M E M O R A N D U M

Agenda Item No. 7(B)

(Public Hearing 6-7-94)

TO: Hon. Chairperson and Members
Board of County Commissioners

DATE: April 7, 1994

FROM: Robert A. Ginsburg
Assistant County Attorney

SUBJECT: Amendment of Prompt Payment Ordinance to Include Minority and Women Business Enterprises and Disadvantaged Business Enterprises

94-106

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Alex Penelas.

Robert A. Ginsburg

RAG/dg

Agenda Item No. 7(B)
6-7-94

ORDINANCE NO. 94-106

ORDINANCE PROVIDING FOR MINORITY AND WOMEN BUSINESS ENTERPRISES AND DISADVANTAGED BUSINESS ENTERPRISES TO RECEIVE PROMPT PAYMENT UNDER THE SHERMAN S. WINN PROMPT PAYMENT ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. The Sherman S. Winn Prompt Payment Ordinance, which is Metropolitan Dade County Ordinance No. 94-40, is hereby amended as follows:[1]

* * *

2. Definitions.

As used in this section:

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(3) Minority and women business enterprises means any business enterprise certified by Metropolitan Dade County in accordance with (a) Section 2-8.2 of the Code of Metropolitan Dade County or any other ordinance of Metropolitan Dade County addressing racial, gender or ethnic discrimination against Black, Hispanic or Women-owned businesses, or (b) the Disadvantaged Business Enterprise Program of the United States Department of Transportation.

~~(3)~~(4) "Small Business" means a small business as defined in Section 2-222 of the County Code, as presently written

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[1] Words stricken through shall be deleted. Underscored words constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

and as may hereafter be amended.

~~(4)~~(5) "Vendor" means any person who sells goods or services, sells or leases personal property, or leases real property to the County.

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4. Procedures for calculation of payment due dates:

(a) The County Manager, by Administrative Order, shall establish procedures whereby each invoice received by the County or the Public Health Trust shall be marked as having been received on the date on which it is first delivered into the hands of an agent or employee of the County or the Public Health Trust, or is first delivered to a facility or office of the County or the Public Health Trust. The date so marked shall be the date on which the invoice is received.

(b) The time at which payment shall be due from the County or the Public Health Trust shall be forty-five (45) days from the date specified in Section 3 above.

(c) The time at which payment shall be due to small business and minority and women business enterprises shall be thirty (30) days from the date specified in Section 3 above.

(d) If the terms under which a purchase is made allow for partial deliveries and a proper invoice is submitted for such a partial delivery, then the time for payment for such partial delivery shall be calculated from the time of such partial delivery and submission of such invoice in the same manner as provided in Section 3 above.

(e) All payments due from the County or the Public Health Trust, and not made within the time specified by these sections shall bear interest from thirty (30) days after the due date at the rate of one (1) percent per month on the unpaid balance. The vendor must invoice the County or the Public Health Trust

for any interest accrued in order to receive the interest payment. Any overdue period of less than one (1) month shall be considered as one (1) month in computing interest. Unpaid interest shall compound monthly. With respect to each past due payment, interest shall cease to accrue after interest on that payment has accrued for twelve (12) months. For purposes of this section, one (1) month shall constitute a period beginning on any day of one month and ending on the same day of the following month.

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

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

Section 4. The provisions of this ordinance shall become effective ten (10) days after the date of this enactment.

PASSED AND ADOPTED: JUN 0 9 1994

Approved by County Attorney as to form and legal sufficiency:

Prepared by: