

Memorandum



Date: April 8, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Agenda Item No. 1(F)2

Subject: Sunset Review of County Boards for 2014 – Small Business Enterprise Advisory Board

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2014 Sunset Review of County Boards Report for the Small Business Enterprise Advisory Board.

The Small Business Enterprise Advisory Board approved the attached report at its meeting of January 6, 2014 and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

mayor04514

Memorandum



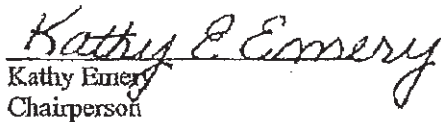
Date: February 10, 2014
To: Carlos A. Gimenez
Mayor
From: Kathy Emery
Chairperson, Small Business Enterprise Advisory Board
Subject: Sunset Review of County Boards for 2014 - Small Business Enterprise Advisory Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2014 Sunset Review of County Boards Report for the Small Business Enterprise (SBE) Advisory Board for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 9, 2014.

It is recommended that the BCC approve the continuation of the Small Business Enterprise Advisory Board.

BACKGROUND

The SBE Advisory Board was created February 1, 2005, for the purpose of supporting and promoting the Small Business Enterprise (SBE) Program. On May 3rd, 2011, Section 2-8.1.1.1.1 of the Code that governs the SBE Advisory Board was amended to include the Community Business Enterprise (CBE) program. The Advisory Board operates as a focal point for the public and provides oversight for the SBE and CBE programs. The Board consists of fifteen (15) members, with each commissioner and the Mayor appointing a member to the SBE Advisory Board.


Kathy Emery
Chairperson

**SUNSET REVIEW QUESTIONNAIRE
MIAMI-DADE COUNTY BOARDS
2014**

I. GENERAL INFORMATION

1. Name of Board reporting: Small Business Enterprise Advisory Board
2. Indicate number of board members, terms of office, and number of vacancies:
Number of Board Members: There are five (5) Advisory Board members.
Terms of Office: The term of office is four (4) years.
Number of Vacancies: There are eight (9) vacancies.
3. Identify number of meetings and members' attendance (Attach records reflecting activity from **January 1, 2012** through **December 31, 2013**):
Number of Meetings: 9
Number of Meetings with a Quorum: 4
Attendance Records: See Attachment Attendance Record (see Attachment #1).
4. What is the source of your funding?
General funds through the Small Business Development Division's Budget.
5. Date of Board Creation: February 1, 2005.
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments). See Attachment: Attachment #2
7. Include the Board's Mission Statement or state its purpose: As outlined in establishing ordinance
8. Attach the Board's standard operating procedures, if any: N/A
9. Attach a copy of the Board's By-Laws, if any. See Attachment #3
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership**. See Attachment: Minutes of January 6, 2014 meeting (Attachment #4).

II. EVALUATION CRITERIA

1. Is the board serving the purpose for which it was created? (Please provide detailed information) Yes, see "Goals and Objectives" (Attachment #5).
2. Is the board serving current community needs? (Please provide detailed information)
Yes, by providing awareness to the small business community of contracting opportunities that is available for small business owners. Small business owners are invited to the SBE Advisory Board meetings to provide input and share their experiences as result of participating in the programs. The Board in

conjunction with SBD and other organizations establishes and participates in various recruitment efforts to increase the pool small businesses.

3. What are the board's major accomplishments?
 - a. **Last 24 months:** N/A
 - b. **Since Established:** See Attachment #6
4. Is there any other board, either public or private, which would better serve the function of this board?
No, there are no other boards that would better serve the function of this board.
5. Should the ordinance creating the board be amended to better enable the Board to serve the purpose for which it was created? (If yes, attach proposed changes)
Yes: Proposed amendment to Section 2-10.4.01 of the Code, Certification Eligibility Requirements for Architectural and Engineering firms - decrease the size standard for firms pursuing CBE certification.
6. Should the Board's membership requirements be modified?
The Board membership requirements should not be modified at this time.
7. What is the operating cost of the Board, both direct and indirect (Small Business Development Staff)
8. Describe the board's performance measures developed to determine its own effectiveness in achieving its stated goals.
The Small Business Advisory Board's performance measures are to operate as a focal point for the public. The Advisory Board attended meetings at various venues to include; Miami-Dade Chamber of Commerce, Southern Florida Minority Supplier Development Council, etc., during which information about the SBE program was disseminated to the various firms in attendance. The Advisory Board reviews various reports that monitor the participation of small businesses on county contracts. At a minimum, county departments are to expend at least 10% of their purchases of \$50,000 or less with small businesses.

SBE Advisory Board Attendee Record

Period from January 2012 thru December 2013

Commission District	Board Member	QUARTERLY MEETINGS						BI-MONTHLY MEETINGS					
		Jan-12	Apr-12	Jul-12	Oct-12	Dec-12		Feb-13	Apr-13	Jun-13	Aug-13	Oct-13	Dec-13
1	Stacey Silvera	X	X	X	A	X		X		X	X	X	
2	Michael Joseph	X	X	X	X	X		X	C	X	X	X	C
3	Kathy Emery	X	X	X	X	A		A	A	X	X	X	A
4	Genevieve Carvil	X	A	X	A	A		A	N	A	A	A	N
5	Vacant								C				C
6	Maria Gonzalez	X	X	X	X	X		X	E	A	X	X	E
7	Vacant								L				L
8	Vacant								L				L
9	James Lamar Brown	N/A	N/A	N/A	X	A		X	E	A	A	X	E
10	Rolando Iglesias	N/A	N/A	N/A	N/A	N/A		N/A	D	A	A	A	D
11	Steve G. Hope	N/A	N/A	N/A	N/A	N/A		N/A		A	A	X	
12	Brian Andrews	N/A	N/A	N/A	N/A	N/A		N/A		A	X	X	
13	Zavier Moreno	N/A	N/A	N/A	N/A	X		A		A	A	A	
Mayor	Laura Perez	X	X	X	X	A		X		X	X	X	
Members Removed/Resigned													
1	Stacey Silvera												
4	Genevieve Carvil												
12	Brian Andrews												
13	Zavier Moreno												
11	Steve G. Hope												
10	Rolando Iglesias												
Meetings with a Quorum		Q	NQ	Q	NQ	NQ		NQ	NQ	NQ	Q	Q	NQ

Meeting schedule changed effective October 2012

Memorandum



Date: February 1, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Agenda Item No. 4(J)

From: George M. Burgess
County Manager

Subject: Ordinance Establishing the Small Business Enterprise (SBE) Program

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance establishing the Small Business Enterprise (SBE) Program for the acquisition of goods and services.

BACKGROUND

On August 20th, 2004, Federal District Court Judge Adalberto Jordan issued a ruling in the case of Hershel Gill Consulting Engineers, Inc. et al. v.s. Metropolitan Dade County. This is the second federal court decision finding that the County's B/H/WBE programs do not meet the rigorous prerequisites required for the application of race-, ethnicity- or gender-conscious measures to county contracting. The County Attorney advised the effect of these two federal court decisions is that the B/H/WBE programs can no longer be applied to the bid and award of any County contract.

County staff, including the Department of Business Development (DBD) and the Department of Procurement Management have met with representatives from the affected market areas and with members of the Minority and Women-Owned Business Advisory Board to discuss the establishment of a County race and gender neutral small business program for goods and services. As proposed, the Small Business Enterprise (SBE) Program incorporates two sectors of the local market place: a) very small businesses, defined as Micro Enterprises whose three year average gross revenues do not exceed \$2,000,000 (manufacturers and wholesalers with 50 or more employees are ineligible) and b) small businesses, defined as SBEs whose three year average gross revenues do not exceed \$5,000,000 (manufacturers and wholesalers with 100 or more employees are also ineligible).

Under the SBE program, certified Micro Enterprises will receive an automatic 10% bid preference on contracts of \$50,000 and under. County departments will be required to solicit bids or quotes from at least four firms where available (2 available certified Micro Enterprises and 2 non-certified firms) for contracts of \$50,000 and under. County departments are also required to expend at least 5% of the total value of contracts \$50,000 and under with Micro Enterprises. On contracts that exceed \$50,000, certified SBEs will be afforded opportunities to participate through the application of set-asides and subcontractor goals. The proposed ordinance will also create the Small Business Advisory Board which shall be responsible for reviewing program activities and making recommendations to DBD and the Board on matters pertaining to the program.

Honorable Chairperson Joe A. Martinez
and Members, Board of County Commissioners
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DBD will be responsible for monitoring the compliance and utilization of contracts with SBE measures in addition to providing management and technical assistance, financial assistance and community outreach to firms interested in participating in the program once adopted by the Board.

In order to demonstrate utilization, DBD will provide an annual report to the Board that will illustrate the County-wide participation levels of Micro Enterprises and SBEs.

In sum, small businesses account for the vast majority of economic activity in Miami-Dade County, the SBE Program will help provide opportunities to small businesses, including entrepreneurial development opportunities for certified Micro Enterprises and SBEs.




Alex Muñoz
Assistant County Manager



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez DATE: February 1, 2005
and Members, Board of County Commissioners

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 4(J)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☒ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☒ No committee review

Approved _____ Mayor

Veto _____

Agenda Item No. 4(J)

Override _____

02-01-05

ORDINANCE NO. _____

ORDINANCE CREATING SMALL BUSINESS ENTERPRISE PROGRAM APPLICABLE TO CONTRACTS FOR THE PURCHASE OF CERTAIN GOODS OR SERVICES; PROVIDING DEFINITIONS; PROVIDING PENALTIES; REPEALING ARTICLE XXIVA, SECTIONS 2-221 THROUGH 2-228, OF THE CODE OF MIAMI-DADE COUNTY FLORIDA PERTAINING TO THE SMALL BUSINESS ADVISORY COUNCIL; CREATING THE SMALL BUSINESS ADVISORY BOARD; EXEMPTING BOARD MEMBERS FROM CERTAIN ASPECTS OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, a program which affords opportunities to small businesses to participate in the County's procurement of goods and services would foster growth in the economy of Miami-Dade County, by affording small businesses and micro businesses the opportunity to gain the experience, knowledge and resources to compete and survive, both in the government contracting arena as well as in the private contracting arena; and

WHEREAS, Miami-Dade County greatly impacts the local economy and business development through its spending of revenue for various County projects, goods, services and other needs; and

WHEREAS, the Board of County Commissioners hereby establishes an ordinance to assure that all businesses, within the relevant market area, are afforded fair treatment by the County government in the competitive process of

supplying goods, services and professional services that promotes growth and employment,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Code of Miami-Dade County is hereby amended to add the following new section as follows:

Sec. 2-8.1.1.1.1 Small Business Enterprise Program.

- (1) *Title.* This section shall be referred to as the Small Business Enterprise Program.
- (2) *Definitions.* The following definitions shall apply in this section.
 1. *Agreement is a duly executed legally binding contract.*
 2. *Available or availability* means to have prior to bid submission, the ability to provide goods or services under a contract, by having:
 - a. Reasonably estimated, uncommitted capacity;
 - b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise (SBE) or Micro Enterprise certification to provide the type of goods or services being purchased under the contract;
 - c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and
 - d. The ability to otherwise meet bid specifications.
 3. *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

4. *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted by a Micro Enterprise or SBE on a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.
5. *Bidder or Proposer* means any person, partnership, corporation or other business entity that submits a bid or proposal.
6. *Board* means the Board of County Commissioners of Miami-Dade County, Florida.
7. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally.
8. *Contract* means an agreement for the purchase of goods or services, including professional services. Professional services as used in this section includes but is not limited to accounting, legal, health care, consulting and management services. Contract does not mean an agreement to purchase, lease, or rent real property; a grant, license, permit, franchise or a concession; an agreement to acquire professional architectural, engineering, landscape architectural or land surveying and mapping services; or a contract for construction or construction management services.

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9. *DBD* means the Department of Business Development.
10. *Goods* mean any tangible product, material or supply that is not a service.
11. *Graduation* means the SBE or Micro Enterprise has exceeded the specific size limits stated for the program.
12. *Gross Revenue* is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.
13. *Joint venture* means an association of two or more persons, partnerships, corporations or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits and losses.
14. *Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development.
15. *Mentor-Protégé Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs and Micro Enterprises in order for the latter to benefit from the knowledge and experience of the established Mentor firms.
16. *Micro Enterprise* means a business entity certified by DBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$2 million, or a manufacturer with less than fifty (50) employees, wholesaler with less than 15 employees.

17. *Prompt Payment* is the intent of the Board that all firms, including SBEs and Micro Enterprises providing goods and services to the county, receive payments promptly as specified herein.

18. *Selection factor* means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,

A joint venture with one or more SBEs

19. *Small Business Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise Program.

20. *Small Business Enterprise (SBE)* means a business entity certified by DBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$5 million. The term Small Business Enterprise shall also include a manufacturer with one hundred (100) employees or less or wholesaler with fifty (50) employees or less without regard to gross revenues. Representations as to a business entity's average gross revenues and payroll shall be subject to audit.

21. *Service* means work offered for public or private consumption that does not consist primarily of goods.

22. *Set-aside* means the designation of a given contract for competition among SBEs.

23. *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

24. *Work* means the provision of goods or services.

(3) *Program*.

(a) *Application*. Except where federal or state laws or regulations mandate to the contrary, the provisions of

this ordinance shall be applicable to Miami-Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The County Manager shall prepare administrative orders, bid and contract documents implementing the provisions of this section. The County Manager by administrative order may exclude classes of contracts, or parts thereof, from application of this section. The words County Manager in this section shall mean the County Manager or his or her designee.

(b) *Contracts of \$50,000 or less.*

1. Within the fiscal year, it is required that County departments expend with Micro Enterprises a minimum of 5% of the total value of contracts less than \$50,000 for goods and/or services. The County Manager shall consider the above requirement as part of the performance review and management objectives of every appropriate department director and supervisor. The departmental requirement shall be used as a guideline and shall not be construed as a ceiling for Micro Enterprise participation. Such efforts shall include:
 1. Requiring departments whenever possible to solicit bids or quotes from at least four bidders: 2 certified Micro Enterprises and 2 non-Micro Enterprises.
 2. Bids or quotes submitted by Micro Enterprises shall automatically receive a 10% bid preference. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation.
 3. DBD shall provide a form to the departments to provide monthly reporting of Micro Enterprise awards to DBD and quarterly to the Review Committee.
 4. Annually, DBD shall provide a report of awards to Micro Enterprises and SBEs to the Board.

(c) *Contracts Greater than \$50,000.*

The following SBE measures may be applied to contracts greater than \$50,000:

1. *Set-asides:*

- a. Competitive bidding requirements may be waived (by the County Manager or County Commission depending on whether the amount of the contract is above or below the minimum amount established by ordinance for competitive bidding) for a contract and the contract set-aside for bidding solely by SBEs where prior to bid advertisement, there are at least three (3) available SBEs to perform the contract, and where such set-aside is in the best interests of the County.
- b. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from DBD.

2. *Subcontractor goals:*

- a. Subcontractor goals may be applied to a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract and the availability of SBEs to perform such work. Bid documents for contracts to which a SBE subcontract goal is applied shall provide that only SBEs certified to provide the type of goods or services for which a goal is imposed shall be counted towards meeting a goal. The bid documents shall further provide that a bidder must be found in compliance with the requirements of

subsections b and c below in order to be eligible for award of the contract.

- b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder must submit with its bid a copy of subcontract agreements with those SBE subcontractors the bidder proposes to utilize in order for such proposed participation to be eligible to be counted towards meeting the goal. Each agreement shall be in writing, shall be executed by the bidder and the SBE, and shall specify the type of goods or services the SBE is to provide and the price the SBE is to be paid therefore. Each agreement shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of goods or services that are the subject of the contract. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e., the goods or services to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the

non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder.

- c. A bidder that is a SBE may meet up to 100% of the subcontractor goal with its own forces. A bidder that is a joint venture having one or more SBEs venturers may comply with the goal based on the percentage participation of the SBE joint venturer(s) in the ownership, control and profits of the joint venture, and in the performance of the contract work.
- d. Bid documents shall provide only expenditures to SBEs for performing a commercially useful function shall be counted toward meeting a subcontractor goal, expenditures to SBEs who subcontract work further to non-SBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from the DBD.

3. *Bid Preference:*

- a. A bid preference shall apply to all contracts which are to be awarded on the basis of price (as opposed to RFPs, RFIs and RFQs) and are not set-aside. The preference shall be used only to evaluate a bid and shall not affect the contract price.
- b. The preference accorded on contracts \$1 million or less shall be ten (10) percent of the price bid. The preference

accorded on contracts greater than \$1 million shall be 5% of the price bid.

Preferences shall be applied to the bid price of bidders that:

Are SBEs/Micro Enterprises;

Are joint ventures with at least one SBE/Micro Enterprises; or

- c. Bidders that utilize SBEs/Micro Enterprises in their purchases of goods or services in order to receive a preference, shall list at the time of bid submission or as may otherwise be specified, their purchases of goods and services and their utilization of SBEs/Micro Enterprises in such purchases for the twelve-month period prior to bid submission.
 - d. Joint ventures must be approved by DBD prior to bid opening. The SBE/Micro Enterprise member of the joint venture shall perform work, manage the job and take financial risks in proportion to its level of participation in the joint venture. Agreements establishing joint ventures shall be in writing and shall specify work and financial risk assumed by the SBE/Micro Enterprise. Bid and contract documents shall require that the portion of the work to be performed by the SBE/Micro Enterprise member of the joint venture be set forth in detail separately from the work to be performed by the non-SBE/Micro Enterprise member.
4. *SBE Selection Factor.* Any bidder that is an SBE, a joint venture with a SBE, shall be accorded a selection factor on all RFPs, RFQs and RFIs for contracts greater than \$50,000

that are not set aside for bidding solely by SBEs.

RFPs, RFQs and RFIs that assign weights to evaluation or selection criteria, shall provide that a bidder entitled to a selection factor shall receive an additional ten (10%) percent of the evaluation points scored on the technical portion of such bidder's proposal. RFPs, RFQs and RFIs that do not assign weights to evaluation or selection criteria, shall provide that whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked is submitted by a bidder entitled to a selection factor, the selection factor shall be the deciding factor for award.

- (d) *Review Committee.* The County Manager shall establish an administrative procedure for the review of each proposed County contract greater than \$50,000 to which this section applies.
- (e) *Management & Technical Assistance.* The Department of Business Development (DBD) will provide Management and Technical Assistance and Community Outreach to business entities certified as SBEs or Micro Enterprises with Miami-Dade County.
- (f) *SBE Financial Assistance.* DBD will develop a program to identify methods of financial assistance to SBE/Micro Enterprise vendors on Miami-Dade County contracts.
- (g) *Small Business Advisory Board.* There is hereby created a Miami-Dade County Advisory Board for the SBE Program.
 - 1. The Advisory Board will operate as a focal point for the public and with the assistance of the County Manager, will collect, input and disseminate information related to economic opportunities within Miami-Dade

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County government for small business owners.

2. The Board shall consist of 15 members, as follows:
 - a. One member to be appointed by each County Commissioner.
 - b. Two members to be appointed by the County Manager
3. The terms of each commissioner appointed member shall be coterminous with the term of the appointing commissioner.
4. The terms of each County Manager appointed member shall be at the will and discretion of the County Manager.
5. In no event shall a Board member serve more than four (4) consecutive years.
6. Members shall serve without compensation.
7. The Board shall submit an annual written report to the County Commission on ways to improve such communication. The Board may submit interim reports as it deems appropriate.
8. DBD shall provide appropriate staff support.
9. Sections 2-11.1(c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for Advisory Board members for transactions arising from the exercise of those powers given the Advisory Board by this ordinance.

(h) Certification.

1. The County Manager shall implement eligibility criteria and procedures for entities to be certified as SBEs/Micro Enterprises.
2. Any SBE/Micro Enterprise that exceeds the size limits established by this Section shall be allowed to retain its certification for one (1) additional year from the date it is formally notified it has exceeded the size limits. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts. With exception of provisions

described in the ordinance for graduation from the SBE/Micro Enterprise program, loss of certification may lead to removal of the firm from continued participation in the Small Business Enterprise program.

3. The Department of Business Development shall maintain and publish at least every other week an updated list of SBEs and Micro Enterprises, identifying each listed SBE and Micro Enterprise based on the nature of the goods and/or services the SBE and Micro Enterprise shall be certified to provide.
4. The Department of Business Development shall not certify an applicant, shall not recertify a SBE or Micro Enterprise, and shall decertify a SBE or Micro Enterprise that fails to comply with the criteria or procedures for obtaining or maintaining certification. DBD shall have authority to suspend the certification of a SBE or Micro Enterprise during any appeal of a decertification decision.
5. Certification shall be renewed annually, and must be in effect at the time of bid submission, bid award, and throughout the duration of the contract. SBEs and Micro Enterprises experiencing changes in ownership shall notify DBD within thirty (30) days of the effective date of such changes.
6. Applicants and certified SBEs or Micro Enterprises must have an occupational license for an actual place of business in Miami-Dade County at which they perform a commercially useful function in the provision of the type of goods or services for which certification is sought in order to be eligible for certification or remain certified.
7. A business entity shall be eligible to be certified as a SBE or Micro Enterprise only if the owner holding at least 10 percent shares or ownership in the business entity personally possesses any regulatory licenses and

satisfies the qualifying requirements required in order to engage in the business of providing the type of goods or services for which certification is sought.

8. A business owner alone or as a member of a group, shall own or control only one SBE or Micro Enterprise at a time and shall not own and control another separate business certified under the Small Business Enterprise Program.
9. The Department of Business Development may require applicants and SBEs or Micro Enterprises to submit information regarding their business operations in order to determine eligibility for certification.

(I) *Prompt Payment.*

1. All firms, including SBEs and Micro Enterprises providing goods and services to the County, shall receive payments promptly in order to maintain sufficient cash flow.
2. The County or Public Health Trust shall establish administrative procedures requiring that billings from SBE/Micro Enterprise prime vendors on contracts shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within 30 calendar days of receipt of such billing by the County or Trust.
3. A prime vendor on a contract with SBE measures shall include in its billings to the County or Trust copies of undisputed billings from SBE subcontractors within 14 calendar days of receipt of such billings, or by the next scheduled billing whichever comes first. The prime vendor shall pay those amounts not in dispute to subcontracting SBEs within 2 days of receipt of payment from the County. If the prime vendor fails to submit undisputed billings from a SBE to the County as specified herein or chooses not to submit any billing to the County pursuant to the billing schedule, the

prime vendor must pay the full amount of the received SBE billings by the next billing cycle or 40 calendar days from receipt, whichever is less.

4. The County or prime vendor in direct privity with a SBE/Micro Enterprise on a contract with SBE measures must notify the SBE/Micro Enterprise and DBD, in writing, of those amounts billed by the SBE/Micro Enterprise which are in dispute, and the specific reasons why they are in dispute, within fourteen (14) calendar days of submittal of such billing, or by the next scheduled billing whichever comes first. Failure of the County or prime vendor to comply with the applicable requirements of this subsection shall result in the forfeiture of the right to use the dispute as justification for not paying the SBE/Micro Enterprise and payment shall be forthcoming from the County or prime vendor as appropriate by the next billing date or 40 calendar days from receipt of billing, whichever is less. Departments shall report disputed invoices to the Board on a quarterly basis.
5. A SBE/Micro Enterprise may invoice the County or prime vendor, as appropriate, 1% interest per month for any undisputed amount that is not promptly paid.

(J) Sanctions

Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;
2. Work stoppage;
3. Termination, suspension, or cancellation of the contract in whole or part;

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4. In the event a bidder, SBE or Micro Enterprise attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder, SBE or Micro Enterprise committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contracts or subcontracts the bidder, SBE or Micro Enterprise has on County projects. In each instance, the bidder, SBE or Micro Enterprise shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

The foregoing notwithstanding, the County Manager shall include language in all prospective contracts containing a SBE subcontractor goal which provides that, in addition to any other sanction for failure to fulfill the SBE subcontractor goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in SBE participation in such future contract by having SBEs perform work equal to double the dollar value of the deficiency in the SBE subcontractor goal in the prior contract. The foregoing obligation shall be in addition to any SBE subcontractor goal otherwise applicable to the future contract.

(K) Administrative Penalties.

The County Manager may impose, notwithstanding any other provision of this section, one or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time,

- not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses.
2. The loss of eligibility to be certified as a SBE or Micro Enterprise for a specified period of time, not to exceed three (3) years, for an applicant or a SBE or Micro Enterprise, its individual officers, its shareholders with significant interests, and its affiliated businesses.
 3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and SBE or Micro Enterprise certification for a specified period of time, not to exceed 5 years.
 4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity or affiliated business of such entity participates in an attempt to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and SBE or Micro Enterprise certification, for a specified period of time, not to exceed five (5) years.

(L) Appeals.

1. Appeals of decisions other than contractual violations, made under this ordinance by the Department of Business Development or other designees of the County Manager, shall be made to the County Manager.
2. Decisions by the County Manager under this ordinance shall be final unless the County

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Commission agrees in its sole discretion to review any such decision.

3. The County Manger shall designate procedures for the investigation, presentation and hearing of appeals.

Section 2 Article XXIVA, Sections 2-221 through 2-228, of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety.

Section 3. If any section, subsection, sentence or clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

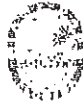
Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Miami-Dade County. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. This ordinance shall become effective 10 days after the date of its adoption unless vetoed by the Mayor and, if vetoed, shall become effective only upon override by this Board and shall apply to contracts advertised after approval by this Board of an implementing Administrative Order which provides a reasonable time period for interested firms to apply for certification and provides a reasonable time period thereafter for DBD to review the applications received and make determinations thereon.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:
R.A. Cuevas, Jr.



MEMORANDUM

Agenda Item No. 7(B)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

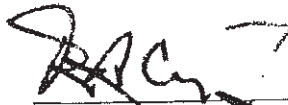
DATE: May 3, 2011

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to the Small
Business Enterprise ("SBE")
Program for the purchase of
goods and services amending
Section 2-8.1.1.1.1 of the Code

This ordinance was amended at the Internal Management and Fiscal Responsibility Committee to change the sentence dealing with a fourth violation and finding of noncompliance, from "may be the cause for suspension....", to "shall be the cause for suspension...."

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/up

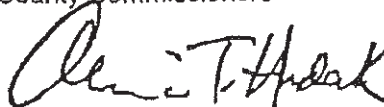
Memorandum

MIAMI-DADE
COUNTY

Date: May 3, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager



Subject: Ordinance Amending Section 2-8.1.1.1.1 of the Code of Miami-Dade County, Relating to the Small Business Enterprise Program for the Purchase of Goods and Services

This item differs from the original in that the requirement for a firm to be in business for one (1) year prior to certification remains. The substitute also includes language allowing for adjustments to size standards based on the local Consumer Price Index for All Urban Consumers (CPI-U) or other appropriate inflation measures as may be applied across all industries. In addition, the Appeals section has been changed to provide for a Hearing Officer to make findings and recommendations, and the Mayor to make a final decision, which is appealable to Circuit Court. This change makes the appellate remedy the same, irrespective of the party appealing the final decision. Finally, this substitute modifies the Administrative Penalties Section to include all penalties for violations of or noncompliance with this section and its implementing order, proposals(s), and/or competitive selection documents, which had been improperly included under the Appeals Section. Additionally, this item was amended during the Internal Management and Fiscal Responsibility Committee meeting of April 12, 2011 to indicate that a fourth violation and finding of noncompliance shall be cause for suspension or termination and debarment.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance amending Section 2-8.1.1.1.1 of the Code of Miami-Dade County, relating to the Small Business Enterprise Program (SBE) for the purchase of goods and services.

Scope

The impact of the proposed ordinance is countywide in nature.

Fiscal Impact/Funding Source

The accompanying ordinance will have an estimated fiscal impact of \$2,000 annually attributed to the cost of appeal hearings of certification denial, decertification or non-compliance with program requirements. This fiscal impact may be off-set by recovery of administrative cost from unsuccessful appellants. Upon appeal, firms are required to submit a non-refundable filing fee of \$250 and if unsuccessful, incur the costs of the appeal. Prior Board legislation established the utilization of Hearing Officers for appeal of certification denial, decertification and determinations of non-compliance with the Community Small Business Enterprise (CSBE) program.

Track Record/Monitor

The Department of Small Business Development (SBD) is responsible for administering this program.

Background

In December 2009, certification functions for the County's Small and Disadvantaged Business Programs were transferred from the Department of Small Business Development (SBD) to the Department of Procurement Management (DPM). These include the Small Business Enterprise, Community Small Business Enterprise, Community Business Enterprise, Disadvantaged Business Enterprise, and Local Developing Business programs. Increases in the volume of both new applications and recertifications have created a backlog. DPM and SBD have conducted extensive reviews of each of these programs, in consultation with stakeholders and certified firms, resulting in legislative amendments to improve the certification process and customer service, streamline operational processes, enhance opportunities to local small businesses, and allow for overall effectiveness with reduced resources. Subsequently, in October 2010 the certification functions transferred back to SBD.

The proposed amendments have been reviewed with members of the Board of County Commissioners and/or their staffs, Small Business Advisory Boards, and other small business programs stakeholders. Specific amendments recommended in the proposed Ordinance are as follows:

Certification Amendments

1. Authorizes the County Mayor or designee to establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners.
2. Clarifies that acting as a broker is not considered a commercially useful function for purposes of certification eligibility.
3. Authorizes the Mayor or designee to adjust the SBE/Micro-SBE size limits every five (5) years based on the local Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years.

Program Amendments

1. Changes the name of the Department of Business Development to the Department of Small Business Development.
2. Streamline the Review Committee Process

It is proposed that the Review Committee definition and process be amended to model the Expedited Review Committee definition and process established to review projects under the Economic Stimulus Plan (ESP). Currently, the Review Committee meets bi-weekly to review all projects that have been analyzed by SBD for the application of contract measures. The proposed process will establish a standing Review Committee that will only meet to review contracts where disagreements exist regarding the appropriate contract measure between SBD and the contracting departments and when public input requires deliberation regarding the measure/goal recommendations.

3. Schedule of Intent Affidavit

Currently, when a SBE measure is applied to a contract bidders/proposers are required to submit a subcontract agreement at the time of bid submission. The subcontract agreement identifies all SBEs that will be utilized to the meet the goal and bidders/proposers are allowed up to 48 hours after bid submission to cure correctable defects on the subcontract agreement.

It is proposed that a Schedule of Intent Affidavit replace the subcontract agreement at bid submission and bidders/proposers be allowed to cure correctable defects on the Schedule of Intent Affidavit within 48 hours upon notification by SBD. Upon award successful bidders/proposers will be required to enter into subcontract agreements with SBEs fulfilling goals. Requiring the subcontract agreement after award is consistent with standard industry practice and the other small business programs. This policy establishes consistency among the programs.

4. Appeal of Certification Denial, Decertification and Noncompliance Determinations

Prior Board action replaced the Review Committee with certified Administrative Hearing Officers as the responsible body for hearing appeals of certification denials, decertification and non-compliance with the Community Small Business Enterprise (CSBE) Program. To establish consistency among the small business programs it is proposed that the appeals process be amended to reflect that any firm that is denied certification, decertified or issued a determination of non-compliance with the requirements of the SBE Ordinance or its Implementing Order appeal such action to the County Mayor or designee by submitting a written request to the County Mayor or designee along with a nonrefundable filing fee of \$250 within 30 days of issuance of the notice. All appeals of certification denial, decertification or non-compliance determinations shall be heard by administrative hearing officers that include retired judges who are licensed and admitted to practice law in the State of Florida, or arbitrators or mediators certified by the Eleventh Judicial Circuit or State Bar Association. Appointees will be acquainted with Implementing Order 3-41 and the provisions of Section 2-8.1.1.1.1, Miami-Dade County Code, as amended, applicable to the particular violations to be heard.

5. It is proposed that language be added that allows penalties and sanctions to be imposed by the County Mayor or designee upon contractors that fail to comply with approved small business measures. In the case of a goal deficit, the County Mayor or designee may order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10% of the amount

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
Page 4

thereof; for the second deficit, a penalty in an amount equal to 20% thereof; for the third and successive deficits, a penalty in an amount equal to 30% thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and shall be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering the program.


Assistant County Manager




MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(B)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(B)
5-3-11

ORDINANCE NO. _____

ORDINANCE PERTAINING TO THE SMALL BUSINESS ENTERPRISE ("SBE") PROGRAM FOR THE PURCHASE OF GOODS AND SERVICES; AMENDING SECTION 2-8.1.1.1.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, PROVIDING SERVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

BE IN ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY FLORIDA:

Section 1. Sec. 2-8.1.1.1.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows¹:

Sec. 2-8.1.1.1.1 Small Business Enterprise Program.

(2) *Definitions.* The following definitions shall apply in this section.

1. *Agreement* is a duly executed legally binding contract.
2. *Available or availability* means to have prior to bid submission, the ability to provide goods or services under a contract, by having:
 - a. Reasonably estimated, uncommitted capacity;
 - b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise (SBE) or Micro Enterprise certification to provide the type of goods or services being purchased under the contract;
 - c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and
 - d. The ability to otherwise meet bid specifications.
3. *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.
4. *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

by a Micro Enterprise or SBE on a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.

5. *Bidder or Proposer* means any person, partnership, corporation or other business entity that submits a bid or proposal.
6. *Board* means the Board of County Commissioners of Miami-Dade County, Florida.
7. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally. >>Acting as a broker is not considered a commercially useful function.<<
8. *Contract* means an agreement for the purchase of goods or services, including professional services. Professional services as used in this section includes but is not limited to accounting, legal, health care, consulting and management services. Contract does not mean an agreement to purchase, lease, or rent real property; a grant, license, permit, franchise or a concession; an agreement to acquire professional architectural, engineering, landscape architectural or land surveying and mapping services; or a contract for construction or construction management services.
- ~~[[9. DBD means the Department of Business Development.]]~~
- >>9.<<[[10.]] *Goods* mean any tangible product, material or supply that is not a service.
- >>10.<<[[11.]] *Graduation* means the SBE or Micro Enterprise has exceeded the specific size limits stated for the program >>and may no longer be eligible to participate in the program.
- 11.<<[[12.]] *Gross Revenue* is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of

capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.

>>12.<<[[13:]] *Joint venture* means an association of two or more persons, partnerships, corporations or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits and losses.

>>13.<<[[14:]] *Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development.

>>14.<<[[15:]] *Mentor-Protégé Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs and Micro Enterprises in order for the latter to benefit from the knowledge and experience of the established Mentor firms.

>>15.<<[[16:]] *Micro Enterprise* means a business entity certified by >>S<<[[D]]BD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$2 million, or a manufacturer with fifty (50) employees or less, >>or a<< wholesaler with fifteen (15) employees or less >>whose actual place of business is in Miami-Dade County.

16<<[[17:]]. *Prompt Payment* is the intent of the Board that all firms, including SBEs and Micro Enterprises providing goods and services to the county, receive payments promptly as specified herein.

>>17. Review Committee or RC means the committee established by the Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measure/goal recommendation. The RC will make recommendations to the Mayor or designee.

18. SBD means the Department of Small Business Development.

19. Schedule of Intent Affidavit (SOI) means a form contained in the bid documents of a SBE contract set-aside or a contract with subcontractor goals in which bidders list at the time of bid submission all SBEs to be used to meet the set-aside or the goal, and the scope of work each will perform, including the goods or services to be provided, and the percentage value of such work.

20.<<[[18:]] *Selection factor* means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,

A joint venture with one or more SBEs>>.<<

>>21.<<[[19.]] *Small Business Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise >>and Community Business Enterprise<< Program>>.<<.

>>22.<<[[20.]] *Small Business Enterprise (SBE)* means a business entity certified by >>S<<[[D]]BD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$5 million. The term Small Business Enterprise shall also include a manufacturer with one hundred (100) employees or less or wholesaler with fifty (50) employees or less without regard to gross revenues >>whose actual place of business is located in Miami-Dade County.<< Representations as to a business entity's average gross revenues and payroll shall be subject to audit.

>> The County Mayor or designee shall be authorized to adjust the SBE/Micro-SBE size limits every five (5) years at his/her discretion based on the Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013-2014 calendar year using the figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

23.<<[[24.]] *Service* means work offered for public or private consumption that does not consist primarily of goods.

>>24.<<[[22.]] *Set-aside* means the designation of a given contract for competition among SBEs.

>>25.<<[[23.]] *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

>>26.<<[[24.]] *Work* means the provision of goods or services>>, as defined herein<<.

* * *

(3) *Program.*

* * *

(a) Application. Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to Miami-

Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The County ~~[[Manager]]~~ >>Mayor or designee<< shall prepare ~~[[administrative]]~~ >>implementing<< orders, bid and contract documents implementing the provisions of this section. The County ~~[[Manager]]~~ >>Mayor or designee<< by ~~[[administrative]]~~ >>implementing<< order may exclude classes of contracts, or parts thereof, from application of this section. The words County ~~[[Manager]]~~ >>Mayor or designee<< in this section shall mean the County ~~[[Manager]]~~ >>Mayor<< or ~~[[his or her]]~~ designee.

- (b) *Contracts of \$50,000 or less.*

* * *

3. Annually, >>~~S~~<<[[D]]BD shall provide a report of awards to Micro Enterprises and SBEs to the Board.

- (c) *Contracts Greater than \$50,000.* The following SBE measures may be applied to contracts greater than \$50,000:

* * *

1. *Set-asides:*

* * *

- b. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from >>~~S~~<<[[D]]BD.

2. *Subcontractor goals:*

* * *

- b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that ~~[[a]]bidder~~>>~~s~~<< must submit with its bid a ~~[[copy of]]~~>>completed Schedule of Intent Affidavit<< ~~[[subcontract agreements]]~~ with those SBE subcontractors the bidder proposes to utilize in order for such proposed participation to be eligible to be counted towards meeting the goal. Each >>Schedule of Intent Affidavit<< ~~[[agreement]]~~ shall be in writing, shall be executed by the bidder and the SBE, and shall specify the type of goods or services the SBE is to provide and the >>percentage of work<< ~~[[price]]~~ the SBE is to >>perform<< ~~[[be paid]]~~ therefore. The solicitation documents for any competitive selection involving a separate evaluation of sealed price envelopes shall require that the technical submission contain a document duly

executed by the proposer and any SBE proposed to be used in satisfaction of a goal which states the percentage that the amount of the SBE's contract bears to the overall contract amount. Copies of the >>Schedule of Intent Affidavits<< ~~[[subcontract agreements]]~~ reflecting the amounts constituting the stated percentages shall be included together with the pricing proposal. Each >>Schedule of Intent Affidavit<< ~~[[agreement]]~~ shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program. >>Upon notification from SBD, bidders are allowed up to 48-hours to cure correctable defects on the Schedule of Intent Affidavit.<< Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of goods or services that are the subject of the contract. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e., the goods or services to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder.

* * *

- d. Bid documents shall provide only expenditures to SBEs for performing a commercially useful function. These expenditures shall be counted toward meeting a subcontractor goal, expenditures to SBEs who subcontract work further to non-SBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from ~~[[the]]~~ >>S<<~~[[D]]~~BD.

>>e. Successful bidder shall submit to the Contracting Officer, for approval, a written subcontract agreement

corresponding in all respects to the Successful Bidder's Schedule of Intent Affidavit to include the type of goods and services the SBE is to provide and the percentage and/or price. Each subcontract agreement shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program.<<

* * *

- (d) *Review Committee* The County ~~[[Manager]]~~ >>Mayor or designee<< shall establish an administrative procedure for the review of each proposed County contract greater than \$50,000 to which this section applies.
- (e) *Management & Technical Assistance.* The Department of >>Small<< Business Development (>>~~S~~<<[[D]]BD) will provide Management and Technical Assistance and community outreach to business entities certified as SBEs or Micro Enterprises with Miami-Dade County.
- (f) *SBE Financial Assistance.* >>~~S~~<<[[D]]BD will develop a program to identify methods of financial assistance to SBE/Micro Enterprise vendors on Miami-Dade County contracts.
- (g) *Small Business Advisory Board.* There is hereby created a Miami-Dade County Advisory Board for the SBE >>and CBE<< Program >>~~s~~<<.

* * *

8. >>~~S~~<<[[D]]BD shall provide appropriate staff support.

* * *

(h) *Certification.*

- 1. The Department of >>Small<< Business Development shall implement eligibility criteria and >>administrative<< procedures for entities to be certified as SBEs/Micro Enterprises.

* * *

- 3. The Department of >>Small<< Business Development shall maintain an updated list of firms that identifies each listed SBE and Micro Enterprise based on the nature of the goods and/or services the SBE and Micro Enterprise shall be certified to provide.
- 4. The Department of >>Small<< Business Development shall not certify an applicant, shall not recertify an SBE or Micro Enterprise, and shall decertify an SBE or Micro Enterprise that fails to comply with the criteria or procedures for obtaining or maintaining

certification. >>S<<[[D]]BD shall have authority to suspend the certification of a SBE or Micro Enterprise during any appeal of a decertification decision.

5. >>The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners.<< Certification [[shall be renewed annually, and]] must be in effect at the time of bid submission>>_<<[[,]] >>at<< bid award, and throughout the duration of the contract. SBEs and Micro Enterprises experiencing changes in >>address or<< ownership shall notify >>S<<[[D]]BD within thirty (30) days of the effective date of such changes.

6. Applicants and certified SBEs or Micro Enterprises must have a[[n]] >>Miami-Dade County local business tax receipt,<< [[occupational license]] and an actual place of business in Miami-Dade County at which they perform a commercially useful function in the provision of the >>applicable<< type of goods or services for which certification is sought in order to be eligible for certification or remain certified.

* * *

9. The Department of >>Small<< Business Development may require applicants and SBEs or Micro Enterprises to submit information regarding their business operations in order to determine eligibility for certification.

(i) *Prompt Payment.*

* * *

4. The County or prime vendor in direct privity with a SBE/Micro Enterprise on a contract with SBE measures must notify the SBE/Micro Enterprise and >>S<<[[D]]BD, in writing, of those amounts billed by the SBE/Micro Enterprise which are in dispute, and the specific reasons why they are in dispute, within fourteen (14) calendar days of submittal of such billing, or by the next scheduled billing whichever comes first. Failure by the County or prime vendor to comply with the applicable requirements of this subsection shall result in the forfeiture of the right to use the dispute as justification for not paying the SBE/Micro Enterprise and payment shall be forthcoming from the County or prime vendor as appropriate by the next billing date or 40 calendar days from receipt of billing, whichever is less.

* * *

- (k) Administrative Penalties. The County Manager may impose, notwithstanding any other provision of this section, one or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:
1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses.
 2. The loss of eligibility to be certified as an SBE or Micro Enterprise for a specified period of time, not to exceed three (3) years, for an applicant or a SBE or Micro Enterprise, its individual officers, its shareholders with significant interests, and its affiliated businesses.
 3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and SBE or Micro Enterprise certification for a specified period of time, not to exceed 5 years.
 4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity or affiliated business of such entity participates in an attempt to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and SBE or Micro Enterprise certification, for a specified period of time, not to exceed five (5) years.
 - >>5. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was pervasive, the Mayor or designee may order that the contract work be suspended or terminated, and that the non-complying contractor or subcontractor and the principal owners and/or qualifying agent thereof be prohibited from bidding on or otherwise participating in County construction contracts for a period not exceed three (3) years.
 6. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor or designee may, in the case of a goal deficit, order a penalty

amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10% of the amount thereof; for the second deficit, a penalty in an amount equal to 20% thereof; for the third and successive deficits, a penalty in an amount equal to 30% thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and<< [[may]]²>>shall<< >>be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering Section 10-33.02 of the Code of Miami-Dade County.

7. If the required payment is not made within thirty (30) days of the administrative hearing or final resolution of any appeal there from, the non-complying contractor or subcontractor and the principal owner(s) and qualifying agent(s) thereof shall be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.<<

(l) *Appeals.*

- ~~[[1. Appeals of decisions other than contractual violations, made under this section by the Department of Business Development or other designees of the County Manager, shall be made to the County Manager.]]~~

- >>1<<[[2. ~~Decisions by the County Manager under this section shall be final unless the County Commission agrees in its sole discretion to review any such decision.]]~~ >>Any firm that is denied certification, decertified, or issued a determination of noncompliance with the requirements of this ordinance or its implementing order may appeal such action to the County Mayor or designee by submitting a written request to the County Mayor or designee along with a nonrefundable filing fee to be established by implementing order, within 30 days of issuance of the notice. Upon timely receipt of a request for an administrative hearing, the County Mayor or designee shall appoint a hearing officer and fix a time for an administrative hearing thereon. Such hearing officers may be paid a fee for their services, but shall not be deemed County officers or employees within the purview of sections 2-10.2, or 3-11.1 or otherwise.

Upon completion of the administrative hearing, the hearing officer shall transmit his/her findings of facts, conclusions and

² Committee amendments are indicated as follows: words double stricken through and/or [[double bracketed]] shall be deleted, words double underlined and/or >>double arrowed<< constitute the amendment proposed.

recommendations together with a transcript of all evidence taken before him/her and all exhibits received by him/her, to the Mayor or designee, who (i) may sustain, reverse or modify the hearing officer's recommendations and (ii) shall render a final decision, in writing.<< ~~[[render a final decision, in writing, addressing all matters before him or her, including, where appropriate, a determination of the sanction to be imposed; provided, however, the Mayor or designee may appeal the hearing officer's decision to the Board of County Commissioners.]]~~ >>The<< ~~[[decision]]~~ >>determination of the<<[[hearing officer or the Board of County Commissioners]] >>Mayor may be reviewed by an appropriate court in the manner provided in the Florida Rules of Appellate Procedure.

2. The prevailing party shall not incur any additional expenses, fees or penalties. The unsuccessful appellant shall be responsible for all additional fees, costs and penalties associated with the appeal.<<

~~[[3. If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was pervasive, the Mayor or designee may order that the contract work be suspended or terminated, and that the non-complying contractor or subcontractor and the principal owners and/or qualifying agent thereof be prohibited from bidding on or otherwise participating in County construction contracts for a period not exceed three (3) years.~~

4. ~~If the determination of the County Mayor or designee is that the contractor or subcontractor failed to comply and that such failure was limited to isolated instances and was not pervasive, the County Mayor or designee may, in the case of a goal deficit, order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10% of the amount thereof; for the second deficit, a penalty in an amount equal to 20% thereof; for the third and successive deficits, a penalty in an amount equal to 30% thereof. A fourth violation and finding of noncompliance, shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering Section 10-33.02 of the Code of Miami-Dade County.~~

5. ~~If the required payment is not made within thirty (30) days of the administrative hearing or final resolution of any appeal therefrom, the non-complying contractor or subcontractor and the principal~~

~~owner(s) and qualifying agent(s) thereof shall be prohibited from bidding on or otherwise participating in County construction contracts for a period not to exceed three (3) years.~~

~~3. The County Manager shall designate procedures for the investigation, presentation and hearing of appeals.]]~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, or if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

Prepared by:

David Stephen Hope

Prime Sponsor: Commissioner Barbara J. Jordan


dsh

BYLAWS

SMALL BUSINESS ADVISORY BOARD
(amended August 2013)

ARTICLE I.

The name of this organization shall be the Small Business Advisory Board, an organization established by the Board of County Commissioners by Ordinance No. 05-29 on February 15, 2005.

ARTICLE II.

Object

Section 1. The object of this Board shall be to address the issues affecting small businesses in Miami Dade County; to increase the opportunities afforded to small businesses; to facilitate the abilities of small business to grow and compete as small businesses in Dade County.

Section 2. The Small Business Advisory Board shall have the following duties, functions, powers and responsibilities as established in Dade County Ordinance No. -05-29.

- a. To review County set-aside programs for small businesses, and make recommendations concerning said programs to the Board of County Commissioners on all matters pertaining to these programs.
- b. The Advisory Board shall serve as a focal point for the public, consulting with representatives of small businesses to address their issues and needs.
- c. The Advisory Board, with the assistance of the Mayor will collect, input, and disseminate information related to economic opportunities within Miami Dade County government for small business owners.
- d. The Board shall submit every two years a written report to the County Commission to **by January 30th**. This report will include ways to improve communication between the small businesses, the community and the County, and address their needs.

The Board shall advise the Board of County Commissioners on all matters pertaining to the Small Business Enterprise (SBE) and the Community

Enterprise (CBE) Programs. The Advisory Board shall have the authority to make recommendations to the Board of County Commissioners relative to:

- (1) Certain aspects of the administration of the program, providing guidance on the application of measures, approval of standard bid documents by SBD, SBD information collection and publication efforts, County procedures, and bidder disclosure requirements;
 - (2) Proposed ordinances affecting or amending the SBE and CBE Programs, including provision establishing graduation from the Program;
 - (3) Reports from the Mayor or SBD that is required under the SBE Program.
 - (4) The Advisory Board and members may make inquiry into all matters concerning the SBE and CBE Programs, except for specific bid protests or challenges, compliance determinations, certification decisions appeals or other such matters under the SBE and CBE Programs while they are pending before the county. Willful violation of this provision shall be good cause for removing the advisory board member from office.
- e. To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.
 - f. To appear before any government entity or non-governmental agency to make recommendations and suggestions on behalf of the Commission and, with the approval and permission of the Board of County Commissioners, make suggestions and recommendations on behalf of Miami Dade County and the Small Business Advisory Board to any and all agencies.
 - g. To express in the name of the Small Business Advisory Board only those opinions which have received prior approval by vote of the majority of the members of the Commission.

ARTICLE III.

Members

Section 1. The membership of this organization shall consist of 15 members, all of whom shall be permanent residents of Miami Dade County. To assure representative members, each of the thirteen County Commissioners shall appoint one member with the County Mayor appointing one (1) member, and the Deputy Mayors appointing one (1) member. No less than seventy-five percent (75%) of the members appointed shall be members of those groups affected by the Small Business. The term of each member shall be coterminous with the term of the appointing commissioner.

Section 2. Each member shall serve on at least one Task Force/Committee.

Section 3. It shall be the responsibility of each member to attend all meeting on the Small Business Advisory Board. A Board member shall be automatically removed if, in a given fiscal year: (i) he/she is absent from two (2) consecutive

meeting without an acceptable excuse; or (ii) if he/she is absent from three (3) of the board's meeting without an acceptable excuse within a calendar year. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason, which the board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds vote of the members of the full Small Business Advisory Board, the provisions of this section may be waived. Such absences shall be calculated from **October 1** until **September 30**. The member shall then be deemed to be removed and a vacancy created. No more than **four** excused absences in one fiscal year will be permitted.

Section 4. Members may speak on behalf of the Minority Small Business Advisory Board only with the permission of the Chairperson or with the approval of the membership.

Section 5. Any member desiring to resign from the organization shall submit his/her resignation in writing to the appointing Commissioner and the Chairperson.

ARTICLE IV.

Officers

Section 1. The officers of the Small Business Advisory Board shall be Chairperson, and First Vice Chairperson. In addition, the immediate past Chair shall serve automatically as an officer of the Board for one year. A Board Member at Large shall be a member of the Board, in good standing, nominated and elected by the Board at the **October** meeting.

Section 2. The First Vice Chairperson shall be of active assistance to the Chairperson and shall perform the duties of the Chairperson in his or her absence or inability to serve.

Section 3. At the regular meeting in **October**, the Chairperson shall open the floor for nominations, starting with the office of Chairperson. Officers shall be elected by a voice vote if there is only one nominee and if more than one nominee by a simultaneous written ballot, signed by the member casting the ballot, to be made a part of the public record. Officers shall serve for one year or until their successors are elected, and their term of office shall begin at the close of the meeting at which they are elected. No vote by proxy shall be permitted. Election shall be by a majority of the votes cast by members present and voting.

Section 4. No **Officer** shall be eligible to serve more than two consecutive terms.

Section 5. A vacancy in the office of Chairperson shall be filled by the First Vice Chairperson. If the Member at Large is unable to serve, an election shall be held at the first meeting following the vacancy.

Section 6. In addition to those duties prescribed by the parliamentary authority adopted by the membership, the Chairperson shall assign members to task forces and committees with due consideration for the desire of the member and the need of the task force or committee; shall present all reports to the Board of County Commissioners; may

designate a registered parliamentarian at his or her discretion; and shall serve as the only official representative and spokesperson for the Small Business Advisory Board.

ARTICLE V.

Meetings

Section 1. The regular meetings of the Small Business Advisory Board shall be held on the **third** Thursday of every other month unless otherwise ordered by the membership. Meetings shall be at the time and place designated by the membership; and at least ten regular meetings shall be held during each calendar year.

Section 2. At the first meeting of each fiscal year, a Chairperson and a Vice-Chairperson should be elected by the membership, to serve for a period of one year. **This provision shall remain in effect unless approved by the majority vote of the membership.**

Section 3. The regular meeting in October of each year shall be known as the annual meeting and shall be for the purpose of electing officers, receiving annual reports of the Officers and task forces/committees, and for any other business that may arise.

Section 4. Special meetings can be called by the Chairperson or by the Executive Committee and shall be called upon the written request of **the majority**. The purpose of the meeting shall be stated in the call. Except in cases of emergency, at least three days notice shall be given.

Section 5. A quorum for all County Boards shall consist of a majority of those persons duly appointed to the board, provided that at least one half (1/2) of the full board membership has been appointed.

ARTICLE VI.

The Executive Committee

Section 1. The Officers of the Small Business Advisory Board shall constitute the Executive Committee **and 1 member-at-large**.

Section 2. The Executive Committee shall have general supervision of the affairs of the organization between its business meetings, make recommendations to the membership, and shall perform such other duties as are specified in these Bylaws. The Executive Committee shall be subject to the orders of the Small Business Advisory Board, and none of its acts shall conflict with the action taken by the organization.

Section 3. Regular meetings of the Executive Committee may be at least quarterly, at a time and place designated by the Chairperson.

ARTICLE VII.

Task Forces/Committees

Section 1. Task Forces/Committees shall have the responsibility for performing such duties as are necessary to accomplish the function, powers and purpose of the Small Business Advisory Board as set forth in these Bylaws.

Section 2. Each Task Force/Committee shall meet regularly upon the call of its Chair, and Task Force/Committee meetings shall be announced and publicized.

Section 3. Comprehensive reports of the Task Force/Committees activities shall be provided in writing at the annual meeting and at such other times, as they shall be distributed with the Chairperson. Copies of reports shall be distributed with the minutes of the meeting.

ARTICLE VIII.

Parliamentary Authority

The rules contained in the current edition of Mason's Manual of Legislative Procedure shall govern the organization in all cases to which they are applicable and in which they are not inconsistent with these Bylaws and any special rules of order the organization may adopt.

ARTICLE IX.

Amendments of Bylaws

These Bylaws may be amended at any regular meeting by a two-third vote of members present and voting, provided that the amendments have been submitted in writing at the previous meeting or has been mailed to the membership at least fifteen days prior to the meeting at which it will be considered.

**SUNSET REVIEW OF COUNTY BOARDS FOR 2014
SMALL BUSINESS ENTERPRISE ADVISORY BOARD
SUMMARY MINUTES**

DATE: Monday, January 6, 2014

CALL TO ORDER TIME: 10:45 a.m.

MEMBERS PRESENT: Laura Perez
Kathy Emery
Michael Joseph
Maria Gonzalez

MEMBERS ABSENT: James Lamar Brown

ISD/SBD
STAFF PRESENT: Laurie Johnson, SBD Supervisor

Board members were provided with a copy of the Sunset Review Package for 2014 for review, comments and approval. The package included the memorandum signed by the Advisory Board Chairperson, the Sunset Review Questionnaire, SBE Advisory Board Attendance Record, a copy of the ordinance creating the board, the Board's By-laws, Attachment #5 - Goals and Objective Statement, Attachment #6 – Major Accomplishments, Attachment #7 – Proposed Changes to the CBE & SBE Ordinance and Attachment #8 – Performance Measures.

Chairperson Kathy Emery called the meeting to order. Introduction of members occurred and immediately following the Chairperson initiated the board's discussion on the Sunset Review Package for 2014. Board Members were directed to review the Attendance Record for the period of January 2012 to December 2013, and confirm that it properly reflected their meeting attendance. Chairperson Kathy Emery brought to the Board's attention the vacant seats as a result of the recent resignation of board members Stacey Silvera, Brian Andrews, Steve Hope and Xavier Moreno.

The Board acknowledged the number of vacancies and meetings held without a quorum then approved the attendance record.

Chairperson Kathy Emery advised the Board that she would read the questions with the recommended responses on the questionnaire and pause as needed for the board's discussion on any item. The Board was also provided with a copy of the 2012 Sunset Review Package that included attachments No. 5, 6, 7 & 8 to use as a reference. After their review and a brief discussion, the Board recommended that attachments No. 5, 6, 7 & 8 from the 2012 Sunset Review Package be incorporated in the 2014 Sunset Review with minor edits.

Board member Maria Gonzalez made a motion to include on Attachment No. 7 – Proposed Changes to the CBE Ordinance - "Decrease the Thresholds" the motion was second by Laura Perez and the Board unanimously voted that the language be included.

Board member Michael Joseph made a motion to include on Attachment No. 7 – Proposed Changes to the SBE and CBE Ordinance – provide funding to the Advisory Board for the purpose financing members' registration to attend various workshops, training and outreach events to promote the small business program. After a brief discussion on this item Mr. Joseph removed his motion from the table.

The Board acknowledged that the lack of quorum at scheduled meetings and the number of vacant seats as impacted their accomplishment for the past year. The Board recommended that SBD staff reach out to the Board of County Commissioners without a serving appointee and encourage them to appoint a member as the Board is serving the community and small businesses doing business with Miami Dade County.

A motion was made by Chairperson Kathy Emery and seconded by Michael Joseph to accept the 2014 Sunset Review report as noted. The Board voted on the acceptance of the report and it was unanimously approved.

Meeting Adjournment

The meeting was adjourned at approximately 11:50 a.m.

**Small Business Advisory Board Goals and Objectives
FY 2012-2013**

1. Gain a better understanding of the challenges small businesses face when working with Miami-Dade County (MDC).
2. Increase awareness for the SBD certification program for categories of businesses lacking participation.
3. Participate in County and regional events targeting small businesses.
4. Identify why small businesses pre-qualified on County pool contracts do not receive purchase orders to provide service to the County.
5. Monitor for effectiveness how the Procurement Management and staff consider small businesses with bids.
6. Enhance the understanding of the Procurement Management staff on the importance of utilizing SBE and Micro firms and to insure that they are granted a bid preference appropriately.
7. Further understand and address the late payment issues for the Micro, SBE and CBE firms.
8. Evaluate other Micro financing opportunities for Micro, SBE and CBE firms to provide working capital for contracts.
9. Develop and monitor a recognition program for departments that are exceeding their Micro, SBE and CBE goals.
10. Encourage BCC to fill any vacancies on the Small Business Advisory Board.
11. Review reports bi-monthly.
12. Semi-annually review Ordinances and Implementing Orders.
13. Attend various trade shows to promote SBE and CBE programs
14. Participate in Monthly Small Business forums
15. Place an interactive bulletin on the Small Business Development's website

**Small Business Advisory Board
Major Accomplishments 2012-2013**

1. Gained a better understanding of the challenges small businesses face when working with Miami-Dade County (MDC).
2. Monitored for effectiveness of how the Procurement Management and staff consider small businesses with bids.
3. Enhanced the understanding of Procurement Management staff on the importance of utilizing SBE and Micro.
4. Identified why small businesses pre-qualified on County pool contracts do not receive purchase orders to provide service to the County.
5. Further understand and address the late payment issues for the SBE and CBE firms.
6. Evaluated other Micro financing opportunities for Micro, SBE and CBE firms to provide working capital for contracts. *(Bonding & Financial)*
7. Encouraged BCC to fill any vacancies on the Small Business Advisory Board.
8. Reviewed reports bi-monthly.
9. Semi-annually reviewed Ordinances and Implementing Orders.
10. Assisted SBD in the review and drafting of SBE amendment approved on May 3, 2011 by the Board of County Commissioners. The amendment incorporated the boards proposed changes as follows:
 - Increase the County's minimum expenditure objective for County projects from 5% to 10% for Micro/SBE.
 - Include for the purpose of supporting and promoting the Community Business Enterprise (CBE) program.
 - Streamline the Certification application review process.
 - Maintain the one year in business requirement for firms interested in certification.