

MEMORANDUM

Agenda Item No. 5(A)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 18, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida; creating article LXVII of the Code relating to the South Florida Workforce Investment Board d/b/a CareerSource South Florida; providing for purpose, composition, organization, powers, and responsibilities of the board and other related matters; retroactively approving and authorizing issuance by the County Mayor of a notice of termination of the Interlocal Agreement creating the South Florida Workforce Investment Board for Region 23 of the State of Florida; approving procurement policy for the board and authorizing future amendments thereto subject to certain conditions; waiving section 2-11.37(c) of the Code

The accompanying ordinance was prepared by CareerSource South Florida Department and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.


Geri Bonzon-Keenan
County Attorney

GBK/gh


MDC001

Memorandum



Date: June 18, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Ordinance Codifying the Requirements for Operation of the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida

Executive Summary

This item seeks approval of an ordinance codifying requirements for the operation of the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida (SFWIB). The SFWIB was created in 2006 pursuant to an Interlocal Agreement creating the South Florida Workforce Investment Board for Region 23 of the State of Florida (Interlocal Agreement) which was executed by the Chief Local Elected Officials of Miami-Dade and Monroe Counties.

The Reimagining Education and Career Help (REACH) Act, signed into law by Governor Ron DeSantis on June 24, 2021 and became effective on July 1, 2021, required the state workforce board, CareerSource Florida, to evaluate, consolidate, and/or reduce the number of Local Workforce Development Boards in an effort to increase coordination, accountability, and resource allocation flexibility to maximize the use of public funds. Consequently, the CareerSource Florida reduced the number of Local Workforce Development Boards from 24 to 21 and transitioned Monroe County from CareerSource South Florida (LWDA 23) to CareerSource Southwest Florida (LWDA 24).

The ordinance is necessary to formalize the operational requirements needed to establish the South Florida Workforce Investment Board (SFWIB) for LWDA 23 to be effective by July 1, 2024.

Recommendation

It is recommended that the Board of County Commissioners (Board):

1. Approve the attached ordinance establishing article LXVII of the Code of Miami-Dade County, Florida.
2. Retroactively approve and authorize the County Mayor's or County Mayor's designee's issuance of a notice of termination of the Interlocal Agreement to the Mayor of Monroe County, which is attached hereto as Exhibit B.
3. Approve the procurement policy, in substantially the form attached hereto as Exhibit C, for the SFWIB and authorize said policy to be amended subject to approval of the SFWIB board and County Mayor or County Mayor's designee.

Scope

The scope of this ordinance is countywide.

Delegation of Authority

The County Mayor or County Mayor's designee and the SFWIB are authorized to amend the procurement policy for the SFWIB, subject to a favorable vote of 2/3 of the full membership of the board and approval from the County Attorney's Office for form and legal sufficiency.

Fiscal Impact/Funding Source

The adoption of this ordinance does not create a fiscal impact to the County.

Track Record/Monitor

Rick Beasley, Executive Director of South Florida Workforce Investment Board, or other supervisory personnel will monitor implementation of the ordinance.

Background

On March 7, 2006, the Board approved the Interlocal Agreement, which, serves as one of the governing documents for the administration and operation of the SFWIB. The bylaws also govern operations of the SFWIB and reflect requirements prescribed in state and federal laws applicable to Local Workforce Development Boards including, but are not limited to, membership, meetings, and responsibilities of the board and Executive Director. The bylaws must be adopted by the SFWIB and approved by the Mayor. The current bylaws were approved by the board on February 22, 2024 and the Mayor on March 25, 2024 and are attached hereto and incorporated herein as Exhibit A.

Since the adoption of Resolution No. R-315-06, the Interlocal Agreement was amended four times. The amendments were approved by this Board in Resolution Nos. R-184-08, R-95-13, R-746-16, R-339-20, and R-604-21 and, among other things, extended the term of the Interlocal Agreement and incorporated newly enacted statutory requirements.

In January of 2014, pursuant to the Regional Workforce Board Accountability Act of 2012, South Florida Workforce Investment Board changed its business name to the SFWIB. Thereafter, on July 22, 2014, President Barack Obama signed the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) into law. The WIOA is landmark legislation designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers, and to help employers hire and retain skilled workers. In accordance with WIOA, local workforce development boards are required to develop, approve, and implement a service delivery plan to resolve employment issues.

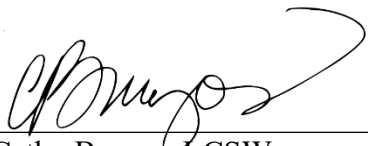
The SFWIB approved the current Local Workforce Service Delivery Plan on February 20, 2020. The 2020-24 Local Workforce Service Delivery Plan includes the following programs: (1) Job Corps; (2) Wagner-Peyser Act; (3) Veteran; (4) Migrant and Seasonal Farm Worker; (5) and Trade Adjustment Assistance. The Local Workforce Service Plan also includes the Welfare Transition/Temporary Assistance to Needy Families and the Food Stamp Employment and Training Programs. The development of the Local Workforce Service Delivery Plan is critical to having a comprehensive plan consistent with the requirements of WIOA.

In an effort to advance workforce system transformation statewide, the REACH Act was effective on July 1, 2021. The REACH Act required the reduction and realignment of the current number of local workforce development boards with the ultimate goal of minimizing duplication of efforts and services, improving consistency and maximizing resources to enhance outcomes for businesses and individuals, emphasizing a customer-focused approach.

Extensive feedback and research during an alignment evaluation phase in 2022 - 2023 resulted in CareerSource Florida's approval of the Florida Workforce System Transformation Plan, which streamlines and modernizes the state's workforce system, thereby enhancing alignment and accountability, serving job seekers and businesses more effectively, and improving outcomes for Floridians. The plan focuses on three pillars: Alignment and Consolidation, System-wide Improvements and Regional Planning. Implementation currently underway will increase collaboration among economic, educational, and governmental agencies; enhance services to customers to be consistent across the state; use resources more effectively and strengthen the state's economy by supporting regional economies.

In May 2023, Governor DeSantis approved CareerSource Florida's recommendations to realign and consolidate 10 local workforce development areas as outlined in the Florida Workforce System Transformation Plan. These changes will affect 27 counties and include consolidating some boards and realigning others and must be implemented by July 1, 2024. Approval and implementation of this ordinance will allow the SFWIB to comply with the requirements of the REACH Act and the Florida Workforce System Transformation Plan.

Over the past 18 years, the SFWIB has demonstrated fiscal accountability by producing clean audits with no adverse findings and no material weaknesses. The SFWIB has also made considerable investments in both Miami-Dade and Monroe Counties. During Fiscal Year 2022-2023, a total of 5,592 South Floridians were placed in jobs as a result of employment and training services provided by the SFWIB and its contractors. For every dollar invested to employ and train jobseekers, the community received a \$4.82 return on investment. A total of \$143,910,120 in salaries were generated within the Miami-Dade and Monroe Counties.



Cathy Burgos, LCSW
Chief Community Services Officer

Attachments



To: The Honorable Daniella Levine Cava, Mayor
Miami-Dade County

From: Rick Beasley, Executive Director *RB*
South Florida Workforce Investment Board (SFWIB)
d/b/a CareerSource South Florida (CSSF)

Date: February 27, 2024

Subject: Approval of the SFWIB Amended and Restated By-Laws

The South Florida Workforce Investment Board d/b/a CareerSource South Florida is requesting your approval of the SFWIB Amended and Restated By-Laws.

In accordance with 20 CFR, § 679.310, Subpart C (g) 1-7, Local Workforce Development Boards (LWDB) are required to establish by-laws to enhance board governance. The by-laws are to align with state policies and adhere to the Workforce Investment Opportunity Act (WIOA) and CareerSource Florida Administrative Policies 110 and 097. These by-laws must, at a minimum, address the following items:

- 1) The nomination method by which the CEO appoints members of the LWDB;
- 2) A description of any further stipulations governing the appointment or membership of the LWDB;
- 3) Staggered term appointments and term limits to ensure that only a fraction of members' memberships terminate each year;
- 4) The process to notify members and the Chief Local Elected Official (CLEO) of member vacancies;
- 5) The use of technological advancements, including web-based and telephone conferences, to encourage active engagement from members;
- 6) The process is designed to ensure the engaged involvement of LWDB members in gathering stakeholders to advance the workforce development system, establish connections with local business services, and generate support for LWDB initiatives.



Approval of the SFWIB Amended and Restated By-Laws
February 27, 2024
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The SFWIB has amended and restated its current bylaws in accordance with these requirements to ensure adherence to the requirements of local, state, and federal laws and regulations. The attached copy has been reviewed and accepted by the Miami-Dade County Attorney's Office as legally sufficient. Moreover, at the board meeting on February 22, 2024, SFWIB approval was granted unanimously.

As the Chief Elected Official, your approval of the amended and restated bylaws is required to comply with Federal and State regulations.

Daniella Levine Cava

3/25/2024

Honorable Daniella Levine Cava, Mayor of Miami-Dade County

Date



**AMENDED AND RESTATED BYLAWS
OF
THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD
d/b/a CAREERSOURCE SOUTH FLORIDA**

ARTICLE I

NAME, CREATION AND AUTHORITY, TAX EXEMPT STATUS, PURPOSE AND POWERS

Section 1.1 *Name* - The provisions of this document constitute the By-Laws of the South Florida Workforce Investment Board (“SFWIB” or “Board”), a separate public body, corporate and politic, and a governmental agency and governmental instrumentality of both Miami-Dade County and Monroe County.

Section 1.2 *Creation and Authority* – The SFWIB is created and authorized pursuant to the Interlocal Agreement creating the South Florida Workforce Investment Board for Local Workforce Development Area 23 (“LWDA” or “Area 23”) of the State of Florida as may be amended or renewed from time to time (“Interlocal Agreement”), chapter 445, Florida Statutes, and applicable state and federal law.

Section 1.3 *Tax Exempt Status* - The SFWIB is a governmental body in all respects and eligible to exclude income under Section 115 of the Internal Revenue Code of the United States and contributions which are deductible under Section 170(c)(1) of the Internal Revenue Code of the United States.

Section 1.4 *Mission* – The dual mission of CareerSource South Florida is to facilitate the connection between competent and capable individuals and local employers, while also offering career advancement opportunities to residents of South Florida that contribute to their overall economic well-being. The SFWIB values:

- Integrity and ethical behavior in all of our actions and dealings
- Fiscal and personal accountability
- Excellent service delivery
- Forward thinking and innovation
- Passion and commitment to both internal and external customers
- Diversity in experiences and thinking

Section 1.5 *Purpose and Responsibilities* - The purpose of the SFWIB is to perform any and all duties necessary for the accomplishment and purpose of the Workforce Innovation and Opportunity Act (“WIOA”) and the Interlocal Agreement, in accordance with federal and state law. In collaboration with required and additional stakeholders, the SFWIB shall provide strategic and operational oversight to develop a comprehensive and high-quality workforce development system in Miami-Dade and Monroe County and public policy guidance of WIOA programs. The SFWIB shall work toward achieving the state’s strategic and operational visions and goals, and shall exercise all powers provided by or under the authority of the Board including, but not limited to, Chapter 445 Florida Statutes. An emphasis shall be placed on services to individuals with barriers as well as other individuals identified in the SFWIB Strategic Plan.



Section 1.6 Powers - The Board shall have and exercise all rights and powers granted to Local Workforce Development Boards under the WIOA, section 445.007(5), Florida Statutes, these Bylaws, the Interlocal Agreement, and as permitted by the laws of the State of Florida. The exercise of said rights and powers by the Board shall not be inconsistent with the provisions of the WIOA.

ARTICLE II OFFICES

Section 2.1 Principal Office - The principal office of the Board shall be located in Miami-Dade County, Florida.

ARTICLE III LIMITATIONS ON BOARD MEMBERS

Section 3.1 Limitation on Board Members - The Board shall be non-partisan, non-sectional, and non-sectarian and shall take no part or lend its influence or facilities to the nomination, election, or appointment of any candidate for public office. The Board shall be prohibited from lobbying entities or persons, except for legislative requests made by the Board to the Miami-Dade County Office of Intergovernmental Affairs as required by Miami-Dade County Ordinance 04-219 or as may be authorized by the Miami-Dade Board of County Commissioners.

ARTICLE IV MEMBERSHIP AND DUTIES

Section 4.1 Representation - The SFWIB members shall be representative of the population of the Local Workforce Development Board (LWDB) 23. The membership shall be based on the diversity of the economic and demographic composition of the LWDB 23 to assure equitable representation.

Section 4.2 Categories of Membership - Pursuant to Pub. L. No. 113-128, WIOA, Sections 107; 20 Code of Federal Regulations 679.320; and section 445.007, Florida Statutes, the Board shall be comprised of members that represent entities in the categories provided below. Members must be individuals with optimum policy-making authority within the entities they represent, as the term is defined by 20 CFR 679.340. The number of members and the composition of the Board shall be in accordance with the Interlocal Agreement.

A. Business

A majority of the Board members shall represent businesses in the LWDA as individuals who:

- a. are owners of a business, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority;
- b. represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in the LWDA, as those terms are defined by the WIOA; and
- c. are appointed from among individuals nominated by local business organizations and business trade associations.

At least two members must represent small business as defined by the U.S. Small Business Administration.

B. Labor / Apprenticeships

Not less than 20 percent of the members must be representatives of the workforce within the LWDA and:

- a. Include at least two representatives of labor organizations nominated by local labor federations. If no employees are represented by such organizations, at least two other representatives of employees shall be on the Board.
- b. Include at least one representative, who shall be a member or a training director, of a joint-labor management, or union affiliated, registered apprenticeship program who must be a training director or member of a labor organization. If no union affiliated registered apprenticeship program exists in the LWDA, at least one representative of a registered apprenticeship program with no union affiliation in the LWDA must be appointed, if such a program exists.
- c. May include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training or education needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities.
- d. May include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.



C. Education

Members must include representatives of entities administering education and training activities in the LWDA and:

- a. Include a representative of eligible training providers administering adult education and literacy activities under Title II of WIOA.
- b. Include a representative of institutions of higher education providing workforce investment activities (including state/community colleges).
- c. Include a private education provider, if a public education or training provider is represented on the Board. This requirement may be waived by the CareerSource Florida Board of Directors if it is demonstrated that such representative does not exist in the LWDA.
- d. May include representatives of local educational agencies or community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment.

If there is more than one institution in each of the types of educational entities listed above, nominations will be solicited from representatives of each of these entities. The Board shall describe, in a locally defined process, how private education providers will be identified and efforts to include those representatives on the Board. If through the local process, the Board finds that a private education provider representative does not exist in the LWDA, the Board shall submit a request to waive the requirement as outlined in CareerSource Florida Administrative Policy 91.

D. Governmental / Economic / Community Development

Members must include representatives of economic and community development, as well as governmental entities serving the local area with:

- a. At least one individual representing economic and community development entities serving the LWDA.
- b. At least one individual representing the State Employment Service office under the Wagner-Peyser Act serving the local area.
- c. At least one individual representing the programs carried out under Title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title serving the local area.

E. Other Entity Representation

Members may include other individuals or representatives of entities including: (1) governmental and economic and community development entities who represent transportation, housing and public assistance programs; (2) philanthropic organizations serving the LWDA; and (3) other appropriate individuals as determined by the CLEO of Miami-Dade County.



Section 4.3 Board Member Recruiting, Vetting and Nominating - The Board, in consultation with the CLEO shall recruit, vet, and nominate prospective SFWIB members as detailed in Article V. The members shall represent diverse geographic areas within the LWDA. Pursuant to Section 445.007, Florida Statutes, the importance of minority and gender representation must be considered when making appointments to the Board.

Recruitment Process Instructions

When a SFWIB vacancy exists, the Executive Director will send, within three days of the vacancy, a written notice of the vacancy to the Board as well as to the appropriate CLEO. The Executive Committee, subject to Board approval, will work with the Executive Director to solicit potential members to fill the vacancy.

The CLEO or Executive Committee will send the Executive Director a document identifying potential candidates to fill the vacancy within 15 days of receipt of the notice of the vacancy. Once the Executive Director has determined the nomination(s) are consistent with the membership requirements of federal and state laws, as well as, local Board requirements, the Executive Director's Executive Assistant will provide the nominee a Membership Nomination and Reappointment Form and Recruitment Brochure (i.e., Become a Leader for the South Florida Workforce Investment Board).

If the vacancy is from the Business, Education, Labor or Economic Development Board membership categories, the applicable processes below shall be followed:

1. Business – Representatives must be nominated by local business organizations and/or business trade associations and then submitted for review.
2. Education – When there is more than one local area provider of adult education and literacy activities under title II, or multiple institutions of higher education providing workforce investment activities as described in WIOA sec. 107(b)(2)(C)(i) or (ii), nominations are solicited from those particular entities.
3. Labor – Representatives must be nominated by local labor federations.
4. Economic Development – the CLEO or Executive Committee shall solicit nominations from both public and private local economic development agencies.

Section 4.4 Appointment of Members - The CLEO of Monroe County shall appoint two of the private sector members of the SFWIB, and the CLEO of Miami-Dade County shall appoint the remaining members. The CLEOs may not delegate the responsibility of appointing members to the SFWIB to the Executive Director. A SFWIB member may not assign or designate their Board position on the SFWIB or Council. Upon appointment, SFWIB members must be trained on federal, state and local conflict-of-interest laws and policies.



Members are prohibited from instructing or requesting that the CLEO, or their subordinates, appoint or remove any member from the Board. Any member who engages in the aforementioned conduct shall be subject to a recommendation for removal by the Board. A removal recommendation will be submitted to the CLEO for review and consideration if a consensus is reached by a two-thirds vote. It is essential to note that written authorization from the CLEO is required for any action pertaining to the removal of a member.

Appointment Process Instructions:

Once the CLEO or Executive Committee refers a potential SFWIB member to the Executive Director and that nominee satisfies legal, regulatory, and local requirements, the following procedures shall commence:

1. The nominee completes a Membership Nomination and Reappointment Form, including a career biography/resume.
2. The nominee submits the Membership Nomination and Reappointment Form and career biography/resume to the Executive Director.
3. The Executive Director forwards submitted documents to his Executive Assistant.
4. For private sector nominees, the Executive Assistant will verify the nominee's status in the business community (i.e., whether the nominee is in good standing with a Chamber of Commerce and/or economic development organizations).
5. The Executive Assistant will scan and file the submitted documents. The original hard copy is placed in folder labeled Pending Nomination.
 - a. The Executive Assistant will transmit documents to the Executive Director for submission to the Executive Committee for review and recommendation to the Board for approval. If the nominee is not approved, the Executive Director shall notify the nominee, in writing, of such decision.
 - b. If the Executive Committee approves the nomination, the nomination shall be included on the next SFWIB Agenda for the Board to consider. If the nominee is not approved the Executive Director shall notify the nominee, in writing, of such decision.
 - c. If the SFWIB approves the nominee, the Executive Assistant shall prepare a memo to the appropriate CLEO recommending the individual for appointment to the Board. The Membership Nomination and Reappointment Form, including the career biography/resume shall be included with the memo.
6. If the CLEO appoints the Board's approved nominee, the following procedures shall commence:
 - a. The new Board member is registered for new member training.
 - b. The new member receives a congratulatory letter from the CLEO with instructions for Board Member Orientation conducted by the Executive Director.

- c. SFWIB Executive Assistant completes all necessary documents, adds the member to the Board Member Directory and Board Member Distribution List, and ensures that the new member's name is included in appropriate section of the website.
- d. Once the new member receives a committee assignment, the Executive Assistant will add the member to the appropriate committee distribution list.

Section 4.5 Terms/Term Limits – SFWIB members shall be appointed for fixed and staggered terms and shall serve until their successors are appointed. All appointments shall be for a two-year term, with reappointment occurring after the second year. Members may serve two additional terms. A member's service shall not exceed a total of three (3) consecutive terms or six (6) consecutive years. Notwithstanding the above, members who represent governmental entities are exempt from term limits. Service, which commenced before July 1, 2021, does not count toward the 6-year limitation.

To establish staggered terms, members shall be divided into three (3) groups, the first of which will be new SFWIB members, which will serve an initial term of two (2) years. The second group will consist of those who begin their term the year following the term of the first group. The third group will consist of those who begin their term the following term of the second group.

Section 4.6 Vacancies – A SFWIB member who becomes ineligible to serve on the Board must resign or be removed by the CLEO that appointed him or her. Vacancies should be filled within twelve (12) months from the original vacancy occurrence. All appointments to fill vacancies should follow the same process provided in this Section 4. New SFWIB members must be appointed to fill the same category of membership as that in which the vacancy occurred; however, new members do not have to be from the same educational entity, organization or business as the departing members. If a member resigns or removed before their term has expired, the newly appointed member shall begin a new two-year term.

Section 4.7 New Member Orientation and Annual Training - SFWIB members must participate in orientation and annual training. The purpose of orientation and training is to provide SFWIB members with information that empowers them to effectively serve. All new members shall complete a new member orientation within six months of their appointment to the Board. The Executive Director is responsible for and shall develop Member Orientation.

- A. SFWIB members must complete annual refresher training regarding their duties and responsibilities as a member of the Board. Such training will be on topics provided by CareerSource Florida Administrative Policy 110.
- B. New member and refresher training may be offered in-person and/or virtually. Using the Board Engagement Matrix, the Board will monitor member participation in convening stakeholders, brokering relationships with employers, and leveraging support. Upon request, attendance records and course completion dates will be provided.

Section 4.7 Removal – A SFWIB member, the Executive Director, or the designated person responsible for operational and administrative functions, may be removed from the Board as follows:

- A. **For Cause** – The Governor may remove from office, for cause, SFWIB members, the Executive Director, or the designated individual accountable for operational and administrative functions, in accordance with Section 445.007 of the Florida Statutes. In addition, members may be removed by a vote of 2/3 of the Board or by the CLEO who appointed them.
- B. The following grounds for removal for cause shall include, but not be limited to:
- a. Disclosure of confidential information;
 - b. Misuse of position;
 - c. Failure to disclose conflict of interest;
 - d. Incapacity or unfitness to fulfill the duties of the Board;
 - e. Engaging in fraud or other criminal acts while a member of the Board;
 - f. Gross dereliction of Board responsibilities;
 - g. Infractions of misfeasance (willful inappropriate action or intentional incorrect action or advice), malfeasance (willful and intentional action that injures a party), or nonfeasance (the failure to act where action is required—willfully or in neglect);
 - h. Other causes as may be determined by the Board and/or defined by the Governor or CLEO.
- C. **Resignations**
1. Voluntary resignations shall be those occurring when a member, for his or her own reasons, elects to leave the Board and gives due notice of such intent.
 2. Involuntary resignations (de-facto resignations) shall occur when a member fails to attend one-half of either the regularly scheduled Board or Board Committee/Council meetings in a 12-month period. An involuntary resignation may be set aside at the request of the member and upon approval by a majority vote of the Board.
 - i) The Executive Director shall send a letter to any member who fails to attend two consecutive meetings, including committee or task force meetings, in any 12-month period without adequate explanation and/or communication.
 - ii) Following the notification, the Executive Director shall notify the CLEO who appointed the member and recommend that the member be removed from the SFWIB if said member misses a third meeting, including a committee or task force meeting, in any 12-month period without an acceptable excuse. The SFWIB defines “acceptable excuse” as medical, business travel, or other reason that the SFWIB, by majority vote, deems appropriate.



Section 4.8 *Financial Disclosure* – Financial disclosures pursuant to section 112.3145, Florida Statutes, are required of appointed members as follows, unless otherwise exempt under Florida law:

- a. Financial disclosure Form 1 is due July 1 of each year for the preceding calendar year.
- b. Notifications will be sent to all members at least 30 days in advance of the deadline.
- c. Forms should be submitted to the Supervisor of Elections in the member's county of permanent residence.
- d. A grace period is in effect until September 1. If the disclosure is not filed or postmarked by September 1, an automatic fine of \$25 per day will begin to accrue, and will continue to accrue until the disclosure is filed or the fine reaches \$1,500.
- e. Failure to submit Financial Disclosure Form 1 by the July 1st deadline could result in a finding of non-compliance with the Grantee-Subgrantee Agreement for the SFWIB.

ARTICLE V OFFICERS

Section 5.1 *Appointed Officers* - The officers shall consist of a Chairperson (“Chair”) and Vice-Chairperson (“Vice-Chair”) who are approved by majority vote of the Board.

Section 5.2 *Duties* - The officers of the Board shall have the following duties:

- A. **Chair.** The Chair shall be the chief appointed officer of the Board and shall preside at all Board and Executive Committee meetings. The Chair shall appoint council Chairs and council Vice-Chairs, subject to the approval of the SFWIB. The Chair may be removed from office without cause at any time upon the affirmative vote of a majority of the then appointed members of the SFWIB who are empowered to vote.

All such council and task force chairs and members shall serve at the pleasure of the Chair. The Chair may remove the chair of any such council or task force and any and all such council members or task force members without cause at any time.

The Chair shall serve as an ex-officio member of all standing committees and shall perform such other duties as set forth in these Bylaws or as determined by the Board. The Chair shall be a “Business” representative and preside at all meetings of the SFWIB

- B. **Vice Chair.** The Vice-Chair shall perform the duties of the Chair in the absence of the Chair or in the event of the Chair’s inability to perform his or her duties. The Vice-Chair shall serve as the chair of the Board’s membership committee and shall perform such other duties as are assigned by the Chair.

The Vice-Chair may be removed from office without cause at any time upon the affirmative vote of a majority of the then appointed members of the SFWIB who are empowered to vote.

In the event that the office of the Chair is vacant, the Vice-Chair shall assume the duties and powers set forth in (A) (1), (3) and (4) hereinabove until such time as the office of the Chair is no longer vacant. The Vice-Chair shall be a “Business” representative.



- C. **Qualifications.** All officers appointed after the first annual meeting of the Board must have been a member of the Board for at least one year prior to being appointed to office.
- D. **Appointment.** The Chair and Vice-Chair shall be elected by the Board and shall serve one two-year term commencing the January 1st following their appointment. The Chair's and the Vice-Chair's terms shall be limited to two consecutive two-year terms. There are no limitations on the number of nonconsecutive terms members may serve or offices they may hold.

Section 5.3 *Executive Director* - The Board shall have the authority to recommend an Executive Director to serve as the Chief Executive and Operating Officer for the Board and as such shall implement the policies, decisions, actions and directives of the Board. The Executive Director may be removed at the discretion of the Board. The Executive Director shall serve as Secretary to the Board, charged with preparing notices, agendas, minutes of the meetings of the Board and Committees, and shall serve as the custodian for all minutes and voting records of official Board business. The Executive Director shall be a non-voting member of the Board, Executive, Finance and Efficiency Council, Global Talent & Competitive Council, Performance Council and any ad-hoc committees and task forces. The Executive Director shall serve as advisor to the Chair and all council Chairs and task forces and shall assemble information and data and cause to be prepared special reports as directed by the Board. Board functions that are the responsibility of the Executive Director include, but are not limited to:

- A. Coordinating with the appropriate CLEO regarding the identification and nomination of members to the Board and ensuring membership is compliant with state and federal laws.
- B. Organizing Board meetings and ensuring meetings are held according to the Bylaws and applicable laws, including Florida's Sunshine Law.
- C. Developing and submitting the local and regional workforce development plan.
- D. Conducting oversight of the WIOA adult, dislocated worker, youth programs and the entire One-Stop delivery system including development of policies and monitoring the administration of the programs.
- E. Negotiating and executing agreements on local performance metrics.
- F. Negotiating with the appropriate CLEO and required partners for the Memorandum of Understanding (as prescribed in CareerSource Florida Administrative Policy 106).
- G. In compliance with the Board's procurement policy, providing oversight of the competitive procurement process for procuring or awarding contracts to providers of youth programs services, providers of workforce services (if applicable), and the One-Stop Operator as required in 20 CFR 679.370.
- H. Developing an annual budget of SFWIB each program year to be submitted to the Florida Department of Commerce and published in accordance with state law.
- I. Certifying the One-Stop career centers per the CareerSource Florida Administrative Policy 93.



In the event that the Office of the Secretary is vacant, the Chair or in the event of a vacancy in the office of the Chair, the Vice-Chair shall appoint a member of the SFWIB staff to serve as the Secretary Pro Tem of the SFWIB until such time as the Office of the Secretary of the SFWIB is no longer vacant.

ARTICLE VI BOARD MEMBER/COMMITTEES (COUNCILS)

Section 6.1 Regular Meetings - The Board shall hold regular meetings at least six times during a calendar year. Notwithstanding the prior sentence, the number of meetings may be amended at the discretion of the Chair. The schedule shall be provided to Board Members and posted on SFWIB's website at the start of the calendar year.

Section 6.2 Special and Emergency Meetings - Special and emergency meetings may be called by the Chair or by a majority of the members of the Board.

Section 6.3 Place of Meeting - The Chair, in coordination with the Executive Director, shall designate the location of meetings to ensure compliance with accessibility and other legal requirements, including the Sunshine Law.

Section 6.4 Notice of Meeting - All meetings will be advertised and open to the general public in compliance with the Sunshine Law, the requirements of chapter 445, Florida Statutes, and the Grantee/Sub-grantee Agreement. Notice of the date, time, and place of all SFWIB meetings shall be emailed to all members at least seven days in advance of such meetings, together with an agenda of the business to be conducted. If a special or emergency meeting is called pursuant to the provisions of section 6.2 above, a minimum of 24-hour notification will be provided.

Section 6.5 Communication Media Technology - Members may attend a maximum of three Board meetings per calendar year via means of communications media technology, defined in section 28-109.002 of the Florida Administrative Code - to mean the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available and shall include, but not be limited to, telephone conference, video conference or similar communications equipment.

Members using communications media technology to attend meetings must be: (i) allowed to participate in Board discussions; (ii) able to be heard by other Board members; and (iii) able to be heard by the public. Notwithstanding the above, physical attendance at all Board and committee meetings is preferred. If a member is unavailable to be physically present due to an emergency or circumstances beyond their control, and would like to participate in the meeting using communications media technology, said member shall notify the Chair and Executive Director no later than 48 hours prior to the start of said meeting so that such communications media technology may be established for said meeting.

These Bylaws shall not be construed to authorize any proceeding otherwise subject to the provisions of section 286.011, Florida Statutes, to be held exclusively by means of communications media technology without making provision for the attendance of any member of the public who desires to attend unless expressly authorized by law. SFWIB meetings conducted using communications media technology shall comply fully with section 120.54, Florida Statutes, and Chapter 28-109, Florida Administrative Code, as may be amended from time to time.



Section 6.6 Attendance - The SFWIB must hold at least six in-person meetings throughout the course of the calendar year. Members may attend via communications media technology a maximum of two times in a succession, after which, in-person attendance is required before remote participation is further permitted. As specified in Section 4.9B (2), any member who is absent from three of the six SFWIB meetings within a fiscal year, shall be deemed to have voluntarily resigned from the SFWIB unless the member's absences were excused, in advance, for cause by the Chair.

Section 6.7 Quorum - A majority of the Board membership qualified and sitting shall constitute a quorum for the transaction of business at meetings of the Board, including those members attending via communications media technology as outlined in Section 6.5. In the absence of a quorum, the Executive Committee may take official action on items of a Board agenda, which actions may be ratified by the Board at the next Board meeting.

Section 6.8 Voting - All matters before the Board (except amendments to Bylaws-See **Section 8.2**) shall be determined by a majority vote of members at the meeting after a quorum has been established. Each member (including those attending via communications media technology as outlined in Section 6.5), shall be able to cast one vote, and must vote on any business of the Board or any Council(s) to which he/she is assigned. The SFWIB prohibits the use of proxies to attend or vote on behalf of a member who is unable to do so in person or through communications media technology.

If a conflict of interest exists or is thought to exist, the corresponding member must abstain from voting or otherwise participating in the proceedings related to the matter and shall leave the public meeting room or other location of the public meeting until the consideration of that matter has been concluded. Any such person who leaves the public meeting room or other place of the public meeting shall be deemed absent for purposes of constituting a quorum, counting the vote or for any other purpose.

Section 6.9 Conflict of Interest – Board Members and staff must maintain integrity, accountability and transparency in decisions and actions that earn and protect the public trust. This includes taking all necessary steps to avoid appearances of conflicts of interests. A member shall not cast a vote on or participate in any decision regarding the provision of services by said member, their relatives, any organization that the member directly represents, or any matter that would provide any direct financial benefit to the member or, where the member has a relationship with the contracting vendor. All members shall follow the guidelines and restrictions set forth in chapter 445 of the Florida Statutes, CareerSource Florida Strategic Policy 2012.05.24.A.2-State and Local Workforce Development Board Contracting Conflict of Interest Policy, as well as the requirements in the Department of Commerce's Grantee/Sub-grantee Agreement.

Such contracts may only be approved with a two-thirds vote of the Board members present and where all conflicts of interest have been disclosed, and with the member who may benefit from such a contract (or whose organization or relative may benefit) abstaining from the vote. Any contract awarded to a SFWIB member, or a contracting vendor related to a SFWIB member, that is equal to or greater than \$10,000, is subject to DEO approval and requires the completion of a Contract Information/Related Party Form that has been certified by the Chair or Vice-Chair as correct and true. Such contracts will be published on the SFWIB website in accordance with chapter 445.



Section 6.10 Procedure at Meetings

- A. Robert's Rules of Order shall govern the procedure of Board meetings except when inconsistent with the provisions of these Bylaws.
- B. All business shall be conducted in accordance with a written agenda published in accordance with the provisions of these Bylaws.
- C. Participation in meetings shall be limited to SFWIB members, Board staff and other invited guests and speakers.
- D. The Board shall comply with Section 286.0114, Florida Statutes and provide members of the public with a reasonable opportunity to be heard.
- E. All business of the Board shall be conducted in accordance with the Florida Government in the Sunshine Law.
- F. SFWIB members may attend meetings in-person or virtually except for the annual meeting where in-person attendance is required.
- G. The Secretary of the Board shall record and transcribe all proceedings. At the next routinely scheduled meeting where a quorum has been established, meeting minutes will be reviewed, amended, and approved as necessary. The minutes shall indicate which Board members were present or absent and shall record the official acts of the Board; the Vote Tally Sheet shall record member voting (ayes, noes, and abstentions). Abstentions due to a conflict of interest shall be recorded along with the member's name and the rationale for the abstention. After ratification by the Board, the meeting minutes serve as the official record of the business conducted at that meeting. Copies of approved minutes shall be posted on the CareerSource South Florida website within 15 days of Board approval.

Section 6.11 Committees (Councils)

SFWIB shall establish and maintain the following Committees/Councils comprised of Board members to assist the Board in carrying out its duties and responsibilities. Council membership and leadership appointments, as described in Section 5.2A, are appointed by the Board Chair and subject to Board ratification. SFWIB staff may not serve on committees. As specified in Section 6.1, the Committees/Councils shall meet on the same days as the SFWIB regular Board meetings, as provided in Section 6.1.. The Committee/Council Chairs may call special and emergency meetings as deemed necessary.

Section 6.12 Executive Committee – The Executive Committee shall be comprised of the Chair, Vice-Chair, Council Chairs and Vice-Chairs. The Executive Committee shall serve as a committee with administrative oversight responsibilities and is empowered to act and take necessary interim action to implement the plans and programs of CareerSource South Florida between meetings of the Board. All restricted assets shall be managed by the Executive Committee of the Board. An Executive Committee report will be made at each Board meeting at which time the actions of the Executive Committee may be reviewed and ratified by the Board.



Section 6.13 The Finance and Efficiency Council (FEC) –The FEC oversees the development of the annual budget and ensures accurate tracking, monitoring and accountability for funds. The FEC shall review the Executive Director’s recommended budget and make recommendations regarding the budget to the Board. The FEC is responsible for the review and approval of the annual audit and audit firm.

Section 6.14 Global Talent and Competiveness Council (GTCC) - The GTCC is responsible for developing and delivering talent (youth and adult) to meet marketplace needs to grow South Florida’s legacy and infrastructure industries, as well as those industries that hold promise and have been identified as economic development priorities for diversifying the regional economy with high-wage jobs. GTCC also focuses on the area’s economic development agenda and common strategic target. The council advises the Board on the development and implementation of policies, strategies, programs, and activities affecting workforce development by focusing on Opportunity Miami’s One Community One Goal, identified seven targeted sectors.

Section 6.15 Performance Council- The Performance Council is responsible for ensuring compliance with the U.S. Department of Labor’s federal common measures, the REACH Act Letter Grades and SFWIB performance goals, including both programmatic and financial outcomes on measures such as job placements, cost per placement and return-on-investment. The council provides oversight and accountability for positive outcomes of Florida’s federal common measures.

Section 6.16 Ad Hoc Committees - Ad Hoc Committee(s) shall be established as temporary committees to address specific issues. Ad Hoc Committees shall be chaired by a SFWIB member. Membership of Ad Hoc Committee(s) may include other SFWIB members, but must include individuals, appointed by SFWIB, who are not on the Board and have demonstrated experience and expertise in accordance with state and federal laws.

ARTICLE VII INDEMFICATION AND COMPENSATION

Section 7.1 Indemnification - The Board shall indemnify, defend, save, and hold harmless each member from personal liability to the maximum extent authorized by law. It is the intent of this Article that no member shall have personal liability for his or her acts or omissions except in those instances where the Board is prohibited, by law, from indemnifying, defending, saving, and holding harmless such member. Additionally, in the event of dissolution, liquidation, termination, or expiration of the existence of the SFWIB, the Board shall follow the provisions of the Interlocal Agreement regarding payments, debts, obligations, assets and income.

Section 7.2 Compensation – Board members shall serve without compensation; however, members may be reimbursed for necessary expenses incurred in the performance of official duties upon approval in writing by CLEO of Miami-Dade County or his or her designee, in accordance with the Interlocal Agreement. Expenses shall be reimbursed in accordance with federal and state laws and regulations, Miami-Dade County ordinances and policies, and the Interlocal Agreement.



ARTICLE VIII ENACTMENT/AMENDMENT

Section 8.1 Enactment - These Bylaws shall become effective upon approval of the Board. Approval for enactment shall require a two-thirds vote of the full membership of the Board, after notice to the membership. Said notice shall be made no later than 10 days prior to the meeting at which the Bylaws are placed on the agenda. These Bylaws shall not be construed to take precedence over federal, state, or local laws or regulations or to limit or constrain the rights and obligations of the Board.

Section 8.2 Amendments - The Bylaws may be altered, amended, or repealed and new Bylaws adopted by the affirmative vote of a two-thirds of the membership of the Board in attendance at any meeting.

ARTICLE XI STAFF SUPPORT AND PROFESSIONAL ASSISTANCE

Section 9 Staff Support and Professional Assistance - The Board and its committees shall be provided administrative, clerical, and technical support by the Board's staff. The staff shall implement the policies, decisions, actions and directives of the Board under the supervision and control of the Executive Director. It shall be the Executive Director's responsibility to assure such support is available as necessary or as requested by any Board/Committee. However, any such requests or directives by members of the Board shall be made solely to the Executive Director and shall not be made to any other employees of the SFWIB either publicly or privately. If determined necessary, the Board may hire professional consultants, including legal counsel, to assist in carrying out its responsibilities.

The Honorable Mayor Holly Merrill Raschein
Monroe County, Florida
102050 Overseas Highway, Suite 234
Key Largo, FL 33037

Dear Mayor Raschein,

In accordance with the realignment provisions of the Reimagining Education and Career Help (REACH) Act, approved by the Florida legislature and signed into law by Governor Ron DeSantis and section 9 of the 2006 Interlocal Agreement Creating the South Florida Workforce Investment Board for Region 23 of the State of Florida, we hereby give formal notice of our intention to terminate, effective June 30, 2024. Pursuant to the REACH ACT, the South Florida Workforce Investment Board shall revert to the sole jurisdiction of Miami-Dade County on July 1, 2024.

Please be advised, in accordance with Rule 1 B-24.003(1)(a), Florida Administrative Code, and Chapter 119, F.S., the State of Florida requires that records pertaining to all cases served be preserved for a minimum of five years. The South Florida Workforce Investment Board is subject to audit and/or review throughout that time. The terms of the Interlocal Agreement will govern any disallowances found against Monroe County and/or the provider tasked with case management.

On behalf of Miami-Dade County, thank you for partnering with us to engage and prepare the residents and businesses of South Florida for a brighter and more prosperous future. We wish you continued success with CareerSource Southwest Florida, your new workforce board.

Sincerely,

Daniella Levine Cava, Mayor
Miami Dade County

Pc: Monroe County Board of County Commissioners
Rick Beasley, Executive Director, SFWIB/CSSF
Central File, SFWIB/CSSF

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Chapter 1

PROCUREMENT/PURCHASING PROCEDURES

CareerSource South Florida is an equal opportunity employer / program. Auxiliary aids & services are available upon request to individuals with disabilities. All voice telephone numbers in this document may be reached by persons using TTY/TDD equipment via the Florida Relay Service at 711, or as otherwise indicated.

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I. OVERVIEW

The South Florida Workforce Investment Board (SFWIB) d/b/a CareerSource South Florida (CSSF) or SFWIB Board, Local Workforce Development Board (LWDB) Local Workforce Development Area (LWDA) 23 (Miami-Dade and Monroe Counties), is one of 24 LWDBs in the State of Florida.

The SFWIB seeks to ensure the timely acquisition of quality goods and services at competitive prices. The SFWIB shall accomplish this through open and free competition. The SFWIB shall solicit vendors who have satisfied all requirements to be recognized as a Miami-Dade County or State of Florida registered vendor. The SFWIB shall make award of a contract based on evaluation criteria established in the solicitation.

These procedures establish guidelines in which the SFWIB will follow when procuring goods and services and shall serve as standards of conduct for employees engaged in the selection, award and administration of a contract, purchase order, or professional services agreement.

It is through these written procedures that the SFWIB shall strive to improve the effectiveness and efficiency of the procurement process in compliance with federal, state, and local procurement laws, policies and guidelines governing expenditure of federal funds.

II. AUTHORITY

The Executive Director is the appointed steward and retains the authority to designate persons to conduct solicitations, make recommendations, and approve expenditures on behalf of the SFWIB as it relates to procurement.

III. PROCUREMENT METHODS

The SFWIB promotes full and open competition and utilizes the following procurement methods to procure goods and/or services.

- (A) Procurement by small purchase procedures. Procurement method for securing services, supplies, or other property that do not cost more than \$100,000.
- (B) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
- (C) Procurement by competitive proposals. Competitive proposals that are normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. The SFWIB will solicit written responses from a minimum of three (3) vendors identified on the county or state vendor list. Quotes must be submitted on company/business letterhead, and can be received via fax, e-mail or mail carrier service:

CareerSource South Florida
7300 Corporate Center Drive, Suite 500
Miami, FL 33126
Fax: (305) 477-0113

Quotes will be evaluated for appropriate requirements. No telephone quotes are permitted under Miami-Dade County "Cone of Silence".

(D) Procurement by noncompetitive (sole-sourced) proposals. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source

- 1) Single Source or Inadequate Competition is defined as procurement from a single source, or after a number of sources, the competition is determined inadequate to fulfill the requirements of the solicitation. Non-competitive bids include procurements of goods and/or services for which an equal product and/or service is unavailable from other suppliers, or such use of an equal product is impractical, or that full and open competition resulted in a non-responsive bid.
- 2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- 3) Bid Waiver is defined as a purchase of a good or service without formal competitive bidding, when it is determined to be in the best interest of SFWIB. In a non-competitive bid waiver only one quote is sought. When the recommendation is made to use this process, the appropriate justification must be provided. At a minimum, the purpose of the acquisition, the uniqueness of the item or service, the reason why the waiver of the competitive process is in the CSSF's best interest, and the market research that has been performed to support such actions. The justification is submitted to the Executive Director or authorized designee for approval.

(E) Emergency Procurement

- 1) Emergency is defined as an unforeseen or unanticipated urgent and immediate need for equipment, supplies, or services where the protection of life, health, safety and welfare of the community or the preservation of public property would be adversely affected using normal procurement procedures.
- 2) Emergency disaster procurement is defined as those purchases needed due to unforeseen acts of nature, such as hurricanes, floods, fire and tornadoes.
- 3) Under these extreme situations the direct payment method may be utilized. The normal procurement procedures or a Purchase Order may not be required.

IV. TYPES OF FORMAL SOLICITATIONS

The SFWIB Administration Division receives and processes a variety of requests for goods and/or services to support the employment and training services offered at the Career center offices located within Miami-Dade and Monroe counties.

1) PURCHASES UNDER \$100,000

Procurement by competitive bids must be obtained for purchases of \$100,000 or less.

- a) Minimum of three (3) quotes requested
- b) Effort to include minority owned businesses and women's business enterprises will be made whenever possible.
- c) Quotes must be written. No telephone solicitation allowed.
- d) Cone of silence applies.

e) May be used for emergency and emergency disaster purchases.

2) PURCHASES OVER \$100,000

Formal sealed written bids shall be solicited from vendors for purchases of \$100,000 or more. Examples include Request for Proposals (RFP), Invitation to Bid (ITB), etc. These solicitations will be publicly advertised.

A. REQUEST FOR QUOTE (RFQ)

The SFWIB procurement actions will be conducted on the basis of full and open competition to the greatest extent possible. RFQ's will describe the essential needs of the SFWIB.

These procurement actions will be conducted in the best interest of the SFWIB and with the highest level of integrity and fairness to all parties involved throughout the acquisition cycle. The period of the acquisition cycle is determined by several factors that include, but is not limited to;

1. The procurement process
2. The date when the SFWIB takes possession or acquires the good or service
3. A considerable amount of time has elapsed with no action taken.

The SFWIB may deem it to be in the best interest of the organization to reissue the RFQ.

Information Technology Manager, Facility Manager, Procurement Agent/Buyer, or staff designee creates the specifications. Prospective bidders are invited to respond to the Request for Quote (RFQ) by the established cut-off period. The SFWIB may extend the cut-off if the RFQ is materially deficient (cut-off period may be extended to add information, or to clarify description of requested product/services.) The SFWIB must advise all bidders of the extension.

In accordance with guidance from the State, effective July 26, 2011, all procurement activities must demonstrate effort was made to secure more than one (1) responsive bidder by issuing the RFQ more than once. If both attempts fail to yield a response, the SFWIB may decide to contract with a vendor or supplier who has done business with the SFWIB before.

An evaluation is performed on all responses to the solicitation to determine the most advantageous bid. Factors to be considered will consist of but not be limited to price, quality, technical requirements, record of past performance, etc.

A cost or price analysis shall be performed and documented in the procurement file.

While funding availability is the chief consideration, the SFWIB will take steps to ensure purchases are made to support the requirement to operate programs and provide services. These steps will include, but not be limited, to the following:

1. Consolidating or breaking out procurements to obtain a more economical purchase.
2. Analyzing lease versus purchase alternatives, where applicable.
3. Performing other appropriate analysis to determine the most economical approach.

B. REQUEST FOR PROPOSAL (RFP)

For purchases of \$100,000 or more, the SFWIB will solicit proposals through the issuance of a written Request for Proposal (RFP). The award of a contract is based on evaluation criteria established in the RFP.

C. INVITATION TO BID (ITB)

For purchases of \$100,000 or more, the SFWIB will solicit sealed written bids from vendors for the good(s) and/or service(s). Vendors are solicited by the issuance of a written Invitation to Bid (ITB). An ITB award must be made to the responsive/responsible bidder offering the lowest price. Bidder qualifications and products/services will be compared to requirements of the ITB, but not to each other.

D. INVITATION TO NEGOTIATE (ITN)

SFWIB will select this method of solicitation to determine the best method for achieving a specific goal or solving a particular problem and identifies one or more responsive vendors with which the SFWIB may negotiate in order to receive the best value.

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V. PROCESSING PROCUREMENT REQUESTS

The procedures below describe the steps to be followed when processing procurement requests. For internal purposes, requests are classified as Procurement Request for Headquarters; Procurement Request for Career center operations; and Procurement Requests initiated by the contracted Service Provider.

(A) SFWIB HEADQUARTER REQUESTS

- 1) Procurement requests for office furniture (i.e. desks, chairs, file cabinets, etc.), regardless of cost will be processed through Facility Management.
- 2) Procurement requests for computers, hardware or software, or related technology equipment, regardless of cost, will be processed through IT Management.
- 3) All other procurement requests will be processed by the Procurement Agent/Buyer. In some instances, in order to effectively meet the needs of the organization, a procurement activity may require input from both the facility and/or information technology units.
- 4) All requests for procurement must have the prior written approval of the Executive Director unless necessary for continuation of operation, i.e. property insurance, executive director bond, etc.
- 5) Specifications must be provided in order for the Procurement Agent/Buyer to create the Request for Quote (RFQ) and to release the solicitation.
- 6) Once the period of solicitation has closed all bids submitted in response to the RFQ will be compiled and forwarded to the requestor for a cost analysis to be performed.
- 7) Based on the analysis, the SFWIB Unit Manager or his/her designee must prepare a memo identifying the recommended bidder and the basis for the selection. The memo must include the following: Reason for the Request, Procurement Summary, and Bid Analysis, and Recommendation. This memo is forwarded internally for approval.
- 8) The memo requires the SFWIB officers signatures:

Assistant Director of Administration, and
Assistant Director of Finance, and
Executive Director
- 9) After all approvals have been obtained, the entire procurement/vendor selection package is forwarded to the Procurement Agent/Buyer.

(B) CAREER CENTERS AND SPECIAL PROJECTS REQUESTS

- 1) Either the SFWIB Facility Unit Manager or IT Unit Manager can originate these requests.
- 2) All requests for procurement must have the prior written approval of the Executive Director.
- 3) The respective Unit Manager or his/her designee must provide the specifications to the Procurement Agent/Buyer in order to create the Request for Quote (RFQ) and release the solicitation.

- 4) The RFQ process is completed and the package is forwarded to the requestor where a cost analysis is performed.
- 5) Based on the analysis, the respective Unit Manager or his/her designee must prepare a memo identifying the recommended bidder and the basis for the selection. The memo must include the following: Reason for the Request, Procurement Summary, and Bid Analysis, and Recommendation. This memo is forwarded internally for approval.
- 6) The memo requires the SFWIB officers signatures:
 - Assistant Director of Administration, and
 - Assistant Director of Finance, and
 - Executive Director
- 7) After all approvals have been obtained, the entire procurement/vendor selection package is forwarded to the Procurement Agent/Buyer.

The steps below are taken to address any need for good or service not previously identified in the budget. Once completed, the procedures mentioned above must be performed.

- a) The Center Director must contact IT and/or Facility via e-mail or telephone as soon he/she becomes aware of the need.
- b) The respective Unit Manager or his/her designee must assess the need and identify the availability of funding and/or budget line item to be used to cover cost.

(C) CONTRACTED SERVICE PROVIDER REQUESTS

The Service Provider will assess the need and complete sections 1 and 2 of the Service Provider Procurement form.

- 1) The Service Provider forwards the completed form signed by the service provider Executive Director to the SFWIB Contract Unit.
- 2) Contract Unit will review the budget and provide the index code and budgeted amount in section III. Contracts will sign the form and forward it to SFWIB Finance Unit.
- 3) Finance Unit will identify available funds, sign the form, and forward the form to either Information Technology or Facility manager
- 4) Procurement requests for office furniture (i.e. desks, chairs, file cabinets, etc.), computers, hardware or software, or related technology equipment, regardless of cost, will be handled by the SFWIB.
- 5) The respective Unit Manager or his/her designee must provide the specifications to the Buyer in order to create the Request for Quote (RFQ) and release the solicitation.
- 6) The RFQ process is completed and the package is forwarded to the Information Technology or Facility Manager where a cost analysis is performed.
- 7) Based on the analysis, the respective Unit Manager or his/her designee must prepare a memo identifying the recommended bidder and the basis for the selection. This memo is routed internally for approval.

- 8) The memo requires the SFWIB officers signatures:
Assistant Director of Administration, and
Assistant Director of Finance, and
Executive Director
- 9) After all approvals have been obtained, the entire procurement/vendor selection package is forwarded to the Procurement Agent/Buyer.

Unapproved Requests: Should any request not be approved, or if there are insufficient funds within the budget, that denial must be communicated to the originating source via e-mail and/or letter in which case, no further action on the request will be taken.

VI. PUBLICLY NOTICING OF SOLICITATIONS

SFWIB shall advertise in the local mainstream print media publications. Efforts will be made to place the advertisement with at least three (3) newspapers whenever possible. The procurement file must contain a copy of the public notices.

VII. RECEIPT OF PROPOSALS/SEALED BIDS

In order to provide proper documentation of the timeliness of receiving bids or offers, all documents must be date and time stamped upon receipt at the SFWIB Reception desk. The date and time stamped responses, is the official date and time received by the SFWIB.

If the package is of such size or construction to prohibit the use of the time stamping machine on the package, the person accepting the bid or offer must date and time stamp a blank piece of paper and tape or staple it to the bid or offer package.

All bids or responses are received by the SFWIB Procurement Unit.

Should a formal response to the solicitation be opened by mistake, the envelope must be resealed immediately by the person opening the response and the following statement must be placed outside of the envelope: "Bid/proposal/offer opened by mistake – Contents not revealed". This statement must be legibly signed and dated by the person who mistakenly opened the response.

(A) OPENING OF PROPOSALS/BIDS

All proposals will be publicly opened at the time and place prescribed in the solicitation. No further proposal or proposal amendment from a given vendor will be accepted after the first proposal from that vendor is opened.

(B) BID OR PROPOSAL REQUIREMENTS

Each bid shall meet all the requirements of the specific solicitation. Affidavits mandated by state, federal or county ordinances(s) must be completed and submitted as per the solicitation.

(C) RECOMMENDATION FOR AWARD

Recommendation for award(s) within the dollar range of the solicitation shall be made to the lowest responsive/responsible registered vendor(s) (non-registered responsive vendor will not be considered for award until they are fully registered).

VIII. VENDOR SELECTION/RECOMMENDATION

The originator of the procurement request prepares the selection/recommendation package for submittal to the Executive Director. Procurement packages must include the forms and documents listed below and any documentation generated or received that pertains to or supports the procurement activity, such as manufacturer's specifications, handbook, catalog, etc. The selection package is routed through the Finance Administrator to the Executive Director.

(A) Request for Procurement Worksheet

This form is completed by the Buyer.

(B) Cost Analysis

A review and evaluation of bids to determine the cost, benefit, and reasonableness of the procurement.

(C) Vendor Selection/Recommendation Memo

The memo consists of four (4) main areas that when addressed forms the basis for the vendor recommended to be awarded a contract. These are: reason/purpose for the procurement; procurement which summarizes the procurement activity; cost analysis; and recommendation which identifies the name of the vendor.

IX. DISTRIBUTION OF APPROVED MEMOS

All approved memos and procurement packages are returned to the Purchasing Agent/Buyer for distributing to the requestor who initiated the procurement action. The type of agreement to be issued to the vendor/contractor, i.e., Professional Services Agreement or Purchase Order, and the actions to be taken by the requestor or their designee is explained below:

(A) Professional Service Agreements (PSAs) - A copy of the approved memo and a completed PSA Data form must be forwarded to the Contracts Unit. Purchasing Agent/Buyer is responsible for ensuring the Contracts Unit receives all required approvals, forms, and paperwork necessary to generate a Professional Service Agreement.

The Purchasing Agent/Buyer retains the original memo along with the procurement package for the file.

(B) Purchase Orders (POs) – Two (2) POs are generated by the Purchasing Agent/Buyer and distributed in the following manner:

One (1) Purchase Order is given to the section-head or their designee, or the Purchasing Agent/Buyer, to send the P.O. via e-mail to the vendor

To expedite the process it may become necessary for the Purchasing Agent/Buyer to fax or e-mail a copy of the Purchase Order to the vendor.

The second original Purchase Order, along with a copy of the supporting documentation is forwarded to Finance.

The Purchasing Agent/Buyer makes two (2) copies of the signed Purchase Order and any supporting documentation, i.e. the approved memo on the recommended selection, the budget sheet, etc., and three (3) copies if capital equipment is being procured.

One copy of the Purchase Order and back-up documents are given to the requesting SFWIB Unit and one copy of the Purchase Order along with the original back-up documents are placed in the procurement file maintained by the Purchasing Agent/Buyer.

A third copy of the completed package is forwarded to SFWIB Inventory personnel if the items procured are classified as Capital Equipment.

The Purchasing Agent/Buyer will keep the original memo with the procurement file.

- (C) Direct Payment - The Purchasing Agent/Buyer will make copies for her files, and the requesting department, and the original is forward to Finance.

X. PURCHASING AGENT/BUYER

- (A) The Purchasing Agent/Buyer for the workforce board will perform a pre-award verification process to identify potential vendors on the Vendor List and to ensure contracts are awarded to vendors registered on the State of Florida's online procurement system and are consistent with the procurement standards of the Uniform Guidance at 2 CFR 200.318 through 200.327.
- (B) The Purchasing Agent/Buyer conducts a vendor verification check to confirm the potential vendor is able to do business with CSSF in accordance with F.S. 287.133; F.S. 287.134; F.S. 287.135; Rule 60A-1.006(2) Florida Administrative Code. (2 CFR 200.214)
- (C) A verification of vendor status pre-award checklist is completed prior to contract award and is maintained with the procurement file. (2 CFR 200.318)
- (D) Issues the solicitation to an adequate number of known suppliers (not less than three (3) vendors). (2 CFR 200.319)
- (E) Effort shall be made to utilize small business, minority-owned firms, and women's business enterprises whenever possible. (2 CFR 200.321)
- (F) Collect required operational documents for all RFQ's issued.
- (G) The collection of operational documents in connection with PSA's is the responsibility of the SFWIB Unit managing the RFP or ITB.

- (H)** To insure and maintain a process that is fair and to broaden its approved vendor list, the Buyer will monitor and identify vendors awarded a contract during two (2) consecutive program years. To insure an impartial procurement process the SFWIB will exercise its discretion in selection of the vendor or supplier to receive the solicitation for quote. A vendor or supplier may be omitted from the procurement process for one (1) program year.
- (I)** The Purchasing Agent/Buyer will insure a cost/price analysis is documented in every procurement file. (2 CFR 200.324)
- (J)** As per CFR 97.36(i), all purchase orders, contracts and agreements will contain applicable contractual provisions.
- (K)** As per CFR 97.36, Procurement standards, section 2, the SFWIB will ensure that all procurements are conducted in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.
- (L)** Conduct a search of local, state and federal databases for current companies or individuals that have been declared ineligible to receive contracts due to a violation of Executive Order 11246, as amended Section 503 of the Rehabilitation Act of 1973, as amended 29 U.S.C. Section 793; and/or the Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended, 38 U.S.C. Section 4212 . (2 CFR 200.214)

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XI. COMPLAINT AND APPEALS PROCEDURES

Complaints and appeals will not be considered based upon the failure of the bidder to submit complete bid packages and required information. SFWIB shall consider complaints and appeals when the bidder's written complaint states the specific facts and grounds on which the complaint or appeal is based. Additionally, Public Records requests regarding proposals and other documentation relating to contracts are independent of this process and should not be included in the complaint or appeal.

All complaints or appeals shall be filed within the applicable time periods established in this procedure. All complaints or appeals shall be filed with the office of the Executive Director during the hours of 8:00 AM through 4:30 PM, Mondays through Fridays. All complaints and appeals shall be submitted in writing to the Executive Director and shall state the specific facts and grounds on which the complaint or appeal is based, include all pertinent documents and evidence.

This shall form the basis for review of the complaint or appeal, and no other facts, grounds, documentation or evidence not contained in the Complainant's submission to the Executive Director at the time of filing. The complaint or appeal shall be permitted in the consideration of the complaint or appeal, except for such additional evidence as is allowed during the course of the complaint or appeal proceedings. Failure to file the written complaint or appeal within the required time limits established in this procedure shall constitute a waiver of the right to complain or appeal the award recommendation.

Any question, issue, objection, or disagreement concerning, generated by, or arising from the published requirements, terms, conditions or processes contained in the solicitation document shall be:

- Deemed waived by the Complainant
- Rejected as a basis for a complaint or appeal, unless it was brought by the bidder to the attention, in writing, of the buying, contracting officer, other contact person of the SFWIB at least two (2) work days (not less than 48 hours) prior to the hour of bid opening or proposal submission.

This allows the SFWIB the opportunity to consider, and to resolve or clarify in a timely fashion, through the issuance of an addendum, any such matter that is apparent on the face of the solicitation document, including but not limited to ambiguities or inconsistencies within the document.

The foregoing notwithstanding, a bid complaint or appeal may not challenge the relative weight of the evaluation criteria or the formula specified for assigning points therefore contained in the bid, request for proposals ("RFP") or request for qualifications ("RFQ") specifications.

All references to "workdays" herein exclude Saturdays, Sundays and legal holidays. If the last day of the filing period is a Saturday, Sunday and legal holiday, the period shall run through the end of the next workday. As used in this procedure, "legal holiday" shall mean those days designated by Miami-Dade as such. No time will be added to the above time limits for mail service.

Upon receipt of any properly filed bid complaint or appeal, the office of the Executive Director shall promptly distribute the complaint or appeal to the appropriate SFWIB staff for handling. The SFWIB shall seek to resolve complaints or appeals within thirty (30) working days following the filing of a bid complaint or appeal.

A. INFORMAL RESOLUTION PROCEDURES

This is generally the most expedient way to obtain a remedy. It is recommended that the Complainant attempt to resolve their grievance informally, first. However, if at any time during the informal process, the Complainant feels that they have not attained a satisfactory remedy, the Complainant may request a formal hearing.

The Complainant shall file a written complaint or appeal with the Executive Director within three (3) workdays of the SFWIB's award recommendation. The three (3) day period is determined by counting workdays from the day after the award recommendation is posted on the SFWIB website. The written complaint or appeal shall state the particular grounds upon which the complaint or appeal is based, and must include all pertinent documents and evidence to support the claim. The complaint or appeal should state the remedy you are seeking.

An informal meeting will be set or held with a SFWIB Representative within three (3) workdays from the time of receipt of the written complaint. Contracts for which an informal complaint or appeal is not received within the three (3) day period referenced above shall be awarded in accordance with SFWIB's recommendation.

When an informal complaint or appeal is filed, the SFWIB shall provide an opportunity to settle the complaint or appeal by mutual agreement within seven (7) work days after the informal meeting is held or from the time of receipt of the written complaint or appeal, whichever is sooner.

B. FORMAL RESOLUTION PROCEDURES

If the complaint or appeal was not resolved at the informal resolution level, Complainants may exercise the formal process. Complaints or appeals filed in accordance herewith shall be referred to a hearing officer. A hearing officer shall be appointed by the SFWIB. The hearing officer shall conduct a hearing in connection with the bid complaint or appeal, which shall be completed within ten (10) workdays following his or her appointment. The hearing officer may extend the deadline for completion of the hearing upon the written petition for good cause shown, but in no event shall the total, cumulative time extension exceed five (5) workdays for completion of the hearing, regardless of the number of requests or requests from multiple parties. The hearing officer shall within five (5) work days of the hearing, file written findings and recommendations with the Executive Director.

The hearing officer shall consider the written complaint or appeal and supporting documents and evidence appended thereto, the SFWIB's recommendation, and supporting documentation, and all evidence presented at the hearing. The hearing officer may also require written summaries, proffers, affidavits and other documents the hearing officer determines to be necessary in order to conclude the hearing and issue the report and

recommendation within the time limits set forth in herein. No grounds will be considered from the Complainant that were not contained in the Complainant's written submission to the Executive Director at the time of filing the complaint or appeal. The hearing officer shall be entitled to rely on evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs, whether or not such evidence would be admissible in a trial in the courts of Florida.

The hearing officer shall allow a maximum of two (2) hours for the Complainant's presentation of its complaint and a maximum of two (2) hours for the SFWIB's response to each complaint. In the event of multiple complaints, the hearing officer shall allocate the time as necessary to ensure that the hearing shall not exceed one day.

The SFWIB is responsible for obtaining an adequate facility for the conduct and completion of the bid protest hearing within the stipulated time period.

The hearing officer is responsible for performing and completing the bid protest hearing and preparing and submitting his or her report and recommendation with the stipulated time periods.

The hearing officer is responsible for submitting his or her completed report and recommendation to the Executive Director within fifteen (15) days of his or her appointment, or twenty (20) workdays in the event five (5) additional workdays are allowed by the hearing officer for completion of the bid protest hearing. In the event the hearing officer fails to abide by the time limitations set forth herein, a reduction in the hearing officer's fee shall be assessed by the SFWIB at a rate of twenty-five percent (25%) of the hearing officer's rate billed to the SFWIB per workday late.

The SFWIB shall render payment of the hearing officer's fee within thirty (30) work days of the SFWIB's receipt of the completed report and recommendation, and an itemized hourly invoice, from the hearing officer.

When a formal protest involves the expenditure of over one hundred thousand dollars (\$100,000), the following shall apply:

- If the hearing officer concurs in the award recommendation of the SFWIB, the SFWIB shall be bound thereby and shall implement such recommendation within five (5) workdays.
- If the hearing officer does not concur in the award recommendation, the Executive Director shall either accept the hearing officer's recommendation within five (5) workdays, or shall
- Submit a written recommendation to the SFWIB Board within five (5) workdays with the supporting findings and reasons that the SFWIB Board should approve the SFWIB's recommendation, despite the recommendation of the hearing officer.
- In which event, the SFWIB Board shall, within five (5) workdays, choose either the SFWIB's or the hearing officer's recommendation, provide written findings and therefore instruct the Executive Director to implement said recommendation accordingly.

C. POSTING AWARD RECOMMENDATIONS

SFWIB shall post information about all awarded contracts above \$100,000 USD on the SFWIB/CSSF website www.careersourcesfl.com. This step discloses contract award information preserving transparency of the procurement process.

XII. MONITORING AND REPORTING VENDOR PERFORMANCE

Any action or inaction by a vendor which does not comply with the terms and conditions will be considered nonperformance and will be documented on the vendor Non-Performance Form or similar documentation.

- a) The vendor will be contacted by telephone to discuss the problems being experienced. A mutual understanding will be attempted to be reached, and a time frame for corrective action established.
- b) A meeting will be arranged with the vendor to help resolve problems if necessary. Should the vendor continue not to meet the requirements, the vendor nonperformance form will be completed and any available documentation or letters sent to the vendor or records of meetings attached.

XIII. BREACH OF CONTRACT

The following is a non-exhaustive list of what may constitute a breach of contract:

- a) The Contractor fails, in whole or in part, to provide the goods or services set forth in the solicitation, Scope of Work, or other attachment;
- b) The Contractor refuses to allow the SFWIB full access to records;
- c) The Contractor attempts to meet Contractor's obligations under this Contract through fraud, misrepresentation or material misstatement;
- d) The Contractor fails to meet the terms and conditions of any obligation under any contract or otherwise or any repayment schedule to the SFWIB or any of its agencies or instrumentalities;
- e) The Contractor fails to fulfill in a timely and proper manner any and all of Contractor's obligations, covenants and agreements set forth in this Contract. Waiver of breach of any provisions of the Contract by the SFWIB shall not be deemed to be a waiver of any other breach of any other provision and shall not be construed to be a modification of the terms of this Contract;

A. BREACH OF CONTRACT: SFWIB REMEDIES

If the Contractor breaches this Contract, the SFWIB may pursue any or all of the following remedies:

- 1) The SFWIB may terminate this Contract by providing written notice to the Contractor of such termination and specifying the effective date thereof. In the event of termination, the SFWIB may:
 - (a) request the return of all finished or unfinished documents, products, or goods, prepared or obtained by the Contractor with SFWIB funds under this Contract;

- (b) seek reimbursement of SFWIB funds awarded to the Contractor under this Contract; and
 - (c) terminate or cancel any other contracts entered into between the SFWIB and the Contractor. The Contractor shall be responsible for all costs associated with such termination;
- 2) The SFWIB may suspend payment, in whole or in part, under this Contract by providing written notice to the Contractor of such suspension and specifying the effective date thereof. All payments to Contractor as of the effective date of suspension shall cease. On the effective date of suspension, if requested by the SFWIB, the Contractor shall immediately cease to provide goods or services pursuant to this Contract. If payments are suspended, the SFWIB shall specify in writing the actions that shall be taken by the Contractor as a condition precedent to resumption of payments and shall specify a date for compliance. The SFWIB may also suspend any payments, in whole or in part, under any other contracts entered into between the SFWIB and the Contractor. The Contractor shall be responsible for all costs associated with such suspension, including SFWIB attorneys' fees;
 - 3) The SFWIB may seek enforcement of this Contract by any action at law or equity available to SFWIB, including, but not limited to, filing an action in a court of competent jurisdiction. The venue of any such action shall be in Miami-Dade County, Florida. The Contractor shall be responsible for all program and administrative costs of SFWIB associated with such enforcement, including SFWIB attorneys' fees and attorneys' fees on appeal;
 - 4) The SFWIB may debar the Contractor from future SFWIB contracting;
 - 5) If, for any reason, the Contractor attempts to meet Contractor's obligations under this Contract through fraud, misrepresentation or material misstatement, the SFWIB shall, whenever the SFWIB deems it to be in the SFWIB's best interest, terminate this Contract by providing written notice to the Contractor of such termination and specifying the effective date thereof. In such case the SFWIB may terminate or cancel any other contracts which such Contractor has with the SFWIB. Such Contractor shall be responsible for all program and administrative costs of the SFWIB associated with any such termination or cancellation, including attorney's fees. Any contractor who attempts to meet its contractual obligations with SFWIB through fraud, misrepresentation or material misstatement may be debarred from SFWIB contracting for a period not to exceed five (5) years;
 - 6) Any other remedy available at law or equity or administratively;
 - 7) All remedies provided herein and otherwise shall all be deemed independent and cumulative.

XIV. SFWIB EXCEPTIONS

- (A)** At the beginning of the fiscal year through an open competitive process, the SFWIB may issue an RFQ to secure vendors or suppliers from various trades to be contacted for emergency situations (i.e. plumbing, electrical, alarm repairs, and equipment repairs). These services may be covered under an agreement or service contract.

- (B) Vendors utilized for the Monroe County Centers may not be registered with the county or the state.
- (C) The selection or award shall be made to the bidder(s) whose bid is responsive to the solicitation and is most advantageous to the SFWIB. The SFWIB may deem it necessary to select multiple vendors to achieve the results called for in the solicitation.
- (D) There may be occasions due to operational necessity that the SFWIB may choose to utilize prices obtained through a previous competitive bid process to acquire the same good or service and avoid redundant efforts.

Reasons may include but are not limited to the following:

- 1) The Region experiences an adjustment in funding allocation;
- 2) There is an expansion, reduction, re-alignment in the service delivery system;
- 3) The number of Center offices and/or locations increased/decreased, or similarly modified;
- 4) Or other compelling reason that does not violate policies and procedures.
- 5) In order to piggy-back off the previous procurement action, after a substantial period of time has lapsed, the SFWIB must obtain a written statement from the vendor attesting to the vendor agreeing to extend prices previously submitted. All subsequent procurement files must include the original solicitation, all vendor bids, and analysis used in determining the selection. This action will not be utilized as a means to replace or by-pass the open competitive procurement process.

XV. CONE OF SILENCE

The Cone of Silence prohibits ex-parte communications regarding the solicitation between a current or potential contractor and any SFWIB member, SFWIB staff person, or any other person serving as a selection committee member during the solicitation process.

Pursuant to Section 2-11.1(t) of the County code as amended by County Ordinance No. 08-111, all solicitations, once advertised and until an award recommendation has been forwarded to the appropriate authority, are under the Cone of Silence.

XVI. CONFLICT OF INTEREST

Members of the LDWB board and staff are expected to perform their duties without prejudice, remaining impartial and unbiased. No LDWB board member or staff working for the board shall participate in the selection, award or administration of a contract if a conflict of interest, real or apparent, would be involved. Effort must be made to avoid nepotism, conflicts of interest, situations that might be perceived as conflicts of interest or potential situations that might impair their judgment.

Conflicts of interest regarding board members and board employees must be disclosed on the form provided by the SFWIB prior to the board's voting to approve the contract; board members who benefit financially or who have a relationship with the contracting vendor must

abstain or recuse himself/herself from the vote, and the contract must be approved by a two-thirds vote of the board when a quorum has been established. Completion of this form does not in any way supersede or substitute for compliance with the conflict of interest disclosure requirements of 29 CFR 97.36 (b)(3), 2 CFR 200.303, F.S. 112.3143, or Section 101(f), WIOA.

XVII. RECORDS RETENTION

The purchasing and procurement files are maintained for a minimum of five (5) years for each procurement process. These records include documentation for the purpose and rationale for the method of selection, cost/price analysis and any pertinent information. If applicable, required documentations may include:

- Service Provider Procurement Form
- Purchase Order
- Professional Services Agreements Data Request Form
- Cost analysis
- Vendor quotes
- Approval Memorandum
- Supporting documentation
- Authorized signature
- Request for Procurement Worksheet
- W-9

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XVIII. PURCHASE ORDERS

- A. Small Purchase Orders (SPOs)** should not exceed the aggregate amount of \$100,000 for the same goods and/or services during the fiscal year.

Purchases of up to \$100,000: The SFWIB may choose to use a formal bid process when it is practical for the SFWIB.

1. Minimum of three (3) quotes requested
2. Effort to include minority owned businesses and women's business enterprises will be made whenever possible.
3. Quotes must be written. No telephone solicitation allowed.
4. Cone of silence applies.
5. May be used for emergency and emergency disaster purchases.

B. Blanket Purchase Order

SFWIB will establish blanket purchase orders to cover needs that are not expressly known. This may include maintenance services, office supplies, janitorial supplies, board activities, and similar needs to pay invoices as needed.

C. Purchase Order Modifications/Cancellations

Purchase orders may require modifications based on one or more factors that alter the purchase order from its original appearance. Either Facility or Information Technology Managers or Assistant Director of Finance can request a modification to a purchase order. Some factors that may necessitate a purchase order modification are as follows:

1. Delivery date
2. Delivery address
3. Quantity of items
4. Description / or substitution of items
5. Price (increase / decrease) from initial quote
6. Cancellation of Request for Procurement
7. Vendor name change and / or federal ID number
8. Extend period of Service

D. Cancelling a Purchase Order

Appropriate justification must be provided and the approval of the Executive Director is required in order to cancel a purchase order. In these situations described below, the funds allocated to the purchase order can then be re-allocated to cover other operational expenses.

1. If it has been determined that the services or goods initially procured are no longer necessary.
2. There has been no activity associated with the purchase order and the original amount on the purchase order has not been modified.
3. The vendor has not submitted an invoice to the SFWIB for payment because no products have been furnished and/or no services performed.

XIX. MISCELLANEOUS

Certain purchases made by the SFWIB are considered appropriate for direct payment, and are therefore excluded from the bid quote process. These may include circumstances described as “emergency procurements”. The current lists of purchases that may be authorized for direct payment are below:

1. Utilities
2. Mileage
3. Petty Cash
4. Freight
5. Permits
6. Memberships
7. Tuition
8. Miscellaneous Refunds
9. Registration
10. Postage
11. Newspaper and Magazine – Subscriptions
12. Books
13. Gasoline Credit Cards
14. Notary Fees
15. Films
16. Special Assessment Bills
17. Tax Bills
18. Tax and Law Service Publications
19. Newspaper and Magazine Advertising

XX. CONDUCTING BUSINESS WITH NON-GOVERNMENTAL VENDORS

The SFWIB administrative staff will receive and analyze all procurement requests and ensure normal process are applied in all cases, to include accessing approved vendor lists, complying with state/federal/local guidelines and awarding contracts fairly and impartially.

Under certain special situations SFWIB will seek the services of non-governmental vendors in a special situation e.g., emergency basis, acts of nature or other catastrophes, goods and/or services not available through a government registered vendor, funding limitation/availability, when the use of a particular vendor is required by a landlord or where specific services are defined under the terms of any existing contracts, leases or agreements held by a contracted partner conducting business on behalf of the SFWIB and to purchase goods and services in Monroe County.

XXI. NON-COLLUSION AFFIDAVIT

In accordance with Sections 2-8.1.1 and 10-33.02.1 of the Code of Miami-Dade County, for all competitive solicitations valued at more than \$250,000.000, the contractor awarded a contract with the SFWIB must submit an executed Non-Collusion Affidavit to be eligible for contract award.

XXII. ATTACHMENTS


- a. Request for Procurement Worksheet**
- b. Nepotism Disclosure Form**
- c. SFWIB Vendor Nonperformance Form**
- d. Service Provider Procurement Request Form**
- e. Professional Service Agreements Data Request Form**
- f. Purchase Order Form**
- g. CSSF Procurement Complaint/Appeal Form**
- h. Verification of Vendor Status – Pre-award Checklist**
- i. Non-Collusion Affidavit**

Memorandum



Date: June 18, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Statement for Ordinance Relating to the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida- File No. 241084

The proposed ordinance, which establishes Article LXVII of the Code of Miami-Dade County, seeks to create the South Florida Workforce Investment Board (SFWIB) d/b/a CareerSource South Florida. This board is authorized by the Workforce Innovation Opportunity Act (WIOA), which empowers workforce development boards to lead the workforce system both at state and local levels. Acting as the local workforce development board, the SFWIB is pivotal in implementing WIOA in Miami-Dade County.

The SFWIB's mission is to foster, sustain, and enhance the local economy by developing and executing a service delivery plan that aligns workforce investments with the evolving needs of the community. The WIOA Local Plan, crafted in partnership with local business leaders, employers, labor unions, and educational professionals, outlines sector strategies that encourage the creation of apprenticeship opportunities and career pathways for Miami-Dade County residents.

This proposed ordinance will empower the SFWIB to offer essential employment services, labor market information, and training to individuals in need, including economically disadvantaged adults, youth, dislocated workers, and those transitioning from welfare to work. Additionally, the SFWIB will continue to establish and promote business incentives for local organizations to utilize underutilized workers through apprenticeship programs and on-the-job training. These initiatives aim to strengthen the local labor market and increase the resources available to the residents of Miami-Dade County.

The primary goal of SFWIB is to enhance the quality of life for all Miami-Dade County residents by ensuring the workforce is well-prepared to meet the demands of an ever-evolving business landscape. The SFWIB delivers workforce services directly to the community via mobile career centers, access points, and multiple career centers, ensuring fair and equal access for all residents.



Cathy Burgos, LCSW
Chief Community Services Officer

Memorandum



Date: June 18, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava *Daniella Levine Cava*
Mayor

Subject: Report on the Ordinance relating to the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida; creating article LXVII of the Code relating to the South Florida Workforce Investment Board d/b/a CareerSource South Florida- File No. 241084

The following items listed in this report are provided pursuant to Section 2-11.37 of the Miami-Dade County Code regarding the creation of a new County board:

1. Whether the establishment of the board will create sufficient betterment to the community to justify the Board of County Commissioners' delegation of a portion of its authority;

Response: Yes, the Workforce Innovation and Opportunity Act (WIOA) requires that local workforce development boards (LWDBs) be responsible for developing and overseeing the workforce development system at the local level. This involves ensuring that workforce policies and services are in line with regional economies and providing support for customized service delivery strategies tailored to meet the specific needs of the region.

2. Whether another board or agency, either public or private, which is already in existence, could serve the same purpose;

Response: No.

3. The costs, both direct and indirect, of establishing and maintaining the board;

Response: The County does not bear any costs for establishing or maintaining the SFWIB. The board is funded by Federally funded programs such as the Wagner-Peyser Act, the Supplemental Nutrition Assistance Program (SNAP), Unemployment Compensation (UC), Temporary Assistance for Needy Families (TANF), and the Workforce Innovation and Opportunity Act (WIOA).

4. Whether the board is necessary to enable the County to obtain State or federal grants or other financing;

Response: This board is essential for the County to obtain state and federal grants and other financing that is awarded to local workforce development boards.

5. Whether the board should have a bonding authority;

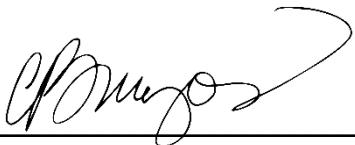
Response: The board should have bonding authority, as it is beneficial. Currently, the South Florida Workforce Investment Board (SFWIB) is bonded at a rate of \$1,000,000.00 that covers all members of the board.

6. Whether the board should have final authority to enter into contracts and spend County funds, or whether its contracts and expenditures must be ratified by the Board of County Commissioners; and

Response: The board should have final authority to enter into contracts. As a recipient of state and federal funding, the board will not spend County funds and its contracts and expenditures do not need to be ratified by the Board of County Commissioners.

7. Whether the creation of a new board is the best method of achieving the desired benefit

Response: The ordinance ensures that LWDB 23 complies with the 2021 Reimagining Education and Career Help (REACH) Act, which requires transitioning the local workforce development area from a two-county structure to a single county entity, which will exclusively serve Miami-Dade County.



Cathy Burgos, LCSW
Chief Community Services Officer

Memorandum



Date:

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Rick Beasley, Executive Director
CareerSource South Florida

Subject: Request to Process Late Departmental Agenda Item

I am requesting that an ordinance codifying requirements for the operation of the South Florida Workforce Investment Board for Region 23 of the State of Florida d/b/a CareerSource South Florida (SFWIB) be processed for placement on the June 4, 2024 Board of County Commissioners agenda.

Although this item has not met the noticed deadline and has been provided to the Agenda Coordination Office late, the ordinance submitted for consideration is necessary to formalize the operational requirements needed to establish the South Florida Workforce Investment Board (SFWIB) for LWDA 23 to be effective by July 1, 2024.

Therefore, please process the item notwithstanding that the 4-day rule may be applicable to it. I am aware that this item is subject to approval for placement on the agenda by the appropriate committee chairperson as well as the BCC Chairman, and review by the Office of the County Attorney.

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Approved by Mayor or Mayor's Designee

Cathy Burgos
Print Name

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

Approved by Legislative Director or Designee

Nicole Tallman
Print Name

c: Geri Bonzon-Keenan, County Attorney
CAOagenda@miamidade.gov
Eugene Love, Agenda Coordinator



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: June 18, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(A)

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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 5(A)
6-18-24

ORDINANCE NO. _____

ORDINANCE RELATING TO THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA D/B/A CAREERSOURCE SOUTH FLORIDA; CREATING ARTICLE LXVII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD D/B/A CAREERSOURCE SOUTH FLORIDA; PROVIDING FOR PURPOSE, COMPOSITION, ORGANIZATION, POWERS, AND RESPONSIBILITIES OF THE BOARD AND OTHER RELATED MATTERS; RETROACTIVELY APPROVING AND AUTHORIZING ISSUANCE BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF A NOTICE OF TERMINATION OF THE INTERLOCAL AGREEMENT CREATING THE SOUTH FLORIDA WORKFORCE INVESTMENT BOARD FOR REGION 23 OF THE STATE OF FLORIDA; APPROVING PROCUREMENT POLICY FOR THE BOARD AND AUTHORIZING FUTURE AMENDMENTS THERETO SUBJECT TO CERTAIN CONDITIONS; WAIVING SECTION 2-11.37(C) OF THE CODE; AND PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board wishes to establish article LXVII of the Code of Miami-Dade County, Florida relating to the South Florida Workforce Investment Board d/b/a CareerSource South Florida; and

WHEREAS, this Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Article LXVII of chapter 2 of the Code of Miami-Dade County, Florida is hereby created to read as follows:

ARTICLE LXVII – SOUTH FLORIDA WORKFORCE INVESTMENT BOARD

Sec. 2-921. Creation and Purpose.

The South Florida Workforce Investment Board (“SFWIB”) is hereby established pursuant to the Workforce Innovation and Opportunity Act (“WIOA”), Pub. L. No. 113–128, 128 Stat. 1425 (2014) and chapter 445, Florida Statutes. The SFWIB shall be an agency and instrumentality of Miami-Dade County. The SFWIB shall be a public body corporate and politic, which through its governing body, may exercise those powers either specifically granted herein or necessary in the exercise of those powers herein enumerated.

The SFWIB shall exist to promote the advancement of a skilled workforce in Miami-Dade County that meets industry demands. The primary role of the SFWIB is to carry out the functions mandated by WIOA and chapter 445, Florida Statutes. As a result, to the extent any requirements under applicable state or federal law that relate to the SFWIB, specifically, conflict with any provisions of the Code of Miami-Dade County, Florida (“Code”) relating to county boards, generally, the requirements under applicable state or federal law shall prevail notwithstanding any general provision to the contrary in article IB of chapter 2, or any other section, of the Code. Specifically, in accordance with above-referenced and other applicable federal and state laws, the SFWIB is charged with developing and implementing a service delivery plan to provide employment related services to Miami-Dade County residents and employers.

Sec. 2-922. Composition; Membership.

The governing board of the SFWIB shall comply with the state and federal requirements regarding various categories of membership as set forth below. *See* WIOA at Section 107; 20 CFR 679.320; and section 445.007, Florida Statutes. The members appointed to the SFWIB shall have optimum policy-making authority within the entities they represent, as that term is defined by 20 CFR 679.340. Pursuant to section 445.007, Florida Statutes, the importance of minority and gender representation must be considered when making appointments to the board. The number of members and composition of the SFWIB shall be determined by the County Mayor in accordance with state and federal laws. Members shall be appointed to the governing board in accordance with the bylaws of SFWIB, which must be approved by the County Mayor.

- (a) In accordance with federal and state law and regulations, which may be amended from time to time, the following members are required to be appointed to the SFWIB governing board:

- (1) *Business.* A majority of the board members shall represent businesses in Miami-Dade County who meet the following requirements:
- (A) Are owners of a business, chief executive officers, chief operating officers, or other individuals with optimum policymaking or hiring authority;
 - (B) Represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities that, at a minimum, include high-quality, work-relevant training and development in in-demand industry sectors or occupations in Miami-Dade County, as those terms are defined by the WIOA; and
 - (C) Are appointed from among individuals nominated by local business organizations and business trade associations.

At least two members must represent small business as defined by the U.S. Small Business Administration.

- (2) *Labor/Apprenticeships.* Not less than 20 percent of the members must be representatives of the workforce within Miami-Dade County and:
- (A) must include at least two representatives of labor organizations nominated by local labor federations, and if no employees are represented by such organizations, at least two other representatives of employees shall be on the board;
 - (B) must include at least one representative, who shall be a member or a training director, of a joint-labor management, or union affiliated, registered apprenticeship program who must

be a training director or member of a labor organization, and if no such program exists in Miami-Dade County, at least one representative of a registered apprenticeship program with no union affiliation in Miami-Dade County must be appointed, if such a program exists;

- (C) may include one or more representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of individuals with barriers to employment, including organizations that serve veterans or provide/support competitive integrated employment for individuals with disabilities; and
- (D) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth.

(3) *Education.* Members must include representatives of entities administering education and training activities in Miami-Dade County and:

- (A) must include a representative of eligible training providers administering adult education and literacy activities under Title II of WIOA;
- (B) must include a representative of institutions of higher education providing workforce investment activities (including state/community colleges);
- (C) must include a private education provider, if a public education or training provider is represented on the board; and
- (D) may include representatives of local educational agencies or community-based organizations with demonstrated experience

and expertise in addressing the education or training needs of individuals with barriers to employment.

(4) *Governmental, Economic, and Community Development.* Members must include representatives of economic and community development, as well as governmental entities serving the local area, as follows:

(A) At least one individual must represent economic and community development entities serving Miami-Dade County;

(B) At least one individual must represent the State Employment Service office under the Wagner-Peyser Act serving the local area; and

(C) At least one individual must represent the programs carried out under Title I of the Rehabilitation Act of 1973, other than sec. 112 or part C of that title serving the local area.

(5) *Other Entity Representation.* Members may include other individuals or representatives of the following entities:

(A) Governmental and economic and community development entities who represent transportation, housing, and public assistance programs;

(B) Philanthropic organizations serving Miami-Dade County; and

(C) Other appropriate individuals as determined by the County Mayor.

(b) The County Mayor shall aspire to appoint permanent residents and duly qualified electors of Miami-Dade County to serve on the SFWIB. However, and notwithstanding the residency requirements contained in section 2-11.38 of the Code or any other applicable provision of the Code, the County Mayor shall be authorized to appoint individuals who are not permanent residents or duly qualified electors of Miami-Dade County to the SFWIB.

- (c) *Compensation.* Members shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the discharge of their duties. The County Mayor shall approve such reimbursement requests in accordance with federal, state, and local laws.
- (d) *Vacancies.* When a vacancy occurs, the Executive Director of SFWIB shall notify the County Mayor, in writing, of the vacancy within three business days. Board Members shall be recruited and vacancies shall be filled as provided for in the SFWIB bylaws. The Executive Committee and the Executive Director of the SFWIB may also solicit potential members to fill vacancies, as provided for in the bylaws. The Executive Director of SFWIB shall ensure that any nominations are consistent with federal and state requirements. The County Mayor shall maintain the ultimate authority to appoint the members to the SFWIB. The County Mayor may not delegate the responsibility to appoint new members to the Executive Director. Written authorization is required from the County Mayor for any action pertaining to the removal of a member.
- (e) *Term.* Members shall be appointed for fixed and staggered terms, as provided for in the SFWIB bylaws, and shall serve until their successors are appointed. All appointments shall be for a two-year term, with reappointment occurring after the second year. Members may serve two additional terms. A member's service shall not exceed a total of three (3) consecutive terms or six (6) consecutive years. Notwithstanding the above, members who represent governmental entities are exempt from term limits.
- (f) *Removal and Resignation.* Members of the board shall serve at the pleasure of the County Mayor and for such term as may be determined by the County Mayor. Any Member may also be removed from the SFWIB as follows:
 - (1) *For Cause.* The Governor may remove from office for cause SFWIB members, the Executive Director, or other individuals accountable for operational and administrative functions, in accordance with section 445.007, Florida Statutes. In addition, members may be removed by the County Mayor or by a vote of 2/3 of the board. The grounds for removal for cause shall be as specified in the SFWIB bylaws.

- (2) Voluntary Resignations. Members may voluntarily resign from the board after providing notice of such intent.
- (3) Involuntary Resignations. Involuntary resignations shall occur when a member fails to satisfy the attendance requirements set forth in the SFWIB bylaws regarding meeting attendance.

Only the County Mayor or the Governor shall have the authority to remove a member from the board.

Sec. 2-923. Organization; Procedures.

- (a) *Bylaws, Rules, and Regulations.* The SFWIB shall establish, adopt, and amend bylaws, rules, and regulations for its own governance. The SFWIB bylaws shall be consistent with the requirements of WIOA, chapter 445, Florida Statutes, and other federal, state, and local laws governing workforce development boards.
- (b) *Officers.* The officers of the SFWIB shall consist of a Chairperson (“Chair”) and a Vice-Chairperson (“Vice-Chair”) who are approved by a majority vote of the board. The appointment or election of all officers shall be in accordance with the terms herein and the SFWIB bylaws.

The Chair shall be the chief appointed officer of the board and shall preside at all board and Executive Committee meetings. The Chair may be removed from office without cause at any time upon the affirmative vote of a majority of the then appointed members of the SFWIB who are empowered to vote. The Chair shall also perform any other duties as provided for in the SFWIB bylaws.

The Vice-Chair shall perform the duties of the Chair in the absence of the Chair or in the event of the Chair’s inability to perform his or her duties. The Vice-Chair shall also perform any other duties provided for in the SFWIB bylaws.

The Chair and Vice-Chair shall serve one two-year term commencing on the 1st of January of the year following their appointment. Their terms shall be limited to two consecutive two-year terms. There are no limitations on the number of nonconsecutive terms members may serve or offices they may hold.

(c) *Committees.* The SFWIB may create committees and subcommittees to accomplish its tasks, including but not limited to an Executive Committee, and other ad hoc committees. An Executive Committee consisting of all officers and such other persons as the chairperson may appoint from time to time is authorized to exercise all duties and powers of the board between board meetings. Any action taken by the Executive Committee shall be reported to the board at its next regular meeting and the board shall either ratify or rescind the action of the Executive Committee.

(d) *Staff Support.*

(1) The County Mayor or County Mayor's designee shall provide adequate staff and support services to enable the SFWIB to carry out its duties and responsibilities. The staff of the SFWIB shall be employees of Miami-Dade County serving at the discretion of the County Mayor. Such staff support shall include, but not be limited to:

(A) An Executive Director, who may be recommended by the governing board but must be approved by the County Mayor, shall serve as the Chief Executive and Operating Officer for the board. The Executive Director shall provide all necessary support to the governing board and its committees including implementing policies, decisions, actions, and directives, as well as perform all duties provided for in the SFWIB bylaws. The Executive Director may be removed at the discretion of the board or the County Mayor. The board does not have authority to terminate the Executive Director's employment.

(B) Administrative, clerical, and technical support, which shall be responsible for implementing the policies, decisions, actions, and directives of the Board and shall serve under the supervision of the Executive Director.

- (2) The Office of the County Attorney shall provide legal counsel to the SFWIB. Legal opinions by the County Attorney's Office pertaining to this provision of the Code and the SFWIB, shall be binding upon the SFWIB.
 - (3) The SFWIB may hire outside counsel, as may be necessary from time to time, subject to approval from the Board of County Commissioners, the County Mayor, and board.
 - (4) The SFWIB may hire professional consultants subject to board approval.
- (e) *Quorum.* A quorum shall be required to transact any business or exercise any power vested in the SFWIB. A majority of the duly appointed members of the board shall constitute a quorum for the transaction of business at meetings of the board, including those members attending via communications media technology as outlined in subsection (g) herein. In the absence of a quorum, the Executive Committee may take official action on items of a board agenda, which actions may be ratified by the board at the next board meeting.
- (f) *Meetings.* The SFWIB shall hold regular meetings as it deems necessary but not less than once per quarter. A special meeting may be called by the chairperson or by a written request of the majority of those persons duly appointed to the board.
- (g) *Communications Media Technology.* Members may attend a maximum of four board meetings per calendar year via means of communications media technology, defined in section 28-109.002 of the Florida Administrative Code to mean the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available and shall include, but not be limited to, telephone conference, video conference or similar communications equipment.

Sec. 2-924. Powers of the Board.

The board shall be empowered to:

- (a) Sue and be sued, plead and be impleaded, contract and be contracted with, and have an official seal and alter same, which provision shall not be construed to in any way affect the laws relating to sovereign immunity;
- (b) Develop a comprehensive and high-quality workforce development system in Miami-Dade County;
- (c) Develop the “Workforce Regional Plan” for Miami-Dade County, subject to approval by the County Mayor, pursuant to the WIOA and in accordance with requirements established by the State of Florida;
- (d) Make and adopt bylaws for SFWIB’s guidance, operation, governance, and maintenance and ensure such bylaws are consistent with federal, state, and local laws and regulations;
- (e) Conduct oversight of the WIOA “One-Stop” delivery system including development of policies and monitoring the administration of those programs;
- (f) Certify the One-Stop career centers as per state regulations;
- (g) Negotiate, award, and accept funds, and execute contracts to providers of youth programs services, providers of workforce services, and the One-Stop Operator as required in 20 CFR 679.320;
- (h) Serve as a One-Stop Operator or direct services provider;
- (i) Negotiate, award, and accept funds, and execute contracts with other agencies in Miami-Dade County that are operated for the benefit of workforce development programs;
- (j) Serve as the designated grant recipient and administrative entity for federal and state funding related to WIOA programs operating within the Miami-Dade County area;
- (k) Apply, accept, and expend public and private grant funds and donations, and negotiate and execute contracts for grant funding necessary to carry out its functions;

- (l) Consult and coordinate with other entities dedicated to workforce development;
- (m) Develop strategies to encourage private sector participation in the statewide workforce system;
- (n) Monitor, review, and evaluate the workforce systems in Miami-Dade County;
- (o) Procure goods and services subject to the board's approved competitive solicitation process;
- (p) Prepare all requests for proposals and requests for applications for contracts and grants;
- (q) Lease real estate, equipment, and personal property as may be needed to carry out its functions;
- (r) Contract and be contracted with, to enforce contracts and agreements, to accept grants, gifts, or other resources, to engage an independent auditor, to have an official seal and alter same; and
- (s) Exercise all powers specifically granted herein as well as all the rights and powers granted to local workforce development boards under the WIOA and chapter 445, Florida Statutes, as may be amended from time to time, as well as other applicable federal, state, or local laws and regulations.

The SFWIB's organization and operating procedures are provided for in detail in the SFWIB bylaws, which shall be effective only upon approval by the County Mayor.

Sec. 2-925. Contracting, Procurement, and Real and Personal Property.

- (a) The SFWIB shall apply the procurement and expenditure procedures required by federal law, regulations and policies of the Florida Department of Commerce ("Department") and State of Florida for the expenditure of federal, state, and non-pass-through funds. Accordingly, the SFWIB is not required to comply with Miami-Dade County's competitive process for the procurement of goods and services.

- (b) The SFWIB shall be authorized to develop procurement policies consistent with the requirements noted in subsection (a) above.
- (c) The SFWIB shall be authorized to prepare all requests for proposals and requests for applications for contracts and grants in accordance with approved procurement policies.
- (d) The SFWIB in the performance of its duties shall be authorized to negotiate, execute, and enforce contracts.
- (e) The SFWIB shall be authorized to execute all necessary contracts to serve as a One-Stop Operator or direct service provider.
- (f) The SFWIB shall have the authority to purchase or otherwise obtain title in its own name to personal property and shall be authorized to sell or otherwise lawfully dispose of personal property.
- (g) The SFWIB shall not be authorized to sell, convey, mortgage, or otherwise impair or encumber the title to real property, provided however, that the SFWIB shall be authorized to lease real property either as lessee or lessor for any number of years and upon any terms and conditions. Nothing herein shall be interpreted to augment the authority of the SFWIB to lease real property to exceed the authority granted in applicable state and federal statutes.
- (h) It is specifically provided that contracts and amendments thereto executed by the SFWIB, or other obligations incurred by the SFWIB, shall not be binding upon Miami-Dade County, except as specifically provided herein.
- (i) The SFWIB shall not be authorized to enter into a contract with any labor union or other organization representing employees without first having obtained the approval of the Board of County Commissioners.

Sec. 2-926. Applicability of State and County laws, rules, and procedures.

- (a) All proceedings of the SFWIB shall be conducted in accordance with Florida's open government laws, including but not limited to, the Government in the Sunshine Law and the notice requirements of the Citizens' Bill of Rights of the

Miami-Dade County Home Rule Charter.

- (b) The SFWIB shall be deemed an “agency” for the purposes of the State’s public records laws and shall be governed by all State and County conflict of interest laws, as applicable, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, section 2-11.1 of the Code, as may be amended from time to time.
- (c) The SFWIB shall provide members of the public with a reasonable opportunity to be heard on any proposition before the board, which shall be consistent with section 286.0114, Florida Statutes.
- (d) Without limiting any other provisions of the Code, the Miami-Dade Office of Inspector General and the County shall at all times be empowered to conduct audits of SFWIB contracts.

Sec. 2-927. Fiscal Responsibilities and Obligations.

- (a) In accordance with applicable state and federal laws, the SFWIB shall develop a budget for the purpose of carrying out its duties, subject to the approval of the County Mayor. The SFWIB shall submit its annual budget for review to the Department, or any successor agency, and publish it in accordance with applicable law.
- (b) The SFWIB shall only use state and federal funds for uses consistent with applicable state and federal laws and may avail itself of fiscal and programmatic guidance from the Department.
- (c) Cost and other expenses disallowed by the federal or State government for the provisions of workforce services shall be paid by and shall be the financial liability solely of Miami-Dade County.

Sec. 2-928. Dissolution.

The SFWIB may be revoked or dissolved in a manner consistent with applicable state or federal law. In the event that the SFWIB is revoked or dissolved pursuant to the provisions of this section, subject to available funding, Miami-Dade County shall obligate itself to assume the debts, liabilities, contracts, and outstanding obligations of the SFWIB.

Sec. 2-929. Reports.

The Executive Director or the Executive Director's designee shall present to the Board of County Commissioners on an annual basis a written report providing performance outcomes required by WIOA and shall appear as needed before the Board of County Commissioners to present on matters pertinent to the SFWIB. The completed reports required by this section shall be placed on an agenda of the Board of County Commissioners pursuant to Ordinance No. 14-65.

Section 2. This Board retroactively approves and authorizes the issuance by the County Mayor or County Mayor's designee of the Notice of Termination of the Interlocal Agreement Creating the South Florida Workforce Investment Board for Region 23 of the State of Florida, between Miami-Dade County and Monroe County, to the Mayor of Monroe County, a copy of which is attached to the County Mayor's memorandum as Exhibit B.

Section 3. This Board approves and authorizes the SFWIB to continue using its existing competitive solicitation process for goods and services, a copy of which is attached to the County Mayor's memorandum as Exhibit C. The SFWIB may amend its competitive solicitation process subject to approval by the County Mayor, a favorable vote of two-thirds of its full membership, and approval from the County Attorney's Office for form and legal sufficiency.

Section 4. This Board authorizes the County Mayor or the County Mayor's designee, on behalf of County departments, and, as may be applicable, the County Mayor or County Mayor's designee or the Executive Director of an agency or instrumentality of the County including, but not limited to, the Miami-Dade Economic Advocacy Trust or Homeless Trust, on behalf of an agency or instrumentality of the County, to enter into contracts with the SFWIB in accordance with sections 2-9 and 2-10 of the Code and subject to available funding or allocations by this Board.

Section 5. This Board waives the provisions of section 2-11.37(c) of the Code of Miami-Dade County, Florida, requiring a public hearing be held no earlier than six weeks after the passage of an ordinance on first reading.

Section 6. 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 7. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of section 1 of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida, and that the remaining sections of this ordinance shall not be made a part of the Code. 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 8. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and 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:

GKS for GBK

Prepared by:

SG

Melissa M. Gallo
Shanika A. Graves