

ORDINANCE NO. 2002-_____

AN ORDINANCE PERTAINING TO PROCUREMENT OF GOODS AND SERVICES IN ORANGE COUNTY, FLORIDA; MAKING LEGISLATIVE FINDINGS; AMENDING ARTICLE X OF CHAPTER 2 AND CERTAIN SECTIONS IN ARTICLE III OF CHAPTER 17 OF THE ORANGE COUNTY CODE; AMENDING ARTICLE X OF CHAPTER 2 TO PROHIBIT THE LOBBYING OF MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS AND CERTAIN COUNTY EMPLOYEES ON PROCUREMENT MATTERS DURING CERTAIN TIME PERIODS; FURTHER AMENDING ARTICLE X OF CHAPTER 2 TO PROVIDE FOR ENFORCEMENT OF THE LOBBYING "BLACK-OUT" PROVISION OF THE ORDINANCE; AMENDING SECTION 17-313 TO CLARIFY CERTAIN PROCEDURES AND TIME LIMITS FOR FILING PROTESTS AND NOTICES OF PROTEST IN CONNECTION WITH BID SOLICITATIONS, AND TO ALLOW BIDDERS TO OBJECT TO THE BOARD REGARDING THE DECISION OF A PROTEST COMMITTEE, SUBJECT TO LIMITATIONS AND RESTRICTIONS; AMENDING SECTION 17-313.1 TO CLARIFY CERTAIN PROCEDURES AND TIME LIMITS FOR FILING PROTESTS AND NOTICES OF PROTEST IN CONNECTION WITH COMPETITIVE-PROPOSAL SOLICITATIONS, AND TO ALLOW COMPETING PROPOSERS TO OBJECT TO THE BOARD REGARDING THE DECISION OF A PROCUREMENT COMMITTEE IN A PROTEST, SUBJECT TO LIMITATIONS AND RESTRICTIONS; PROVIDING FOR CODIFICATION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AND APPLICABILITY.

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

Section 1. Legislative Finding. The Board of County Commissioners of Orange

County, Florida, hereby finds that lobbying board members and county employees during certain parts of the county's procurement process is contrary to the public interest because there is the potential to distort and, in ways, compromise the county's decision-making process. Preventing those types of distortion and compromise serves a compelling governmental interest, and the provisions of this ordinance are not broader than necessary to satisfy that interest.

Section 2. Amendments. Chapter 2, Article X of the Orange County Code and Chapter 17, Article III of the Orange County Code, otherwise known as the "Orange County Procurement Ordinance," are amended as set forth in this ordinance, with additions shown by underlines and deletions shown by strikethroughs.

Section 3. Amendments to Chapter 2, Article X. Chapter 2, Article X of the Orange County Code ("Lobbying Activities") is amended to read as follows:

ARTICLE X. LOBBYING ACTIVITIES

Sec. 2-351. Definitions.

(a) *Black-out period* means the period between (1) the time the invitation for bid or the request for proposal or for information, as applicable, is issued or promulgated and (2) the time the board selects the successful bidder or proposer.

(~~a~~b) *Board* means the Orange County Board of County Commissioners.

(~~b~~c) *Compensation* means fees, retainer, contract payments, salary, wages, any other payment of money, or any other consideration of any kind, either monetary or nonmonetary. Compensation does not include direct reimbursement of actual out-of-pocket expenses.

(~~c~~d) *County* means Orange County, Florida.

(~~d~~e) *County chairman* means the Orange County Chairman.

(ef) *Development permit* means the same as this term is defined in F.S. §163.3164.

(fg) *Expenditure* means the same as this term is defined in F.S. §112.3215.

(gh) *Lobbyist* means any person, partnership, corporation or other business entity that receives compensation to lobby on behalf of a principal. Further, lobbyist means an employee of a principal only when governmental relations, acting as a governmental liaison, or communicating with governmental agencies is a primary or substantial part of the employee's ongoing job responsibilities. Lobbyist does not mean a county official, county employee or any other person affiliated with the county while acting in his or her official capacity.

(hi) *Lobbying* means

(1) to communicate or the act of communicating directly with the county chairman ~~or, with~~ any other member of the board, or with any member of a procurement committee, or

(2) to communicate indirectly with the county chairman or any other member of the board by communicating with any staff member to a county commissioner, any county employee assigned to the county chairman's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county ~~division~~ department director, or any county ~~department~~ division manager,

In either case, lobbying ~~to~~ seeks to encourage the approval, disapproval, adoption, repeal, rescission, passage, defeat or modification of any ordinance, resolution, agreement, development permit, other type of permit, franchise, vendor, consultant, contractor, recommendation, decision or other foreseeable action of the board. Lobbying shall include all such communications, regardless of whether initiated by the lobbyist or by the person being lobbied and regardless of whether oral, written or electronic.

(ij) *Principal* means the person, partnership, joint venture, trust, association, corporation, governmental entity or other entity which has contracted for, employed, retained or otherwise engaged the services of a lobbyist.

(k) Procurement committee means the committee established pursuant to section 9.01.13 of the county's administrative regulations (or any successor regulation or ordinance) for purposes of evaluating the competitive proposals submitted pursuant to a request for proposal, a request for information, or any other similar solicitation for a particular procurement matter.

(l) Procurement matter means any specific procurement decision governed, in whole or in part, by article III of chapter 17.

Sec. 2-352. Registration and reregistration of lobbyists.

(a) All lobbyists shall register and reregister with the county at the times specified in this article and on the forms prescribed from time to time by the county chairman.

(b) All lobbyists shall, at the time of initial registration and each annual registration, pay a registration fee of ten dollars (\$10.00). No lobbyist shall be required in any year to pay more than ten dollars (\$10.00) to register, regardless of the number of principals represented.

(c) The forms prescribed from time to time by the county chairman for the registration and reregistration of lobbyists shall require, at a minimum, the following information:

(1) The lobbyist's name and business address;

(2) The name and business address of each principal represented;

(3) The specific areas of the principal's governmental interest;

(4) Where the principal is a corporation or association, the name of the chief executive officer of the corporation or association;

(5) Where the principal is a general partnership or joint venture, the names of all partners;

(6) Where the principal is a limited partnership, the name of the general partner or partners;

(7) Where the principal is a trust, the names of all trustees and beneficiaries;

(8) Where the principal is a partnership, joint venture, corporation, association, trust or nongovernmental entity other than a natural person, the names of all natural persons holding, directly or indirectly, a five (5) percent or more ownership interest in the entity; and

(9) Disclosure of any business, professional or familial relationship that the lobbyist or any employee of the lobbyist may have with the county chairman or any other member of the board, any staff member to a county commissioner, any county employee assigned to the county chairman's staff, the county administrator, any deputy or assistant county administrator, the county attorney, any county division director, or any county department manager.

(d) All lobbyists shall register and reregister prior to January first of each year, and registration forms shall be filed with the county department or office designated by the county chairman. If and when a lobbyist commences representation subsequent to January first of any year of any principal for which the lobbyist has not registered pursuant to this article, such lobbyist shall register with respect to that principal prior to lobbying. Lobbying prior to registration is prohibited. Each lobbyist who ceases lobbying for a particular principal shall file a written notice of withdrawal.

Sec. 2-353. Record of lobbying contacts.

All lobbyists and other persons shall sign, at each time of lobbying, on lobbyist logs maintained and available in the office reception areas of the county chairman and the board. The lobbyist or other person shall state his or her name; the name of each principal, if any, represented in the course of the particular contact; and the topic of the lobbying contact. The lobbyist logs shall be transmitted to the County attorney's office, on a periodic basis, and available for storage and public inspection in the county department or office designated by the county chairman. In the event that a lobbyist engages in lobbying which is initiated outside of county offices, the lobbyist shall provide the information required above to the county department or office designated by the county chairman within seven (7) calendar days of such

lobbying.

Sec. 2-354. Statement of lobbying expenditures.

On or before April first of each year, all lobbyists shall submit to the appropriate county department a statement signed under oath listing all expenditures incurred by the lobbyist during the preceding calendar year for the purpose of lobbying. Such statement shall be prepared and shall disclose such information as is prescribed in F.S. § 112.3215 for executive branch lobbyists, except that reports shall be submitted only annually and shall pertain only to expenditures incurred by the lobbyist, not the principal.

Sec. 2-355. Prohibition of lobbying in procurement matters.

Except as expressly set forth in subsection 17-313(g) and 17-313.1(f), during the black-out period, no lobbyist, principal, or other person may lobby, on behalf of a competing party in a particular procurement matter, either (i) any member of the board or (ii) any county employee assigned to the procurement committee (if any). ~~Lobbying county staff who are members of the Orange County Procurement Committee on any matter which pertains to the recommendation, decision or other foreseeable action of the Orange County Procurement Committee is prohibited.~~

Sec. 2-356. Investigation of violations; penalties; validity of actions.

(a) The county attorney or county administrator, or their designee, shall be informed of any person engaged in lobbying activities who has failed to comply with the registration and expenditure reporting requirements of this article and, in each such instance, shall conduct such investigation as he or she shall deem necessary under the circumstances. The results of each investigation shall be reported to the board.

(b) The board may warn, reprimand or censure the violator or may suspend or prohibit the violator from appearing on behalf of any principal before the board or any county advisory body or from otherwise lobbying for any principal in any fashion for a period of time; provided, however, that any suspension or prohibition may not exceed a period of two (2) years, and no sanction shall be imposed unless the lobbyist allegedly in violation has been afforded reasonable notice and an opportunity to be

heard. The penalties provided in this subsection shall be the exclusive penalties imposed for violations of the registration and reporting requirements of this article. The failure or refusal of any lobbyist to comply with any order of the board suspending or prohibiting the lobbyist from lobbying shall be punishable as provided by law and shall otherwise be subject to such civil remedies as the county may pursue, including injunctive relief.

(c) The board of county commissioners may void a contract entered into in connection with a procurement matter where the county chairman, one or more county commissioners, or a member of the pertinent procurement committee has been lobbied in violation of the black-out-period restrictions of section 2-355.

~~(e)~~(d) Except as set forth in the voidable-contract provisions of subsection (c), the validity of any action taken by the board or any county officers or employees or advisory bodies shall not be affected by the failure of any person to comply with the provisions of this article.

Section 4. Amendments to Section 17-313. Section 17-313 (“Protested solicitations and awards – Invitation for bids”) is amended to read as follows:

Sec. 17-313. Protested solicitations and awards – Invitation for Bids

(a) *Right to protest.* Any actual or prospective bidder who is allegedly aggrieved in connection with the solicitation or pending award of a contract may protest to the chief of purchasing and contracts.

(b) *Posting.* The purchasing and contracts department shall post a recommendation of award at the location where bids were opened. The recommendation of award shall be publicly posted at the purchasing and contracts department no less than three full business days for a continuous period of seventy two (72) hours within a reasonable time after the decision to recommend award to a bidder.

(c) *Notice.* A notice of protest must be submitted no later than 5:00 p.m., ~~local time, three (3) business days~~ on the fifth full business day after posting of the award recommendation. The protest must be in writing and must identify the ~~protestant~~

protesting party and the IFB number and title and shall include a factual summary of the basis of the protest.

A formal written protest must be filed no later than 5:00 p.m., ~~local time, five (5) business days~~ on the fifth full business day after the date of filing the notice of protest. The formal written protest shall: identify the ~~protestant~~ protesting party and the solicitation involved; include a clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances or other legal authorities which the ~~protestant~~ protesting party deems applicable to such grounds; and specifically request the relief to which the ~~protestant~~ protesting party deems itself entitled by application of such authorities to such grounds. The ~~protestant~~ protesting party shall mail a copy of the notice of protest and the formal written protest to all other bidders and to any person with whom he/she is in dispute and shall provide the chief of purchasing and contracts with evidence of such mailing.

A formal written protest is considered filed with the county when it is received by the purchasing and contracts division ~~department~~. Accordingly, a protest is not timely filed unless it is received by the purchasing and contracts ~~department~~ division within the times specified above. Failure to file a written notice of protest and subsequent formal written protest within the time period specified shall result in relinquishment of all rights of protest by the vendor and abrogation of any further bid protest proceedings.

These procedures shall be the sole remedy for challenging an award of bid. Bidders are prohibited from attempts to influence, persuade or promote through any other channels or means. Such attempts shall be cause for suspension in accordance with section 17-314(b) of this article.

The time limits in which protests must be filed as specified herein may be altered by specific provisions in the IFB.

(d) *Authority to resolve.* The chief of purchasing and contracts shall attempt to resolve the protest in a fair and equitable manner and shall render a written decision to the protestant.

The ~~protestant~~ protesting party may appeal such decision ~~in writing by delivering~~ written notice of appeal of the decision to the chief of purchasing and contracts ~~within five (5) business days of~~ no later than 5:00 p.m. on the fifth full business day after the date

of the written decision, whereby a protest committee, comprised of the chief of purchasing and contracts, a representative of the county attorney, county administration, the M/WBE department, and the using department manager or division director, shall have the authority to settle and resolve the protest.

(e) *Proceedings.* The chief of purchasing and contracts shall serve as the presiding officer of the committee in a nonvoting capacity and shall give reasonable notice to all substantially affected persons or businesses prior to the date scheduled to consider the appeal of the protest.

(1) At or prior to the protest proceeding, the ~~protestant~~ protesting party may submit any written or physical materials, objects, statements, affidavits and arguments which he/she deems relevant to the issues raised.

(2) In the proceeding, the ~~protestant~~ protesting party, or its representative or counsel, may also make an oral presentation of the evidence and arguments. However, neither direct nor cross examination of witnesses will be permitted, although the presiding officer and other committee members may make whatever inquires deemed pertinent to a determination of the protest.

(3) The judicial rules of evidence shall not apply, and the committee shall base its decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely on the conduct of their affairs.

(4) If it is determined that the solicitation or award is in violation of law or the administrative regulations and internal procedures of purchasing and contracts, the solicitation or award shall be canceled or revised.

(5) If it is determined that the solicitation or award should be upheld, the chief of purchasing and contracts shall promptly issue a decision on behalf of the committee in writing stating the reason for the action with a copy furnished to the ~~protestant~~ protesting party and all substantially affected persons or businesses. The decision shall be final and conclusive as to the county unless further action is taken by the board or a party commences action in court. Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording. The proceedings shall be open to the

general public.

(f) *Stay of procurement during protests.* In the event of a timely protest, the chief of purchasing and contracts shall not proceed further with the solicitation or with the pending award of the contract until the chief of purchasing and contracts, with the advice of the county attorney and after consultation with the using department, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the county government.

(g) *Protest to the board.*

_____ (1) Requirements. If, in a competitive-bid procurement where the bid award must be approved by the board, a bidder believes that the protest committee's decision is unfair or incorrect, it may write a letter to the members of the board objecting to the decision. The letter of objection and any and all attachments must be delivered to all board members no later than 5:00 p.m. on the fifth full business day after the chief of purchasing and contracts issues a decision on behalf of the committee. The letter must (1) identify the aggrieved bidder and the solicitation involved; (2) include a clear statement of the legal and factual grounds on which the aggrieved bidder's objection is based; and (3) refer to the statutes, laws, ordinances or other legal authorities which the party deems applicable to such grounds, and (4) specify the relief requested of the board by the aggrieved bidder. The aggrieved bidder shall simultaneously deliver duplicate copies of the letter and all attachments (if any) to the county administrator, the county attorney, and the chief of purchasing and contracts. Thereafter, the aggrieved bidder and any others may lobby members of the board, and the chief of purchasing and contracts shall mail or deliver copies of the aggrieved bidder's letter (including copies of any attachments) to all other bidders. All meetings between bidders and board members which take place after receipt of the letter of objection must be open to the public and, may not take place unless notice of the meeting has been posted at the place designated for such postings at least two full business days prior to the day of the meeting. This noticed meeting may be held only in a county meeting room or office or in an office or meeting room at some governmental building where the public may freely attend. Neither the aggrieved bidder nor any other bidder may communicate or attempt to communicate with any member of the board in connection with the particular bid solicitation in any

manner other than as set forth expressly in this paragraph.

(2) Exclusive method of protest, objection, and appeal. There is a compelling county interest in procuring goods and services in a timely manner so as to provide county residents and visitors with efficient, cost-effective, and operationally effective county infrastructure, facilities, and services in a timely manner. Consequently, procurement disputes must be resolved by the board with minimal delays. Therefore, in a competitive-bid procurement where the bid award must be approved by the board, the procedure set forth in this subsection (g) is the sole means by which a bidder aggrieved by a decision of a protest committee under subsection (e) may seek recourse with the board. Refusal or failure by any aggrieved bidder to pursue its right of objection under this subsection shall constitute a waiver of its right to pursue any further remedies or appeals, either administratively or judicially.

(3) Violation of lobbying ordinance. No bidder may engage in any effort, either directly or indirectly, to influence the actions of the board with respect to a pending award of a contract for which an invitation for bids was issued except as set forth in this subsection (g). Any bidder engaging in a protest to the board as allowed under this subsection (g) shall comply strictly with the requirements and restrictions of this subsection. Any attempt by any bidder to communicate with any board member, directly or indirectly, whether in person or through agents, employees, or lobbyists, or otherwise to influence the vote of any board member, in connection with any pending award of a contract for which an invitation for bids has been issued, in any manner not strictly in compliance with the requirements and restrictions of this subsection (g) shall be deemed in violation of the black-out-period restrictions of section 2-355 and, therefore, subject to the sanctions of section 2-356.

(gh) Reservation of powers to settle actions pending before the courts. Nothing in this section is intended to affect the existing powers of the board of county commissioners to settle actions pending before the courts.

(hi) Damages. In the event of the court upholding the protestant's claim, the court-awarded damages on behalf of the protestant shall be solely limited to bid/proposal preparation costs and reimbursement of the amount of the protest bond as stipulated in subsection 17-313(d) herein.

Section 5. Amendments to Section 17-313.1. Section 17-313.1 (“Same – Requests for proposals”) is amended to read as follows:

Sec. 17-313.1. Same – Requests for proposals.

(a) *Right to protest.* Any proposer who alleges an omission, an error, a mistake, or an incorrect evaluation or scoring of its proposal or other proposals may submit a letter of protest to the chief of purchasing and contracts ~~within seventy-two (72) hours of~~ no later than 5:00 p.m. on the fifth full business day after the initial posting of the listing of short-listed firms. Such letter may request a re-evaluation of specific areas of the proposal(s) by the ~~selection~~ procurement committee; and must specifically delineate the alleged omission, error, mistake, or incorrect evaluation, and include a suggested remedy which could be administered by the selection committee.

(b) *Posting.* The following protest procedures for the RFP process shall apply: The listing of short-listed firms recommended for the project by the ~~selection~~ procurement committee shall be publicly posted at the purchasing and contracts department for no less than five full business days ~~a continuous period of seventy-two (72) hours within a reasonable time~~ after the ~~selection~~ procurement committee evaluation.

(c) *Notice.* Upon timely receipt of the letter of protest, the chief of purchasing and contracts shall notify all other short-listed firms of the protest by copy of the protest letter, and shall refer the letter of protest to the ~~selection~~ procurement committee. The ~~selection~~ procurement committee shall schedule a hearing for appropriate action to be determined by the committee. The ~~selection~~ procurement committee's hearing shall take place prior to the board's consideration of the award.

(d) *Proceedings.*

(1) At the ~~selection~~ procurement committee's hearing, the protesting party ~~protestant~~, its representative or counsel, and any other parties affected by the ~~selection~~ procurement committee's decision may make an oral presentation of the testimony and argument. However, neither direct or cross examination of witnesses will be permitted, although the presiding officer and other committee members may make whatever

inquiries are deemed pertinent to a determination of the protest.

(2) The judicial rules of evidence shall not apply. The ~~selection~~ procurement committee shall base its decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.

(3) If it is determined that either the solicitation or award is in violation of law or the administrative regulations and internal procedures of purchasing and contracts, the solicitation or award shall be canceled or revised.

(4) The chief of purchasing and contracts shall promptly issue the final short-list as established by the committee, indicating the confirmed scoring for each selection criteria, with a copy furnished to the protesting party ~~protestant~~ and all other short-listed proposers. The decision as to short list and scoring shall be ~~final and~~ transmitted to the board of county commissioners for its consideration and approval. Any party may arrange for the proceedings to be stenographically recorded at that party's expense. The proceedings shall be open to the general public.

(5) ~~These protest procedures shall be the sole remedy for challenging an award based on a RFP.~~ During the protest proceedings, proposers are prohibited from attempts to influence, persuade or promote through any other channel or means. Such attempts shall be cause for suspension in accordance with section 17-314 of this article.

(6) The time limits in which protests must be filed as specified herein may be altered by specific provision in the RFP.

(e) *Stay of procurement during protest.* In the event of a timely protest, the chief of purchasing and contracts shall not proceed further with the solicitation or with the pending award of the contract unless the chief of purchasing and contracts, with the advice of the county attorney and after consultation with the using department, makes a determination that the immediate award of the contract is necessary to protect substantial interests of the county.

(f) *Protest to the board.*

(1) Requirements. If, in a competitive-proposal

procurement where the contract award must be approved by the board, a proposer believes that the procurement committee's decision on a protest under subsection (d) is unfair or incorrect, it may write a letter to the members of the board objecting to the decision. The letter of objection and any and all attachments must be delivered to all board members no later than 5:00 p.m. on the third full business day after the chief of purchasing and contracts issues the final short-list. The letter must (1) identify the proposer and the solicitation involved; (2) include a clear statement of the legal and factual grounds on which the aggrieved proposer's objection is based; (3) refer to the statutes, laws, ordinances or other legal authorities which the aggrieved proposer deems applicable to such grounds; and (4) specify the relief requested of the board by the aggrieved proposer. The aggrieved proposer shall simultaneously deliver duplicate copies of the letter and all attachments (if any) to the county administrator, the county attorney, and the chief of purchasing and contracts. Thereafter, the aggrieved proposer and any others may lobby members of the board, and the chief of purchasing and contracts shall mail or deliver copies of the aggrieved proposer's letter (including copies of any attachments) to all other proposers. All meetings between bidders and board members which take place after receipt of the letter of objection must be open to the public and, may not take place unless notice of the meeting has been posted at the place designated for such postings at least two full business days prior to the day of the meeting. This noticed meeting may be held only in a county meeting room or office or in an office or meeting room at some governmental building where the public may freely attend. Neither the aggrieved proposer nor any other proposer may communicate or attempt to communicate with any member of the board in connection with the particular competitive-proposal solicitation in any manner other than as set forth expressly in this paragraph.

(2) Exclusive method of protest, objection, and appeal. There is a compelling county interest in procuring goods and services in a timely manner so as to provide county residents and visitors with efficient, cost-effective, and operationally effective county infrastructure, facilities and services in a timely manner. Consequently, procurement disputes must be resolved by the board with minimal delays. Therefore, in a competitive-proposal procurement where the contract award must be approved by the board, the procedure set forth in this subsection (f) is the sole means by which a proposer aggrieved by a decision of a procurement committee under subsection (e) may seek recourse.

Refusal or failure by any aggrieved proposer to pursue its rights under this subsection shall constitute a waiver of its right to pursue any further remedies or appeals, either administratively or judicially.

(3) Violation of lobbying ordinance. No proposer may engage in any effort to influence the actions of the board with respect to a pending award of a contract under the competitive proposal process set forth in sec. 17-311 except as expressly set forth in this subsection (f). Any aggrieved proposer engaging in a protest to the board as allowed under this subsection (f), and any other proposer supporting or opposing the protest of an aggrieved proposer as allowed under this subsection (f), shall comply strictly with the requirements and restrictions of this subsection. Any attempt by any proposer to communicate with any board member or otherwise to influence the vote of any board member, in connection with any pending award of a contract, in any manner not strictly in compliance with the requirements and restrictions of this subsection (f) shall be deemed in violation of the black-out-period restrictions of section 2-355 and, therefore, subject to the sanctions of section 2-356.

(fg) Reservation of powers to settle actions pending before the courts. Nothing in this section is intended to affect the existing powers of the board to settle actions pending before the courts.

(gh) Damages. In the event of any court or other proceeding upholding the protestant's claim, any damages, including court-awarded damages accruing to the protestant or any other party shall be limited solely to proposal preparation costs.

Section 6. Codification. The publisher of the Orange County Code is directed to codify only the code amendments set forth in sections 3 through 5 of this ordinance.

Section 7. Severability of Provision. If any provision of this ordinance or application thereof to any person, entity, or circumstance is deemed invalid, such invalidity shall not affect the applicability or validity of other provisions or applications of this ordinance and to this end, the provisions of this ordinance are declared severable.

Section 8. Effective Date. This ordinance shall take effect in the manner prescribed by general law and shall apply to all procurement matters for which an invitation to bid or a request for proposal or for information was issued on or after its effective date.

ADOPTED THIS ____ DAY OF _____, 2002.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: _____
Richard T. Crotty
Orange County Chairman

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

By: _____
Deputy Clerk