



**II. FISCAL IMPACT ANALYSIS**

**A. Five Year Summary of Fiscal Impact:**

<b>Fiscal Years</b>	<b><u>2010</u></b>	<b><u>2011</u></b>	<b><u>2012</u></b>	<b><u>2013</u></b>	<b><u>2014</u></b>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
<b>NET FISCAL IMPACT</b>	_____	_____	_____	_____	_____
# ADDITIONAL FTE	_____	_____	_____	_____	_____
POSITIONS (Cumulative)	_____ <i>K</i> _____	_____	_____	_____	_____


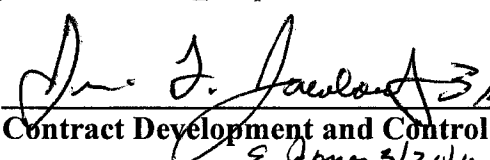
Is Item Included In Current Budget?      Yes \_\_\_      No \_\_\_  
 Budget Account No.:      Fund \_\_\_      Dept \_\_\_      Unit \_\_\_      Object \_\_\_\_\_

**B. Recommended Sources of Funds/Summary of Fiscal Impact:**

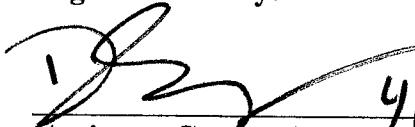
**C. Departmental Fiscal Review:**

**III. REVIEW COMMENTS**

**A. OFMB Budget and/or Contract Dev. and Control Comments: -**

 _____ OFMB/Budget	3/26/2010 <i>OM</i> 3/24/10	 _____ Contract Development and Control E. Jones 3/30/10
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**B. Legal Sufficiency:**

  
 \_\_\_\_\_  
 Assistant County Attorney

4/1/10

**C. Other Department Review:**

\_\_\_\_\_  
 Department Director

**This summary is not to be used as a basis for payment.**

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ORDINANCE NO. 2010 - \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 2, ARTICLE III, DIVISION 2, PART A (THE PALM BEACH COUNTY PURCHASING CODE); AMENDING SECTION 2-52 "DEFINITIONS"; AMENDING SECTION 2-54 (f) "ALTERNATIVE SOURCE SELECTION"; AMENDING SECTION 2-58 "CONFLICT OF INTEREST"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance No. 2005-062, referred to as the "Palm Beach County Purchasing Code", which established a centralized purchasing system to govern the procurement of goods and services; and

**WHEREAS**, on April 15, 2008, the Board of County Commissioners of Palm Beach County, Florida enacted Ordinance No. 2008-009 thereby amending the Palm Beach County Purchasing Code in order to facilitate and enhance the efficiency of the County's procurement process; and

**WHEREAS**, there is a recognized need to make minor revisions to the Purchasing Code in order to further facilitate the efficiency of the County's procurement process for purchases made for the Glades Utility Authority and for implementation of the Inspector General Fee; and

**WHEREAS**, the Board of County Commissioners desires to amend the Palm Beach County Purchasing Code as set forth herein.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

**SECTION 1.** Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-52 "Definitions", is amended as set forth below:

Glades means the area from the Broward County line north along Canal L-36 to the Loxahatchee National Wildlife Refuge, thence north to Southern Boulevard along Canal L-40, thence west along Southern Boulevard to a north-south line 1 1/2 miles west of Canal L-8, which coincides with a private agricultural road heading north from Southern Boulevard at that point where State Road 880 intersects Southern Boulevard from the South, thence north along the line of this north-south road to the boundary of the J.W. Corbett Wildlife Management Area, thence east and north along the boundary of the J.W. Corbett Wildlife Management Area to the Martin County line.

1  
2 Glades business means a bidder or proposer which has a permanent place of business  
3 within the Glades and which holds a business tax receipt issued by Palm Beach County that  
4 authorizes the bidder or proposer to provide the goods, services, or construction to be built and  
5 which is issued prior to the issuance of the invitation for bids/request for proposals for which a  
6 preference is sought. If the business is a joint venture/partnership, it is sufficient for qualification  
7 as a Glades business if at least one of the joint venturers/partners meets the requirements set  
8 forth in this subsection.  
9

10 Glades Utility Authority ("GUA") means that Authority that has been created pursuant to  
11 Part 1 of Chapter 163, Florida Statutes (the Florida Interlocal Cooperation Act of 1969) for the  
12 purpose of providing water, wastewater and reclaimed water service to the residents of the cities  
13 of Belle Glade, Pahokee, South Bay and surrounding areas in an efficient and fiscally  
14 responsible manner, and that is governed by its Board of Directors.  
15

16 Inspector General Fee means the fee imposed pursuant to the Palm Beach County Inspector  
17 General Ordinance (Ordinance No. 2009-049).  
18

19 **SECTION 2. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-54**  
20 **(f), "Alternative Source Selection", is amended as set forth below:**

21 (5) Purchases off contracts of other entities ("piggyback purchases"). Notwithstanding  
22 any requirements of the purchasing code, the purchase of goods or services under contract with a  
23 federal, state or municipal government or any other governmental agency, political subdivision, or  
24 government-related association, may be made providing that the originating entity utilized a  
25 competitive process similar to the county's, as determined by the director of purchasing; and,  
26 providing that the county accepts the same terms and conditions specified within the originating  
27 contract; and providing that the contractor extends the same terms and conditions of the contract to  
28 the county. In the event that the Inspector General Fee is not included in the original contract, the  
29 County may impose the Inspector General Fee on piggyback purchases where the contractor is in  
30 agreement with said Fee.  
31

32 (11) Glades Utility Authority ("GUA") purchases under \$100,000. Any GUA purchase for  
33 goods or services in an amount less than \$100,000 shall be made in accordance with this  
34 Ordinance and the policies and procedures promulgated by the Purchasing Department; however,  
35 the pool of responding vendors shall be limited to those located in the Glades unless there are no  
36 Glades vendors providing that good or service. In the event that purchases are made through this  
37 alternative source selection, the Palm Beach County Local Preference Ordinance shall not apply.

1 The GUA Board may determine that there are no Glades vendors providing that good or service, or  
2 that it is in the best interests of the GUA not to limit the pool of potential vendors to only Glades  
3 vendors via this alternative source selection.  
4

5 **SECTION 3. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-58**  
6 **“Conflict of Interest”, is amended as set forth below:**

7 (a) *Special Masters.* Special Masters shall be subject to a policy and procedure  
8 implemented by the Purchasing Department relating to outside counsel conflicts of interest. In  
9 addition, the ethics rules promulgated by the Florida Bar pertaining to conflicts of interest shall apply.  
10 If a special master is unable to provide a fair hearing for any reason, the special master shall not  
11 accept the case and shall immediately notify the Director of Purchasing of the conflict. The  
12 Purchasing Director shall reassign the case to a special master who does not have a conflict with  
13 the case.

14 ~~(b) Neither the Director of Purchasing, the Directors of the Construction Departments,~~  
15 ~~nor any member of his/her staff shall be financially interested or have any personal beneficial~~  
16 ~~interest, directly or indirectly, in any purchase or contract of any supplies, materials, equipment or~~  
17 ~~services used by or furnished for the County pursuant to the Purchasing Code. Further, The~~  
18 ~~Director of Purchasing, the Directors of the Construction Departments, and every member of his/her~~  
19 ~~staff are prohibited from accepting or receiving from any person, firm or corporation to which any~~  
20 ~~purchase or contract may be awarded, any money, rebate, gift or anything of value or any promise,~~  
21 ~~obligation or contract for future reward or compensation.~~  
22

23 **SECTION 4. Repeal of Laws In Conflict.**

24 All local laws and ordinances in conflict with any provision of this Ordinance are hereby  
25 repealed to the extent of such conflict.  
26

27 **SECTION 5. Severability.**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any  
29 reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the  
30 remainder of this Ordinance.  
31

32 **SECTION 6. Savings Clause.**

33 All provisions of Ordinance No. 2005-062, the Palm Beach County Purchasing Code, as  
34 amended, are specifically preserved and remain in full force and effect for the limited purpose of  
35 enforcing any violation of said Ordinance, ~~which violations occurred prior to its appeal.~~  
36

1 **SECTION 7. Inclusion In The Code Of Laws And Ordinance.**

2 The provisions of this Ordinance shall become and be made a part of the Code of Laws and  
3 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be re-numbered or  
4 re-lettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or  
5 other appropriate word.  
6

7 **SECTION 8. Effective Date.**

8 The provisions of this Ordinance shall become effective upon filing with the Department of  
9 State.

10  
11 **APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County,  
12 Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.  
13

14  
15 **SHARON R. BOCK,**  
16 **CLERK & COMPTROLLER**  
17 **PALM BEACH COUNTY**  
18

**PALM BEACH COUNTY, FLORIDA, BY ITS**  
**BOARD OF COUNTY COMMISSIONERS**

19  
20 By: \_\_\_\_\_  
21 Deputy Clerk

By: \_\_\_\_\_  
Burt Aaronson, Chair

22  
23  
24  
25 **APPROVED AS TO FORM AND**  
26 **LEGAL SUFFICIENCY**  
27

28  
29 By: \_\_\_\_\_  
30 County Attorney  
31

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33  
34 **EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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**APPROVED and ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2010.

**SHARON R. BOCK,  
CLERK & COMPTROLLER  
PALM BEACH COUNTY**

**PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Burt Aaronson, Chair

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: \_\_\_\_\_  
County Attorney

**EFFECTIVE DATE:** Filed with the Department of State on the \_\_\_\_\_ day of \_\_\_\_\_, 2010.