commissioners also seeks to rectify the economic disadvantage of service veterans, who made extraordinary sacrifices on behalf of the nation, the state, Orange County and the public, by providing economic opportunities for service-disabled veteran businesses already certified by the State of Florida by creating a County Service-Disabled Veteran Business Program.

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

Section 1. Amendments; In General. Throughout this ordinance, additions are shown by underlines, and deletions are shown by strike-throughs, and asterisks (***) indicate portions of text, which have not changed.

Section 2. Amendments to Chapter 17, Article III, by creating Division 5, Section

17-335 to read as follows:

Division 5. - Service-Disabled Veteran Business Preference

Sec. 17-335. ~~Reserved.~~ Service-Disabled Veteran Business Program.

a) Short title. The provisions of this section shall be known as the “Service-Disabled Veteran Business Program Ordinance.”

b) Intent. It is the intent of the board of county commissioners to rectify the economic disadvantage of service-disabled veterans, who are believed to be 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, Orange County, and the public, by providing opportunities for service-disabled veteran business enterprises as set forth in this section and in accordance with Section 295.187, Florida Statutes.

c) Applicability. This ordinance shall apply to all County procurement matters in accordance with Chapter 17, Article III, of the Orange County code.

d) Definitions. For the purpose of this section, the following terms shall be defined as:

1. Certified service-disabled veteran business enterprise means a business that has been certified by the State of Florida’s Department of Management Services to be a service-disabled veteran business enterprise as defined in paragraph 4 below.

2. Orlando Metropolitan Statistical Area (MSA) means the geographical area utilized to measure the relevant marketplace disparity and which includes Lake, Orange, Osceola, and Seminole Counties.

3. Service-disabled veteran means a veteran who is a permanent Florida resident with a service-connected disability as determined by the United States Department of Veterans Affairs or who has been terminated from military service

by reason of disability by the United States Department of Defense.

4. Service-disabled veteran business enterprise means an independently owned and operated business certified by the State of Florida that:

(a) Employs two-hundred (200) or fewer permanent full-time employees;

(b) Together with its affiliates has a net worth of \$5 million or less or, if a sole proprietorship, has a net worth of \$5 million or less including both personal and business investments;

(c) Is organized to engage in commercial transactions;

(d) Is domiciled in this state and located within the Orlando MSA ;

(e) Is at least fifty-one percent (51%) owned by one or more service-disabled veterans; and

(f) The management and daily business operations of which are 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.

e.) Registration.

1. Each service-disabled veteran business enterprise attempting to make use of the County's Certified Service-Disabled Veteran Business Enterprise program shall submit evidence of its certification with the State of Florida, in accordance with Section 295.187, Florida Statutes, and such certification renewals to the Business Development Division. Such evidence shall be current registration and certification with the State and shall be provided prior to the submittal of any bids or proposals.

2. Failure to obtain and maintain a valid State certification will result in the County's denial of such vendor

preference until such time as evidence of the State certification or re-certification may be established.

f.) Vendor Preference.

1. Preferences for certified service-disabled veteran business enterprises shall be applied as follows:

(a) On bid awards (sealed bids) the following bid preference scale shall apply to bids submitted by certified service-disabled veterans business enterprises as long as the bid does not exceed the low bid by more than :

(1) Eight (8) percent on contract awards up to one hundred- thousand dollars (\$100,000.00);

(2) Seven (7) percent on contract awards from one hundred- thousand dollars (\$100,000.00) to five hundred thousand dollars (\$500,000.00);

(3) Six (6) percent on contract awards from five hundred- thousand dollars and one cent (\$500,000.01) to seven hundred fifty- thousand dollars (\$750,000.00);

(4) Five (5) percent on contract awards from seven hundred fifty- thousand dollars and one cent (\$750,000.01) to two- million dollars (\$2,000,000.00);

(5) Four (4) percent on contract awards from two- million dollars and one cent (\$2,000,000.01) to five- million dollars (\$5,000,000.00); or

(6) Three (3) percent on contract awards over five- million dollars and one cent (\$5,000,000.01)

Certified service-disabled veteran business enterprises may be awarded or recommended for award of contracts when their bids are within the above allowed percentage in comparison to the low responsive and responsible bid(s).

(b) On proposals in response to Request for Proposals, certified service-disabled veteran business enterprises will receive the following point allocation:

(1) Certified service-disabled veteran business enterprise proposers competing as a prime contractor shall receive five (5) points;

(2) Certified service-disabled veteran business enterprise proposers with certified service-disabled veteran business enterprise sub-consultants on their team shall receive two points for each sub-consultant up to a maximum of ten (10) points;

(3) Proposers with certified service-disabled veteran business enterprise sub-consultants on their team shall receive two points for each sub-consultant up to a maximum of ten (10) points.

2. When considering two (2) or more bids, proposals, or replies for the procurement of commodities or contractual services, where at least one is from a certified service-disabled veteran business enterprise but which are otherwise equal with respect to all relevant considerations, including price, quality, and service, the Purchasing and Contracts Division Manager shall award such procurement or contract to the certified service-disabled veteran business enterprise.

3. If a certified service-disabled veteran business enterprise, entitled to the vendor preference under this section, and one (1) or more other businesses also entitled to this preference, or another vendor preference provided by the Orange County Code, submit bids, proposals, or replies for procurement of commodities or contractual services which are otherwise equal with respect to all relevant considerations, including price, quality, and service, then the Purchasing and Contracts Division Manager shall award the procurement or contract to the business having the smallest net worth.

g.) Reports. The Business Development Division shall report annually to the board of county commissioners the utilization of certified service-disabled veteran business enterprises accessing the County's procurement services.

h.) Rules, Policies and Procedures. The Business Development Division and the Purchasing and Contracts Division, as appropriate, may adopt rules, policies and procedures as necessary to implement this section which shall be presented and approved by the board of county commissioners.

Section 3. Effective Date. This ordinance shall become effective pursuant to general law.

ADOPTED this _____ day of **OCT 18 2011**, 2011.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: *Martha O. Haynie*
Deputy Clerk

