

## Administrative Order



### Administrative Order No.: 3-49

**Title:** Capital Improvements Expedite Procedure Relating to Review Process for the Application of Small Business Programs Measures including Aggregate Set-Asides, Subcontractor/SubConsultant Goals, or Trade Set-Asides for Work Order Based Contracts

**Ordered:** 07/22/2008

**Effective:** 07/22/2008

#### **AUTHORITY:**

Section 2-8.2.7; 2-10.4; 2-10.4.01; and 10-33.02 of the County Code of Miami-Dade County

#### **SCOPE:**

This Administrative Order establishes an expedited process for the creation, review and approval of measures relating to Economic Stimulus Projects.

#### **POLICY:**

It is the policy of Miami-Dade County that not less than ten percent of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, and construction services shall be expended with CBE-A/Es, SBEs and CSBEs certified under the respective ordinances.

#### **APPLICABILITY:**

This Administrative Order governs the procedure for approval of all capital improvement expedite projects as identified under the Economic Stimulus Ordinance.

#### **DEFINITIONS:**

The following definitions, as well as additional terms necessary for understanding the provisions of this Administrative Order, shall apply:

**Aggregate Set-Aside** means an aggregated value of small construction contracts which are to be bid during a fixed period of time on a contract-by-contract basis with bidding reserved solely among qualified CSBEs.

**Community Business Enterprise or CBE** means firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services including a design-build firm, which has been certified by SBD.

**Community Small Business Enterprise or CSBE** means a construction related enterprise including design-build firm which has been certified by SBD.

**Review Committee** means the committee established by the Mayor or his/her designee to review proposed contracts for the application of contract measures where SBD and the contracting department have not established consensus

**Set-Aside** means a reservation of competition solely among certified firms of a given prime County contract.

**Small Business Enterprise or SBE** means a business entity providing goods or services which has been certified by SBD.

**Subcontractors/Subconsultant Goal** means a proportion of a prime contract value stated as a percentage to be subcontracted to certified firms performing a commercially useful function.

**Trade Set-Asides** means an entire Specialty Trade component of a County miscellaneous construction or work order based construction contract reserved for subcontracting among certified CSBEs.

**PROCEDURE FOR RECOMMENDATION OF CONTRACT SET-ASIDES, TRADE SET-ASIDES, AGGREGATE SET-ASIDES OR SUBCONTRACTOR/SUBCONSULTANT GOALS:**

- A. Each individual construction contract, purchase or blanket purchase of services shall be reviewed for application of contract set-asides, trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals. The procedure for applying these contract set-asides, trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals on such purchases is as follows:
  1. Each department or Department of Procurement Management (DPM), as applicable, shall review anticipated contracts for application of contract set-asides, trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals.
  2. Department(s) or DPM shall work in conjunction with SBD in recommending whether contracts should be set-asides, or whether contracts should have trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals that shall be applied. The Department(s) or DPM shall submit the appropriate items from the following to the Director of SBD:
    - a. For each recommendation of a contract to be set-aside, or a contract to have a trade set-aside, aggregate set-aside or a subcontractor/subconsultant goal applied, a memorandum should be included detailing the following:
      1. Department project number and title;
      2. The identification of specialty trade opportunities;
      3. Estimated dollar amounts for each subcontracting area or trade component;
      4. A history of previous purchases to include the sizes of the previously successful contractors as appropriate for the previous three (3) years; and

5. The recommendation as to whether to set-aside the contract or to place a trade set-aside, aggregate set-aside or a subcontractor/subconsultant goal on the contract or a memorandum identifying and briefly describing all contracts or proposals, including justification for sole source, for which a no measure recommendation is being made, and information to support the recommendation of no measure.
3. SBD and the contracting department shall agree on the appropriateness of establishing contract set-asides, trade set-asides, aggregate set-asides, subcontractor/subconsultant goals to a given contract when:
  - a. The estimated project cost for the purchase of goods and services is greater than \$50,000;
  - b. The project has identifiable opportunities according to normal industry practice;
  - c. The quality, quantity, and type of opportunities provided are appropriate; and
  - d. Three (3) or more SBD certified firms are available to provide the quality, quantity, and type of opportunities afforded by the proposed contract.
4. SBD shall review the proposed contracts and the departmental recommendations. Should SBD and the Department(s) not agree on recommended measures or goals, then the contract will go through the Review Committee Process, as detailed below. Upon obtaining departmental concurrence with the recommended measure, SBD shall post projects and recommended goals weekly on the SBD web page.
5. All advertised projects shall contain language to allow for public comments to be submitted to SBD within 36 hours of date of advertisement via a designated RC email address or mail. SBD and the contracting department shall review comments and make recommendations, as applicable, to the Mayor or his/her designee.
6. Changes to goal recommendations, approved by the Mayor or his/her designee, as a result of public comment shall require issuance of an addendum to the project advertisement.

**REVIEW COMMITTEE PROCESS:**

SBD is responsible for recommending to the Mayor or his/her designee whether to apply CBE, SBE, CSBE contract set-asides, trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals to a contract. The Mayor or his/her designee may accept, reject, modify or otherwise alter SBD's or Review Committee's recommendation.

- A. All recommendations shall be agreed upon between SBD and the contracting department, prior to final recommendation to the Mayor or his/her designee.

- B. The Mayor or his/her designee shall establish a standing Review Committee (RC) to meet periodically, or as often as needed, to review disagreements between SBD and the contracting department. The RC will make recommendations to the Mayor or his/her designee.
- C. The RC shall conduct public deliberations and make recommendations whether to apply CBE, SBE, CSBE contract set-asides, trade set-asides, aggregate set-asides, or subcontractor/subconsultant goals to a contract. The Mayor or his/her designee may accept, reject, modify or otherwise alter SBD's or Review Committee's recommendation.
- D. The standing members of the RC shall be: Director, Public Works Department; Director, Office of Capital Improvements; Director, Department of Procurement Management; a rotating Director of the County's capital departments or their designees; and a County Manager appointed Chairperson. A quorum of the RC shall be three (3) members. Staff support shall be provided to the Review Committee by SBD.

County Mayor