



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 1092, **Version:** 1

Subject:

BCC - 25 Procurement Policy Revisions

Fiscal Impact:

None

Dept/Office:

Central Services / Purchasing Services

Requested Action:

It is requested that the board approve the amended BCC-25 Procurement Policy.

Summary Explanation and Background:

On September 18, 2018 the Board approved a revised BCC-25, Procurement Policy that implemented the resolution that requires all contractors to utilize E-Verify in order to contract with the County.

Paragraph V.1. states "The County shall not enter into, or renew, a contract for goods or services with a vendor/contractor that is not enrolled in E-Verify."

It has been discovered that the Department of Homeland Security will not enroll a contractor who is a Sole Proprietor that utilizes their Social Security Number for tax filing purposes into E-Verify. The Tourism Office utilizes individuals for marketing and sponsorships who are Sole Proprietors that do not have a Federal Employer Identification Number, and as such are prohibited from signing up with the Department of Homeland Security for use of the E-Verify System. Forcing these individuals to obtain a Federal Employer Identification Number would force them to file their individual and business tax returns differently potentially causing an undue burden on the individual.

The Office of Tourism will be contracting with international companies for advertising and media procurements. These companies are located in Canada as well as England and abroad. The very nature of E-Verify is to confirm the individuals a company is employing are eligible to work in the United States. These companies do not have offices or employees within the United States and thus would not be able to agree to utilize the Department of Homeland Security's E-Verify System.

Paragraph V.2. states "Vendor(s) and Contractor(s) shall provide acceptable evidence of their enrollment prior

to award and the execution of a contract.”

County Procurement Staff are able to verify via the Department of Homeland Security’s E-Verify Website whether or not a vendor or contractor participate in E-Verify. Procurement staff check the E-Verify website along with other websites as part of the Procurement Checklist to make a determination that a contractor is responsible during the procurement review process prior to award or recommending award.

The language in the revised BCC-25 has been amended to reflect the above situations and would allow for the County to enter into contracts with Sole Proprietors and international companies (upon review and approval from the County Attorney’s Office and Risk Management) without the E-Verify language and would also alleviate the need for the department to continually approach the Board for a waiver to this requirement.

Clerk to the Board Instructions:

Upon recording, please return a fully executed copy of the Policy to Steven Darling, Jr., in Central Services.