

MEMORANDUM

Agenda Item No. 7(B)

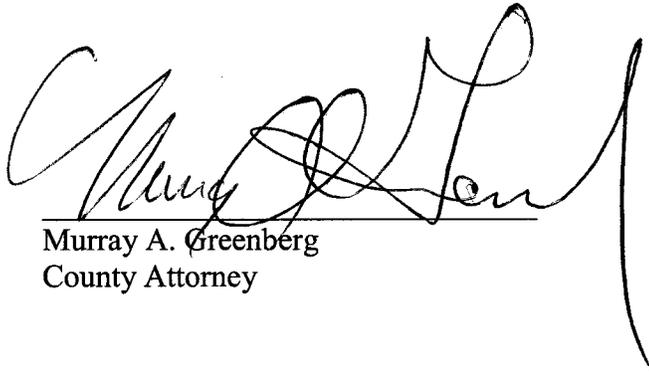
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance pertaining to
Community Small Business
Enterprise Program

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Dorrin D. Rolle and Vice-Chairwoman Barbara J. Jordan.



Murray A. Greenberg
County Attorney

MAG/jls

Memorandum

MIAMI-DADE
COUNTY

Date: February 6, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Pertaining to Community Small Business Enterprise Program.

The ordinance pertaining to the Community Small Business Enterprise Program will not have a fiscal impact to Miami-Dade County.


Alina T. Hudak
Assistant County Manager

Fiscal00206

2



MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: February 6, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(B)

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. 7(B)

Veto _____

2-6-07

Override _____

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) PROGRAM; AMENDING DEFINITION OF CSBE; AMENDING DEFINITION OF CONTRACTING PARTICIPATION LEVEL; INCREASING PERMITTED MAXIMUM AGGREGATE NET WORTH FOR CSBE OWNERS; INCREASING SIZE STANDARDS FOR CSBES; INCREASING CONTRACTING PARTICIPATION LEVELS FOR CSBE PROGRAM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 10-33.02, Code of Miami-Dade County, is hereby amended as follows¹:

Sec. 10-33.02. Community Small Business Enterprise Program.

* * *

(2). Definitions

* * *

Community Small Business Enterprise (CSBE) means a construction related enterprise, including a design-build firm, and any firm providing trades and/or services for the completion of a construction project, as defined in Chapter 10 of the Code of Miami-Dade County, which has an actual place of business in Miami-Dade County and whose average annual gross revenues for the last three (3) years do not exceed: ~~[[five million dollars (\$5,000,000.00)]]~~ >>ten million dollars (\$10,000,000.00)<<for SIC 15 - Building Construction, General Contractors and Operative Builders; ~~[[three million dollars (\$3,000,000.00)]]~~ >>six million dollars (\$6,000,000.00)<<for SIC 16 - Heavy Construction, other than Building Construction; or ~~[[two million~~

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

~~five hundred thousand dollars (\$2,500,000.00)]~~ >> five million dollars (\$5,000,000.00)<< for SIC 17 - Specialty Trade Contractors. CSBEs shall be categorized by the type of construction they perform in accordance with the two-digit Standard Industrial Classification (SIC) code, or the six-digit North American Industry Classification System (NAICS), of the Census applicable to such type of construction. A CSBE will graduate out of the program once it has exceeded these size limits based on its three-year average annual gross revenues.

CSBEs must be certified by SIC or NAICS code, and classified into one (1) of the three (3) contracting participation levels. The lack of bonding capacity shall not preclude an applicant from being certified as a CSBE. As part of the certification process, CSBEs must go through a prequalification process which will be used to determine which of the three (3) contracting participation levels the CSBE will be placed in based on the firm's three (3) year average gross revenues. The contracting participation levels are as follows:

1. Level I--Three-year average gross revenues of \$0.00—
[[~~\$750,000.00~~]] >> \$2,000,000.00<<;
2. Level II--Three-year average gross revenues above
[[~~\$750,000.00~~]] >> \$2,000,000.00<< but not exceeding
[[~~\$2,000,000.00~~]] >> \$5,000,000.00<<; or
3. Level III--Three-year average gross revenues above
[[~~\$2,000,000.00~~]] >> \$5,000,000.00<< but not exceeding
[[~~\$5,000,000.00~~]] >> \$10,000,000.00<<.

A firm's eligibility to participate in the CSBE program and the contracting participation level at which it will participate shall be determined based on the three-year average gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A [which can be found in the County Clerk's office attached to Ordinance Number 97-52].
[[~~No firm shall be certified as a CSBE where the aggregate net worth of all its owners is more than seven hundred fifty thousand dollars [(\$750,000.00)].~~]] Representations as to gross revenues [[~~and net worth of owners~~]] shall be subject to audit.

* * *

Contracting participation level refers to the level in which a CSBE firm is classified based on the average gross revenues of the firm over a three-year period. In addition, construction contracts of five million dollars (\$5,000,000.00) or less (which may be reserved for limited competition amongst CSBEs) will be classified into one (1) of the three (3) contracting participation

levels based on estimated project cost. The three (3) contracting participation levels are:

1. Level I--Three-year average gross revenues of \$0.00—
[[~~\$750,000.00~~]] >>\$2,000,000.00<<;
2. Level II--Three-year average gross revenues above
[[~~\$750,000.00~~]] >>\$2,000,000.00<< but not exceeding
[[~~\$2,000,000.00~~]] >>\$5,000,000.00<<; or
3. Level III--Three-year average gross revenues above
[[~~\$2,000,000.00~~]] >>\$5,000,000.00<< but not exceeding
[[~~\$5,000,000.00~~]] >>\$10,000,000.00<<.

* * *

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

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

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, 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:



Prepared by:



John McInnis

Sponsored by Commissioner Dorrin D. Rolle
and Vice-Chairwoman Barbara J. Jordan