

**MEMORANDUM**

Agenda Item No. 11(A)(10)

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

**DATE:** March 7, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Resolution relating to  
binding arbitration disputes  
for CSBE claims

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The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Dennis C. Moss.

*for: [Signature]*  
Murray A. Greenberg  
County Attorney

MAG/jls



# MEMORANDUM

(Revised)

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

**DATE:** March 7, 2006

**FROM:** Murray A. Greenberg  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(10)

Please note any items checked.

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

Approved \_\_\_\_\_ Mayor

Agenda Item No. 11(A) (10)

Veto \_\_\_\_\_

3-7-06

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE COUNTY MANAGER TO DEVELOP APPROPRIATE LANGUAGE FOR INCLUSION IN ALL PRIME CONTRACTS TO WHICH MIAMI-DADE COUNTY OR THE PUBLIC HEALTH TRUST IS A PARTY REQUIRING PRIME CONTRACTORS TO SUBMIT TO BINDING ARBITRATION ALL DISPUTED BILLINGS BY COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) SUBCONTRACTORS FOR PAYMENT RELATED TO WORK PERFORMED ON MIAMI-DADE COUNTY OR PUBLIC HEALTH TRUST CONSTRUCTION PROJECTS

**WHEREAS**, Miami-Dade County’s Community Small Business Enterprise (CSBE) program for construction services is intended to enhance the abilities of qualified small business entities with an actual place of business in Miami-Dade County to compete for opportunities to do business with Miami-Dade County and the Public Health Trust (“PHT”); and

**WHEREAS**, the CSBE program has enabled qualified small business entities to successfully bid on County and PHT construction projects as prime contractors and subcontractors; and

**WHEREAS**, despite increased participation by qualified CSBEs, many such entities working as subcontractors on County and PHT construction projects continue to face economic uncertainty as a result of outstanding unpaid claims; and

**WHEREAS**, existing processes for resolution of disputed claims arising under the CSBE program are unsatisfactory; and

**WHEREAS**, this Board finds that binding arbitration by third party arbitrators will produce a more prompt resolution of disputed billings for payment to subcontractors arising under the CSBE program,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY**

**COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the County Manager is directed to develop appropriate language for inclusion in all prime contracts subject to the CSBE ordinance to which Miami-Dade County or the Public Health Trust is a party requiring that all disputed billings from CSBE subcontractors for payment for work performed under contracts to which CSBE measures are applied shall be submitted to final, binding arbitration for resolution. All such contracts shall further provide that in the event of a disputed billing from a CSBE subcontractor for work performed, Miami-Dade County or the Public Health Trust, as appropriate, shall deposit into an escrow account sums equal to the amount of the disputed claim for work performed pending final disposition of any arbitration, such monies to be disbursed in accordance with the decision of the arbitrator. The County Manager shall prepare and maintain a list of arbitrators possessing such qualifications as the County Manager shall deem necessary for arbitration of payment disputes arising under the CSBE programs. The County Manager shall submit the proposed language to this Board within 60 days from the date of adoption of this resolution.

The foregoing resolution was sponsored by Commissioner Dennis C. Moss and offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman  
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro

Jose "Pepe" Diaz

Audrey M. Edmonson

Carlos A. Gimenez

Sally A. Heyman

Barbara J. Jordan

Dorrin D. Rolle

Natacha Seijas

Katy Sorenson

Rebeca Sosa

Sen. Javier D. Souto

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of March, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. JM

Prepared by John McInnis

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