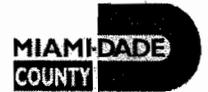


Memorandum



Date: May 6, 2008

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the sender.

Agenda Item No. 1D1

Subject: Sunset Review of County Boards for 2008 - Small Business Advisory Board

In accordance with the provisions of Section 2-11.40 of the Code of Miami-Dade County, I am transmitting the 2008 Sunset Review of County Boards Report for the Small Business Advisory (SBA) Board. The SBA Board approved the attached report at it's January 24, 2008 meeting, and has recommended the continuation of its board.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente", written over a horizontal line.

Susanne M. Torriente
Assistant County Manager

Memorandum



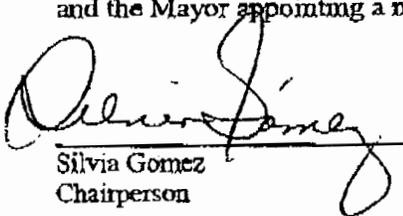
Date: February 21, 2008
To: George M. Burgess
County Manager
From: Silvia Gomez
Chairperson, Small Business Enterprise Advisory Board
Subject: Sunset Review of County Boards for 2008 - Small Business Enterprise Advisory Board

Pursuant to Section 2-11.40 of the Code of Miami-Dade County, I am submitting the 2008 Sunset Review of County Boards Report for the Small Business Advisory Board (SBA) for transmittal to the Board of County Commissioners (BCC). The Board approved the attached report at its meeting of January 24, 2008.

It is recommended that the BCC approve the continuation of the Small Business Enterprise Advisory Board.

BACKGROUND

The SBA Advisory Board was created February 1, 2005, for the Small Business Enterprise (SBE) Program. The Advisory Board operates as a focal point for the public and provides oversight for the SBE program. The Board consists of fifteen (15) members, with each commissioner, the manager and the Mayor appointing a member to the SBA Advisory Board.


Silvia Gomez
Chairperson

****RESPONSE TO QUESTIONNAIRE****

SUNSET REVIEW QUESTIONNAIRE MIAMI-DADE COUNTY BOARDS 2008

I. GENERAL INFORMATION

1. Name of Board reporting: Small Business Advisory Board
2. Indicate number of board members, terms of office, and number of vacancies:
Number of Board Members: There are nine (9) Advisory Board members.
Terms of Office: The term of office is four (4) years.
Number of Vacancies: There are six (6) vacancies.
3. Identify number of meetings and members' attendance (Attach records reflecting activity from **January 1, 2006** through **December 31, 2007**):
Number of Meetings: 20
Number of Meetings with a Quorum: 6
Attendance Records: See Attachment Attendance Roster (see Attachment #1).

Note: The number of meetings with official quorums from January 1, 2006 through December 31, 2007 was 20 Board meetings. Official quorums mean at least half of the Board membership has been appointed, per Sec. 2-11.39.1 of the Miami-Dade County Code. At least half of the Board membership was appointed in May 2006.
4. What is the source of your funding?
General funds through the Department of Small Business Development's Budget.
5. Date of Board Creation: February 1, 2005.
6. Attach a copy of the ordinance creating the Board (Please include all subsequent amendments). See Attachment: Attachment #2 (page 10, section g.).
7. Include the Board's Mission Statement or state its purpose: As outlined in establishing ordinance (Attachment #2).
8. Attach the Board's standard operating procedures, if any: N/A
9. Attach a copy of the Board's By-Laws, if any. See Attachment #3
10. Attach a copy of the Board minutes approving the Sunset Review Questionnaire, **including a vote of the membership**. See Attachment: Minutes of January 24, 2008 meeting (Attachment #4).

II. EVALUATION CRITERIA

1. Is the board serving the purpose for which it was created? (Please provide detailed information) Yes, see "Goals and Objectives" (Attachment #5).

****RESPONSE TO QUESTIONNAIRE****

2. Is the board serving current community needs? (Please provide detailed information)
Yes, by providing awareness of opportunities of the programs that are available for small business owners. Small business owners are invited to the SBA meetings to provide input. The Board establishes venues to recruit potential small businesses.
3. What are the board's major accomplishments?
 - a. Last 24 months: See Attachment #6
 - b. Since Established: The creation and endorsement of a Standardized Quote Form for the departments' small purchases (Attachment #7).
4. Is there any other board, either public or private, which would better serve the function of this board?
No, there are no other boards that would better serve the function of this board.
5. Should the ordinance creating the board be amended to better enable the Board to serve the purpose for which it was created? (If yes, attach proposed changes):
Amendments to the ordinance creating the Small Business Advisory Board are not necessary at this time.
6. Should the Board's membership requirements be modified?
The Board membership requirements should not be modified at this time.
7. What is the operating cost of the Board, both direct and indirect (Report on FY 2006 and FY 2007): Indirect costs were \$5,000 which includes staff time and parking decals during FY 2006 and FY 2007.
8. Describe the board's performance measures developed to determine its own effectiveness in achieving its stated goals.
See Attachment #8.

Also: Include is a diskette, saved as ASCII or Rich Text Format (RTF), of the County Manager's transmittal memorandum to the Board of County Commissioners with the Board's recommendation.

4

Small Business Enterprises Advisory Board Attendance Roster 2006

NAME	19-Jan-06	16-Feb-06	16-Mar-06	20-Apr-06	18-May-06	15-Jun-06	20-Jul-06	17-Aug-06	28-Sep-06	26-Oct-06	30-Nov-06	22-Dec-06
McNeill, Ann	P	A	P	C	A	A	A	A	C	P	P	C
Silvera, Stacey	X*	X*	X*	C	X*	X*	X*	X*	C	X*	X*	C
Rodriguez, Eloise	P	A	P	C	A	A	A	A	C			
Guerra-Powers, Francine	A	A	E	C	A	A	A	A	C	A	A	C
Nagamatsu, Nancy	P	P	E	C	A	P	P	P	C	P	P	C
Aiyegbeni, Bola	P	P	P	C	A	P	X	P	C	P	P	C
Cason, Richard	X*	P	A	C	P	P	P	A	C	E	E	C
Bestard, Bernando					P	A	P	P	C	A	A	C
Gomez, Silvia							P	P	C	P	P	C

P Attended Meeting

C Meeting Cancelled

E Excused from Meeting

A Absent (Unknown Reason)

R Member Representative Attend Meeting

X* Not an Official Member

5

Small Business Enterprises Advisory Board Attendance Roster 2007

NAME	25-Jan-07	22-Feb-07	22-Mar-07	26-Apr-07	24-May-07	28-Jun-07	26-Jul-07	23-Aug-07	27-Sep-07	25-Oct-07	29-Nov-07	27-Dec-07
McNeill, Ann	P	E	P	C	E	E	P	C	E	P	C	C
Silvera, Stacey	X*	X*	X*	C	E	E	P	C	P	P	C	C
Guerra-Powers, Francine	A	A	P	C	A	E	P	C	E	A	C	C
Nagamatsu, Nancy	E	P	E	C	P	P	P	C	E	P	C	C
Aiyegbeni, Bola	P	P	E	C	E	E	E	C	E	A	C	C
Cason, Richard	P	P	P	C	P	A	A	C	P	P	C	C
Bestard, Bernardo	A	A	A	NO LONGER A MEMBER								
Perez, Laura							E	C	P	P	C	C
Salas, Julio					P		P	C	P	P	C	C
Gomez, Silvia	P	P	E	C	P	P	P	C	P	E	C	C

P Attended Meeting

C Meeting Cancelled

E Excused from Meeting

A Absent (Unknown Reason)

R Member Representative Attend Meeting

X* Not an Official Member

Memorandum



Date: February 1, 2005

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

From: George M. Burgess
County Manager

Subject: Ordinance Establishing the Small Business Enterprise (SBE) Program

05-29

Substitute
Agenda Item No. 4(J)

OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

This substitute differs from the original in that: a) the term Micro Business Enterprise (MicroBE) has been changed to Micro Enterprise (ME); b) the definition of brokering has been deleted; c) the term Commercially Useful Function has been redefined; d) the Small Business Utilization component has been deleted; e) the size standard for Micro Enterprise wholesalers is being reduced from 50 to 15 or less employees; f) the size standard for SBE wholesalers is being reduced from 100 to 50 or less employees g) departmental responsibility is clarified; h) Advisory Board membership is clarified and i) scrivener's errors are corrected.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance establishing the Small Business Enterprise (SBE) Program for the acquisition of goods and services.

BACKGROUND

On August 20th, 2004, Federal District Court Judge Adalberto Jordan issued a ruling in the case of Hershel Gill Consulting Engineers, Inc. et al, v.s. Metropolitan Dade County. This is the second federal court decision finding that the County's B/H/WBE programs do not meet the rigorous prerequisites required for the application of race-, ethnicity- or gender-conscious measures to county contracting. The County Attorney advised the effect of these two federal court decisions is that the B/H/WBE programs can no longer be applied to the bid and award of any County contract.

County staff, including the Department of Business Development (DBD) and the Department of Procurement Management have met with representatives from the affected market areas and with members of the Minority and Women-Owned Business Advisory Board to discuss the establishment of a County race and gender neutral small business program for goods and services. As proposed, the Small Business Enterprise (SBE) Program incorporates two sectors of the local market place: a) very small businesses, defined as Micro Enterprises whose three year average gross revenues do not exceed \$2,000,000, manufacturers with 50 employees or less or wholesalers with 15 employees or less and b) small businesses, defined as SBEs whose three year average gross revenues do not exceed \$5,000,000, manufacturers with 100 employees or less or wholesalers with 50 employees or less.

Under the SBE program, certified Micro Enterprises will receive an automatic 10% bid preference on contracts of \$50,000 and under. County departments will be required to solicit bids or quotes from at least four firms where available (2 available certified Micro Enterprises and 2 non-certified firms) for contracts of \$50,000 and under. County departments are also required to expend at least 5% of the total value of contracts \$50,000 and under with Micro Enterprises. On contracts that exceed

+ 7

Honorable Chairperson Joe A. Martinez
and Members, Board of County Commissioners
Page 2

\$50,000, certified SBEs will be afforded opportunities to participate through the application of set-asides and subcontractor goals. The proposed ordinance will also create the Small Business Advisory Board which shall be responsible for reviewing program activities and making recommendations to DBD and the Board on matters pertaining to the program.

DBD will be responsible for monitoring the compliance and utilization of contracts with SBE measures in addition to providing management and technical assistance, financial assistance and community outreach to firms interested in participating in the program once adopted by the Board.

In order to demonstrate utilization, DBD will provide an annual report to the Board that will illustrate the County-wide participation levels of Micro Enterprises and SBEs.

In sum, small businesses account for the vast majority of economic activity in Miami-Dade County, the SBE Program will help provide opportunities to small businesses, including entrepreneurial development opportunities for certified Micro Enterprises and SBEs.



Alex Muñoz
Assistant County Manager

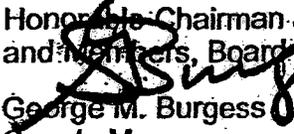
Memorandum



Date: February 1, 2005

Supplement to
Agenda Item No. 4(J)

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

From: 
George M. Burgess
County Manager

Subject: Supplement to the Small Business Enterprise (SBE) Program Ordinance regarding SBE Advisory Board report

BACKGROUND

Pursuant to Section 2-11.37 of the Miami-Dade County Code, the accompanying ordinance on today's agenda proposes the formation of a Small Business Advisory Board and sets forth its purpose, function and membership requirements. The same code section also requires that a report be provided to the Board providing the following information:

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:**

The Advisory Board will be a focal point for the dissemination of information regarding its operation and with the assistance of the County Manager, will collect, input and disseminate information related to economic opportunities within Miami-Dade County government for small business owners.

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

There is no board or agency, either public or private, that could serve the same purpose.

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

Operating the Advisory Board will require approximately \$2,500 per fiscal year, to cover meeting costs, outreach and additional direct costs. Indirect costs are not anticipated.

4. **Whether the board is necessary to enable the County to obtain State of federal grants of other financing:**

No.

5. **Whether the board should have bonding authority:**

No.

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:

No.

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

Establishment of the Advisory Board would enhance the effectiveness of the Small Business Enterprise Program and allow for community input and involvement in its implementation and administration. Members will provide business information, technical knowledge, and provide strategic guidance on all components of the program.

In the absence of any existing public or private entity whose function allows for the targeted focus necessary during the program's initial implementation and thereafter, the creation of the Advisory Board would be integral to the success of the proposed Small Business Enterprise Program.

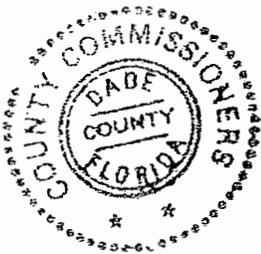


Alex Muñoz
Assistant County Manager

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE) SS:

I, HARVEY RUVIN, Clerk of the Circuit Court in and for Miami-Dade County, Florida and Ex-Officio Clerk of the Board of County Commissioners of said County, Do Hereby Certify that the above and foregoing is a true and correct copy of Ordinance No. 05-29, adopted by said Board of County Commissioners at its meeting held on February 1, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this 15th day of February A.D. 2005.



HARVEY RUVIN, Clerk
Board of County Commissioners
Dade County, Florida

By 
Deputy Clerk

SEAL

//

Board of County Commissioners
Miami-Dade County, Florida

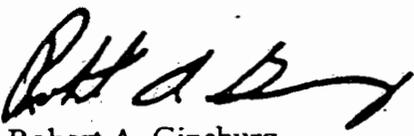


05-29

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez **DATE:** February 1, 2005
 and Members, Board of County Commissioners

FROM: 
 Robert A. Ginsburg
 County Attorney

SUBJECT: Substitute
 Agenda Item No. 4(J)

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
Veto _____
Override _____

Substitute
Agenda Item No. 4(J)
2-1-05

ORDINANCE NO. 05-29

ORDINANCE CREATING SMALL BUSINESS ENTERPRISE PROGRAM APPLICABLE TO CONTRACTS FOR THE PURCHASE OF CERTAIN GOODS OR SERVICES; PROVIDING DEFINITIONS; PROVIDING PENALTIES; REPEALING ARTICLE XXIVA, SECTIONS 2-221 THROUGH 2-228, OF THE CODE OF MIAMI-DADE COUNTY FLORIDA PERTAINING TO THE SMALL BUSINESS ADVISORY COUNCIL; CREATING THE SMALL BUSINESS ADVISORY BOARD; EXEMPTING BOARD MEMBERS FROM CERTAIN ASPECTS OF THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, a program which affords opportunities to small businesses to participate in the County's procurement of goods and services would foster growth in the economy of Miami-Dade County, by affording small businesses and micro businesses the opportunity to gain the experience, knowledge and resources to compete and survive, both in the government contracting arena as well as in the private contracting arena; and

WHEREAS, Miami-Dade County greatly impacts the local economy and business development through its spending of revenue for various County projects, goods, services and other needs; and

WHEREAS, the Board of County Commissioners hereby establishes an ordinance to assure that all businesses, within the relevant market area, are afforded fair treatment by the County government in the competitive process of supplying goods, services and professional services that promotes growth and employment,

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

Section 1. The Code of Miami-Dade County is hereby amended to add the following new section as follows:

Sec. 2-8.1.1.1.1 - Small Business Enterprise Program.

- (1) Title. This section shall be referred to as the Small Business Enterprise Program.
- (2) Definitions. The following definitions shall apply in this section.
 1. Agreement is a duly executed legally binding contract.
 2. Available or availability means to have prior to bid submission, the ability to provide goods or services under a contract, by having:
 - a. Reasonably estimated, uncommitted capacity;
 - b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise (SBE) or Micro Enterprise certification to provide the type of goods or services being purchased under the contract;
 - c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and
 - d. The ability to otherwise meet bid specifications.
 3. Bid means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.
 4. Bid preference means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted by a Micro Enterprise or SBE on

a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.

5. Bidder or Proposer means any person, partnership, corporation or other business entity that submits a bid or proposal.
6. Board means the Board of County Commissioners of Miami-Dade County, Florida.
7. Commercially useful function means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally.
8. Contract means an agreement for the purchase of goods or services, including professional services. Professional services as used in this section includes but is not limited to accounting, legal, health care, consulting and management services. Contract does not mean an agreement to purchase, lease, or rent real property; a grant, license, permit, franchise or a concession; an agreement to acquire professional architectural, engineering, landscape architectural or land surveying and mapping services; or a contract for construction or construction management services.
9. DBD means the Department of Business Development.

10. Goods mean any tangible product, material or supply that is not a service.
11. Graduation means the SBE or Micro Enterprise has exceeded the specific size limits stated for the program.
12. Gross Revenue is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.
13. Joint venture means an association of two or more persons, partnerships, corporations or other business entities under a contractual agreement to conduct a specific business enterprise for a specified period with both sharing profits and losses.
14. Management and Technical Assistance (MTA) means a program designed to provide direct and indirect assistance for small business enterprise development.
15. Mentor-Protégé Program is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs and Micro Enterprises in order for the latter to benefit from the knowledge and experience of the established Mentor firms.
16. Micro Enterprise means a business entity certified by DBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$2 million, or a manufacturer with fifty (50) employees or less, wholesaler with fifteen (15) employees or less.
17. Prompt Payment is the intent of the Board that all firms, including SBEs and Micro Enterprises providing goods and services to the county, receive payments promptly as specified herein.

18. Selection factor means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,

A joint venture with one or more SBEs

19. Small Business Advisory Board is the board established for the purpose of supporting and promoting the Small Business Enterprise Program.

20. Small Business Enterprise (SBE) means a business entity certified by DBD, providing goods or services, which has an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed \$5 million. The term Small Business Enterprise shall also include a manufacturer with one hundred (100) employees or less or wholesaler with fifty (50) employees or less without regard to gross revenues. Representations as to a business entity's average gross revenues and payroll shall be subject to audit.

21. Service means work offered for public or private consumption that does not consist primarily of goods.

22. Set-aside means the designation of a given contract for competition among SBEs.

23. Subcontractor goal means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

24. Work means the provision of goods or services.

(3) Program.

(a) Application. Except where federal or state laws or regulations mandate to the contrary, the provisions of this ordinance shall be applicable to Miami-Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The County Manager shall prepare administrative orders, bid and contract documents implementing the provisions of this section. The

County Manager by administrative order may exclude classes of contracts, or parts thereof, from application of this section. The words County Manager in this section shall mean the County Manager or his or her designee.

(b) Contracts of \$50,000 or less.

1. Within the fiscal year, it is required that County departments expend with Micro Enterprises a minimum of 5% of the total value of contracts less than \$50,000 for goods and/or services. The departmental requirement shall be used as a guideline and shall not be construed as a ceiling for Micro Enterprise participation. Such efforts shall include: Requiring departments whenever possible to solicit bids or quotes from at least four bidders: 2 certified Micro Enterprises and 2 non-Micro Enterprises.
2. Bids or quotes submitted by Micro Enterprises shall automatically receive a 10% bid preference. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation.
3. Annually, DBD shall provide a report of awards to Micro Enterprises and SBEs to the Board.

(c) Contracts Greater than \$50,000.

The following SBE measures may be applied to contracts greater than \$50,000:

1. Set-asides:

- a. Competitive bidding requirements may be waived (by the County Manager or County

Commission depending on whether the amount of the contract is above or below the minimum amount established by ordinance for competitive bidding) for a contract and the contract set-aside for bidding solely by SBEs where prior to bid advertisement, there are at least three (3) available SBEs to perform the contract, and where such set-aside is in the best interest of the County.

- b. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from DBD.

2. Subcontractor goals:

- a. Subcontractor goals may be applied to a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract and the availability of SBEs to perform such work. Bid documents for contracts to which a SBE subcontract goal is applied shall provide that only SBEs certified to provide the type of goods or services for which a goal is imposed shall be counted towards meeting a goal. The bid documents shall further provide that a bidder must be found in compliance with the requirements of subsections b and c below in order to be eligible for award of the contract.
- b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder must submit with its bid a copy of subcontract agreements with those SBE subcontractors the bidder proposes to utilize in order for such proposed participation to be eligible to be counted towards meeting the goal. Each agreement shall be in writing, shall be executed by the bidder and the SBE,

and shall specify the type of goods or services the SBE is to provide and the price the SBE is to be paid therefore. Each agreement shall incorporate the prompt payment obligations and rights provided by the Small Business Enterprise Program. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of goods or services that are the subject of the contract. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e., the goods or services to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder.

- c. A bidder that is a SBE may meet up to 100% of the subcontractor goal with its own forces. A bidder that is a joint venture having one or more SBEs venturers may comply with the goal based on the percentage participation of the SBE joint

venturer(s) in the ownership, control and profits of the joint venture, and in the performance of the contract work.

- d. Bid documents shall provide only expenditures to SBEs for performing a commercially useful function. These expenditures shall be counted toward meeting a subcontractor goal, expenditures to SBEs who subcontract work further to non-SBEs shall not be counted toward meeting a specified goal unless such subcontracting receives prior approval from the DBD.

3. Bid Preference:

- a. A bid preference shall apply to all contracts which are to be awarded on the basis of price (as opposed to RFPs, RFIs and RFQs) and are not set-aside. The preference shall be used only to evaluate a bid and shall not affect the contract price.
- b. The preference accorded on contracts \$1 million or less shall be ten (10) percent of the price bid. The preference accorded on contracts greater than \$1 million shall be 5% of the price bid.

Preferences shall be applied to the bid price of bidders that:

- I. Are SBEs/Micro Enterprises;
- II. Are joint ventures with at least one SBE/Micro Enterprises;

4. SBE Selection Factor.

- a. Any bidder that is an SBE, a joint venture with an SBE, shall be accorded a selection factor on all RFPs, RFQs and RFIs for contracts greater than \$50,000 that are not set aside for bidding solely by SBEs.

05-29

- b. RFPs, RFQs and RFIs that assign weights to evaluation or selection criteria, shall provide that a bidder entitled to a selection factor shall receive an additional ten (10%) percent of the evaluation points scored on the technical portion of such bidder's proposal. RFPs, RFQs and RFIs that do not assign weights to evaluation or selection criteria, shall provide that whenever there are two best ranked proposals that are substantially equal and only one of the two so ranked is submitted by a bidder entitled to a selection factor, the selection factor shall be the deciding factor for award.
- (d). Review Committee. The County Manager shall establish an administrative procedure for the review of each proposed County contract greater than \$50,000 to which this section applies.
- (e). Management & Technical Assistance. The Department of Business Development (DBD) will provide Management and Technical Assistance and community outreach to business entities certified as SBEs or Micro Enterprises with Miami-Dade County.
- (f). SBE Financial Assistance. DBD will develop a program to identify methods of financial assistance to SBE/Micro Enterprise vendors on Miami-Dade County contracts.
- (g). Small Business Advisory Board. There is hereby created a Miami-Dade County Advisory Board for the SBE Program.
1. The Advisory Board will operate as a focal point for the public and with the assistance of the County Manager, will collect, input and disseminate information related to economic opportunities within Miami-Dade County government for small business owners.
 2. The Board shall consist of 15 members, as follows:

- a. One member to be appointed by the Mayor.
 - b. One member to be appointed by each County Commissioner.
 - c. One member to be appointed by the County Manager.
3. The term of the mayoral appointee and that of each commissioner shall be coterminous with the term of the appointing Mayor and commissioner.
 4. The terms of each County Manager appointed member shall be at the will and discretion of the County Manager.
 5. In no event shall a Board member serve more than four (4) consecutive years.
 6. Members shall serve without compensation.
 7. The Board may submit interim reports as it deems appropriate.
 8. DBD shall provide appropriate staff support.
 9. Sections 2-11.1(c) and (d) of the Conflict of Interest and Code of Ethics Ordinance of Miami-Dade County are waived for Advisory Board members for transactions arising from the exercise of those powers given the Advisory Board by this ordinance.

(h) Certification.

1. The Department of Business Development shall implement eligibility criteria and procedures for entities to be certified as SBEs/Micro Enterprises.
2. Any SBE/Micro Enterprise that exceeds the size limits established by this Section shall be allowed to retain its certification for one (1) additional year from the date it is formally notified it has exceeded the size limits. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts. With exception of provisions described in the ordinance for graduation from the SBE/Micro Enterprise program, loss of certification may lead to removal of the firm from continued participation in the Small Business Enterprise program.

3. The Department of Business Development shall maintain an updated list of firms that identifies each listed SBE and Micro Enterprise based on the nature of the goods and/or services the SBE and Micro Enterprise shall be certified to provide.
4. The Department of Business Development shall not certify an applicant, shall not recertify an SBE or Micro Enterprise, and shall decertify an SBE or Micro Enterprise that fails to comply with the criteria or procedures for obtaining or maintaining certification. DBD shall have authority to suspend the certification of a SBE or Micro Enterprise during any appeal of a decertification decision.
5. Certification shall be renewed annually, and must be in effect at the time of bid submission, bid award, and throughout the duration of the contract. SBEs and Micro Enterprises experiencing changes in ownership shall notify DBD within thirty (30) days of the effective date of such changes.
6. Applicants and certified SBEs or Micro Enterprises must have an occupational license and an actual place of business in Miami-Dade County at which they perform a commercially useful function in the provision of the type of goods or services for which certification is sought in order to be eligible for certification or remain certified.
7. A business entity shall be eligible to be certified as an SBE or Micro Enterprise only if the owner holding at least 10 percent shares or ownership in the business entity personally possesses any regulatory licenses and satisfies the qualifying requirements required in order to engage in the business of providing the type of goods or services for which certification is sought.
8. A business owner alone or as a member of a group, shall own or control only one SBE or Micro Enterprise at a time and shall not own and control

another separate business certified under the Small Business Enterprise Program.

9. The Department of Business Development may require applicants and SBEs or Micro Enterprises to submit information regarding their business operations in order to determine eligibility for certification.

(I) Prompt Payment.

1. All firms, including SBEs and Micro Enterprises providing goods and services to the County, shall receive payments promptly in order to maintain sufficient cash flow.
2. The County or Public Health Trust shall establish administrative procedures requiring that billings from SBE/Micro Enterprise prime vendors on contracts shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within 30 calendar days of receipt of such billing by the County or Trust.
3. A prime vendor on a contract with SBE measures shall include in its billings to the County or Trust copies of undisputed billings from SBE subcontractors within 14 calendar days of receipt of such billings, or by the next scheduled billing whichever comes first. The prime vendor shall pay those amounts not in dispute to subcontracting SBEs within 2 days of receipt of payment from the County. If the prime vendor fails to submit undisputed billings from an SBE to the County as specified herein or chooses not to submit any billing to the County pursuant to the billing schedule, the prime vendor must pay the full amount of the received SBE billings by the next billing cycle or 40 calendar days from receipt, whichever is less.
4. The County or prime vendor in direct privity with a SBE/Micro Enterprise on a contract with SBE measures must notify the SBE/Micro Enterprise and DBD, in writing, of those amounts billed by the

05-29

SBE/Micro Enterprise which are in dispute, and the specific reasons why they are in dispute, within fourteen (14) calendar days of submittal of such billing, or by the next scheduled billing whichever comes first. Failure by the County or prime vendor to comply with the applicable requirements of this subsection shall result in the forfeiture of the right to use the dispute as justification for not paying the SBE/Micro Enterprise and payment shall be forthcoming from the County or prime vendor as appropriate by the next billing date or 40 calendar days from receipt of billing, whichever is less.

5. An SBE/Micro Enterprise may invoice the County or prime vendor, as appropriate, 1% interest per month for any undisputed amount that is not promptly paid.

(J) Sanctions

Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing administrative orders may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;
2. Work stoppage;
3. Termination, suspension, or cancellation of the contract in whole or part;
4. In the event a bidder, SBE or Micro Enterprise attempts to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder, SBE or Micro Enterprise committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contracts or subcontracts the bidder, SBE or Micro Enterprise

has on County projects. In each instance, the bidder, SBE or Micro Enterprise shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs.

The foregoing notwithstanding, the County Manager shall include language in all prospective contracts containing a SBE subcontractor goal which provides that, in addition to any other sanction for failure to fulfill the SBE subcontractor goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in SBE participation in such future contract by having SBEs perform work equal to double the dollar value of the deficiency in the SBE subcontractor goal in the prior contract. The foregoing obligation shall be in addition to any SBE subcontractor goal otherwise applicable to the future contract.

(K) Administrative Penalties.

The County Manager may impose, notwithstanding any other provision of this section, one or more of the following penalties for violation of or noncompliance with this section or its implementing administrative orders and bid documents:

1. The exclusion from county contracting and subcontracting for a specified period of time, not to exceed three (3) years, of a contractor, its individual officers, its shareholders with significant interests, and its affiliated businesses.
2. The loss of eligibility to be certified as an SBE or Micro Enterprise for a specified period of time, not to exceed three (3) years, for an applicant or a SBE or Micro Enterprise, its individual officers, its shareholders with significant interests, and its affiliated businesses.
3. Where a contractor, its individual officers, shareholders with significant interests, or its affiliated businesses, attempts to comply with the

provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, and SBE or Micro Enterprise certification for a specified period of time, not to exceed 5 years.

4. If any individual or corporation, partnership or other entity, or any individual officer, shareholder with significant interests, director or partner of such entity or affiliated business of such entity participates in an attempt to comply with the provisions of this ordinance through fraud, misrepresentation, or material misstatement, all such individuals and entities participating in the fraud, misrepresentation or material misstatement shall be excluded from County contracting, subcontracting, and SBE or Micro Enterprise certification, for a specified period of time, not to exceed five (5) years.

(L) Appeals.

1. Appeals of decisions other than contractual violations, made under this ordinance by the Department of Business Development or other designees of the County Manager, shall be made to the County Manager.
2. Decisions by the County Manager under this ordinance shall be final unless the County Commission agrees in its sole discretion to review any such decision.
3. The County Manager shall designate procedures for the investigation, presentation and hearing of appeals.

Section 2. Article XXIVA, Sections 2-221 through 2-228, of the Code of Miami-Dade County, Florida, is hereby repealed in its entirety.

Section 3. If any section, subsection, sentence or clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. 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 Miami-Dade County. 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 5. This ordinance shall become effective 10 days after the date of its adoption unless vetoed by the Mayor and, if vetoed, shall become effective only upon override by this Board and shall apply to contracts advertised after approval by this Board of an implementing Administrative Order which provides a reasonable time period for interested firms to apply for certification and provides a reasonable time period thereafter for DBD to review the applications received and make determinations thereon.

PASSED AND ADOPTED: FEB 01 2005

Approved by County Attorney as to form and legal sufficiency.



Prepared by:

R.A. Cuevas, Jr.

BYLAWS

SMALL BUSINESS ENTERPRISE ADVISORY BOARD

ARTICLE I.

The name of this organization shall be the Small Business Enterprise Advisory Board, hereinafter called "the Board" an organization established by the Board of County Commissioners by Ordinance No. 05-29 on February 15, 2005.

ARTICLE II.

OBJECTIVE

Section 1. This Advisory Board will operate as a focal point for the public and with the assistance of the County Manager, will collect, input and disseminate information related to economic opportunities within Miami-Dade County government for small business owners.

Section 2. The Small Business Enterprise Advisory Board shall have the following duties, functions, powers and responsibilities as established in Dade County Ordinance No. 05-26:

- a. To review County set-aside programs for Small Business Enterprises, and for making recommendations concerning said programs to the board of county commissioners.
- b. The Board shall serve as a focal point for the public, consulting with representatives of small businesses to address their issues and needs.
- c. The Board, with the assistance of the County Manager will collect, input, and disseminate information related to economic opportunities within Miami - Dade County government for SBE's.
- d. The Board shall submit an annual written report to the County Commission on ways to improve communication between the SBE community and the County.
- e. The Board shall advise the Board of County Commissioners on all matters pertaining to the Small Business Enterprise Program. The board shall have the authority to make recommendations to the board of county commissioners relative to:

- (1) Certain aspects of the administration of the program, providing guidance on the application of SBE measures; approval of standard bid documents by DBD, DBD information collection and publication efforts, county appeals procedures, and bidder disclosure requirements;
 - (2) Proposed ordinances affecting or amending the SBE Program, including provision establishing graduation from the Program;
 - (3) Reports from the county Manager or DBD that is required under the SBE Program.
- f. The Board and its members may make inquiry into all matters concerning the Small Business Enterprise program, except for specific bid protests or challenges, compliance determinations, certification decisions appeals or other such matters under the Small Business Enterprise program, while they are pending before the County. Willful violation of this provision shall be good cause for removing the Board member from office.
 - g. To perform such other duties as may from time to time be assigned to it by resolution of the County Commission.
 - h. To appear before any government entity or non-governmental agency to make recommendations and suggestions on behalf of the Commission and, with the approval and permission of the Board of County Commissioners, make suggestions and recommendations on behalf of Dade County and the Small Business Enterprise Program Advisory Board to any and all agencies.
 - i. To express in the name of the Small Business Enterprise Program Advisory Board only those opinions which have received prior approval by vote of the majority of the members of the Board.

ARTICLE III.

Members

Section 1. The membership of this organization shall consist of 15 members, all of whom shall be permanent residents of Miami - Dade County. To assure representative members, each of the thirteen County Commissioners, the County Manager and the Mayor shall appoint one member. The term of each member shall be coterminous with the term of the appointing commissioner, manager and mayor. In no event shall a Board member serve more than four (4) years. Members shall serve without compensation.

Section 2. Members, while serving, shall not become candidates for election to any public office.

Section 3. Each member shall serve on at least one Task Force/Committee.

Section 4. It shall be the responsibility of each member to attend all meetings of the SBE Program Advisory Board. A board member shall be automatically removed if, in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or (ii) if he or she is absent from three (3) of the Board's meeting without an acceptable excuse. A member of the Board shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the Board, by a two-thirds vote of the membership, deems appropriate. By a two-thirds vote of the members of the full BCC, the provisions of this section may be waived. Such absences shall be calculated from October 1st until September 30th. The member shall then be deemed to be removed and a vacancy created.

- a. The provisions of these by-laws may be waived, by two thirds vote of the members of the full Advisory Board.

Section 5. Members may speak on behalf of the Small Business Enterprise Program Advisory Board only with the permission of the Chairperson or with the approval of the membership.

Section 6. Any member desiring to resign from the organization shall submit his or her resignation in writing to the appointing Commissioner and the Chairperson.

ARTICLE IV.

Officers

Section 1. The officers of the SBE Advisory Board shall be the chairperson, and first vice chairperson. In addition, the immediate past Chair shall serve automatically as an officer of the Board for one (1) year. A board member, at Large shall be a member of the Board, in good standing, nominated and elected by the Board at the September meeting.

Section 2. The First Vice Chairperson shall be of active assistance to the chairperson and shall perform the duties of the chairperson in his or her absence or inability to serve.

Section 3. At the regular meeting in August, the Chair Person shall open the floor for nominations, starting with the office of chairperson. Officers shall be elected by a voice vote if there is only one nominee and if more than one nominee by a simultaneous written ballot, signed by the member casting the ballot, to be made a part of the public record. Officers shall serve for one (1) year or until their successors are elected, and their term of office shall begin at the close of the meeting at which they are elected. No vote by proxy shall be permitted. Election shall be by a majority of the votes cast by members present and voting.

Section 4. No member shall be eligible to serve more than two (2) consecutive terms in the office.

**Small Business Advisory Board
Meeting Minutes
January 24, 2008**

<u>Members Present</u>	<u>Not Present</u>	<u>SBD Staff Present</u>	<u>Others Present</u>
Stacey Silvera	Francine Powers	Betty Alexander	Andrew Gordon, JMH
Silvia Gomez	Bola Aiyegbeni	Jessica Morales	
Laura Perez	Nancy Nagamatsu	James Vose	
Julio Salas	Ann McNeill		
Richard Cason			

The Small Business Advisory Board Meeting was held, at the Department of Business Development, 111 N.W. 1st Street, 19th floor, Miami FL, 33128.

1. Introductions:

Self - Introductions were made.

2. Approval of Minutes

Ms. Silvia Gomez motioned to have the October 25, 2007 minutes approved. The motion was seconded by Ms. Stacey Silvera and carried without objection.

3. SBE Annual Advisory Report:

Ms. Betty Alexander went over the Sunset Review questionnaire. In response to the questions asked on the questionnaire the Board made minor changes and requested that the following comments be added:

1. The Board stated that the language in the SBE Ordinance, page 13 should be the purpose of the Board which states that the Board's purpose is a focal point for the public and with the assistance of the County Manger will collect, input and disseminate information related to economic opportunities within Miami Dade County government for small business owners.
2. The response to the questions, is the Board serving current community needs? The board stated the following points be listed:
 - Helping small businesses to become certified
 - Inviting small businesses to board meeting
 - Providing awareness of opportunities of the available programs in forums
3. In response to 3b of the questionnaire, the Board stated that a copy o the quote form be attached.
4. In response to the questionnaire in section 3 number 7, add the indirect staff cost.

With the minor changes and comments the Board unanimously approved the report.

4. Other Business:

Ms. Laura Perez questioned a follow up in reference to a report that was given by Ms. Elizabeth Zabowski of OCI regarding the Equitable Distribution Program (EDP). Ms. Perez was concerned that there was not a Board for architects and engineering (A&E) consultants to address the concerns of this industry. Architectural and engineering have a separate program which is the CBE program. Ms. Alexander stated that she will verify if there is a representative of A&E on the CSBE Advisory Board.

The Board began to set goals for the 2008 and set the agenda for the February meeting that will be taking place on the 28th of February.

The Board requested a report that will identify the commodities with less than three (3) firms certified and correlate the information to the future bids as a way to outreach for firms in a particular category.

Ms. Perez asked what incentive can be put in place for the small firms that compete with large firms.

Ms. Gomez stated that Board membership continues to be an issue and asked if the membership of the Board could be covered by an organization or association as opposed to the commissioners appointing a person, and whether a member could have an alternate. Ms. Alexander will speak with the County Attorney.

In an effort to address the needs of small firms it was suggested to invite firms to the Board meetings quarterly. The Board agreed to send out a survey to the certified firms to identify what their concerns are and address those concerns at the quarterly meetings. Mr. Julio Salas suggested that SBD have an interactive website (bulletin). Mr. Salas also suggested having a reverse network trade show.

At our next meeting first quarter awards and certifications reports will be presented.

5. Adjournment:

- Meeting adjourned at 12:06 p.m.

****Minutes Are In Summary Form***
For actual recording of the meeting, please request
An audio cassette copy from DBD at 305-375-3125*

**Small Business Advisory Board Goals and Objectives
FY 2006-2007**

1. Gain a better understanding of the challenges small businesses face when working with Miami-Dade County (MDC).
2. Increase awareness for the SBD certification program for categories of businesses lacking participation.
3. Participate in County and regional events targeting small businesses.
4. Identify why small businesses receiving contracts do not get work from the County.
5. Monitor for effectiveness of how the Department of Procurement Management and department staff consider small businesses with bids.
6. Enhance the understanding of the Department of Procurement Management staff on the importance of utilizing SBE and MBE firms and to insure the discounts are applied to their pricing.
7. Further understand and address the late payment issues for the SBE and MBE firms.
8. Evaluate other Micro financing opportunities for SBE and MBE firms to provide working capital for contracts.
9. Develop and monitor a recognition program for departments that are exceeding their SBE and MBE goals.
10. Encourage BCC to fill any vacancies on the Small Business Advisory Board.
11. Review reports quarterly.
12. Semi-annually review Ordinances and Administrative Orders.

**Small Business Advisory Board
Major Accomplishments 2006-2007**

1. Gain a better understanding of the challenges small businesses face when working with Miami-Dade County (MDC).
2. Participate in County and regional events targeting small businesses.
3. Monitor for effectiveness of how the Department of Procurement Management and department staff consider small businesses with bids.
4. Enhance the understanding of the Department of Procurement Management staff on the importance of utilizing SBE and MBE firms and to insure the discounts are applied to their pricing. *(Standardized Quote Form)*
5. Further understand and address the late payment issues for the SBE and MBE firms.
6. Evaluate other Micro financing opportunities for SBE and MBE firms to provide working capital for contracts. *(Bonding & Financial)*
7. Encourage BCC to fill any vacancies on the Small Business Advisory Board.
8. Review reports quarterly.
9. Semi-annually review Ordinances and Administrative Orders.



INVITATION TO QUOTE
MIAMI-DADE COUNTY
Department of XXXXXXXXX XXXXXXXXX
Street Address
Miami, Florida 33xxx-xxxx

THIS IS NOT AN ORDER

QUOTATION NO.: _____ DUE DATE: _____ TIME: 2:00 PM _____

CONTRACT NO. (if applicable): _____

CONTACT PERSON: _____ PHONE: _____ FAX: _____

SEALED QUOTE REQUIRED: [] YES [] NO See Terms & Conditions and Instructions to Bidders Attached

NOTES: 1. All prices shall be F.O.B. Destination delivery point including all costs and freight unless otherwise specified
2. Failure to complete and sign this form renders your bid/quotation non-responsive and ineligible for award

Table with 7 columns: ITEM, QUANTITY, UNIT, COMM. CODE, DESCRIPTION, UNIT PRICE, TOTAL PRICE. Includes a Grand Total row at the bottom right.

Payment Terms: _____ Delivery is required in _____ calendar days after receipt of an order

Method of Award: (Indicate Small/Micro Business measures and whether Local Preference will apply)

LOCAL PREFERENCE CERTIFICATION: The responding vendor hereby attests, by checking one of the following blocks, that it is [], or is not [], a local business. For the purpose of this certification, a "local business" is a business located within the limits of Miami-Dade County (or Broward County in accordance with the Interlocal Agreement between the two counties) that conforms with the provisions of paragraph 19 of the Terms and Conditions of this solicitation and contributes to the economic development of the community in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Failure to complete this certification at this time (by checking the appropriate box above) shall render the vendor ineligible for Local Preference.

Addenda Received: [] Yes [] No If yes, please indicate the number of addenda received: _____

It is hereby certified and affirmed that the bidder shall accept any awards made as a result of this quotation. Bidder further agrees that prices quoted will remain fixed for a period of forty-five (45) days from date quotation is due.

Authorized Signature: _____ Title: _____

Print/Type Name: _____ Phone: _____

E-mail: _____ Fax: _____

Firm Name: _____ F.E.I. ID No.: / - / / / / / /

Address: _____ City: _____ State: _____



INVITATION TO QUOTE

MIAMI-DADE COUNTY
QUOTATION NO. _____

**THIS IS NOT
AN ORDER**

SMALL/MICRO BUSINESS CONTRACT MEASURES FOR SOLICITATIONS (Bid Preference)

A 10% bid preference for Micro Business Enterprises (Micro/SBE) applies to this solicitation if the resultant contract is \$50,000 or less. A 10% bid preference for Small Business Enterprises (SBE) applies to this solicitation if the resultant contract is greater than \$50,000 unless otherwise noted. A Micro/SBE or SBE Business Enterprise must be certified by Small Business Affairs for the type of goods and/or services the Enterprise provides in accordance with the applicable Commodity Code(s) for this solicitation. For certification information, contact Small Business Affairs at 305-375-3111 or access www.miamidade.gov/dbd.

The Micro/SBE or SBE Business Enterprise must be certified by bid submission deadline, at contract award and for the duration of the contract to remain eligible for the preference.

Is your firm a Miami-Dade County Certified Small Business Enterprise? Yes _____ No _____
If yes, please provide your Certification Number: _____

Is your firm a Miami-Dade County Certified Micro Business Enterprise? Yes _____ No _____
If yes, please provide your Certification Number: _____

Do you accept purchasing/credit cards for these purchases? _____

INSTRUCTIONS TO BIDDERS

1. Where a sealed quote is indicated, bidder must submit the sealed quote by the specified time and date indicated on the front of this form to the Department of Procurement Management, to the attention of the Bids and Contracts Section, at the address indicated on this form. **The envelope must state that it is a sealed quote and include the quote number and opening date. No telephone or fax quotes will be accepted.**
2. Where a sealed quote is not required, the bidder may submit its written quotation by fax, mail, etc. to the Specialist identified on the front of this document, unless otherwise specified.
3. **Quotes received after the time and date specified, and after any other quotes have been opened shall not be accepted.**

Requests for additional information or clarification must be made in writing to the person identified on the front of this form. The County will issue additional information by written addenda prior to the scheduled opening date. It is the bidder's responsibility to assure receipt of all addenda.

TERMS AND CONDITIONS

1. Dade County is tax exempt and no taxes shall be included unless otherwise specified, by the County, on the quote form.
2. The County may reject any or all quotations, or any portion of the quotation, as it deems, in the best interest of the County.
3. In case of default by a successful bidder, Dade County may procure the goods or services from other sources and charge the bidder, any excess cost or damages occasioned thereby, and debar the bidder from further County contracts in accordance with the Dade County Code.
4. It is agreed that items or services quoted shall comply with all Federal, State, and local laws relative thereto, and that the bidder shall defend actions or claims brought, and save harmless the County from loss, cost or damage by reason of actual or alleged infringements of patents, copyrights, etc.
5. Bidder shall insert unit price and extension, as required, opposite each item. Where the unit price and the extension price are at variance, the unit price shall prevail.
6. Where equal (substitute) is quoted, items must be equal to or exceed the specifications of the goods specified. The County shall be the sole judge of equality and the decision rendered shall be final. Where the bidder quotes an equal product, the bidder must include the manufacturer, model, description, and any other information necessary for the County to make an evaluation. The County, at its sole discretion, may request additional information during the evaluation period.
7. This quote form, any addenda, and/or properly executed modifications, the purchase order (if issued), and a change order (if applicable), constitute the entire contract.
8. All material specified herein shall be fully guaranteed by the bidder against factory defects. The bidder at no cost to the County will correct any defects, which may occur as the result of faulty material or workmanship, within the period of the manufacturer's standard warranty. The County does not waive the implied warranties granted under the Uniform Commercial Code.



INVITATION TO QUOTE

MIAMI-DADE COUNTY

QUOTATION NO. _____

THIS IS NOT AN ORDER

9. All goods and materials shall be new and unused, unless otherwise specified by the County as part of this Invitation to Quote.
10. Unless otherwise specified by the bidder, a 2% discount will be deducted from payment if made no later than the 20th day after receipt of the goods/services, whichever is later. Prompt payment discounts will not be used in calculating the low bidder.
11. The County may, at its sole discretion, extend the delivery date where the County determines that it is in the best interest of the County.
12. Rejected goods remain the property of the bidder and all risk of loss remains with the bidder. Bidder must remove all rejected goods from County property within the time frame established by the County.
13. Method of award is by item, unless otherwise specified by the County.
14. The Department of Procurement Management (DPM) Director, or designee, shall issue an award under this solicitation. The successful bidder shall honor no request for performance until the DPM Director, or designee, has made an award.
15. Any bidder may protest any recommendation for contract award in accordance with the applicable provisions of the Dade County Code.
16. Costs of mandatory random audit by the Inspector General are incorporated into this contract as 1/4 of 1% of the contract price.

Purpose

The purpose of this Invitation to Quote is to secure sealed quotes for the goods and/or services as listed and specified herein.

Submitting A Sealed Quote

Sealed quotes must have the following information clearly marked on the face of the envelope:

1. Bidder's name and return address
2. Quote number
3. Quote opening date and time

All quotes shall be submitted in a sealed envelope, on or before the due date and time, to:

Miami Dade County
 Department of Procurement Management
 111 N.W. First Street, Suite 1300
 Miami, FL 33128-1989
 Attn: Bids & Contracts Section

To Receive A Copy Of Bid Tabulation

To receive a copy of the tabulation of bids, the Bidder must enclose a self-addressed, stamped envelope when submitting the quote.

Legal Requirements

Bidders are advised that this contract is subject to all legal requirements contained in the County's Administrative Order 3-38 and all other applicable County Ordinances and/or State and Federal Statutes. Where conflicts exist between this bid solicitation and these legal requirements, the higher authority shall prevail.

The award of this bid solicitation is subject to County Ordinance No. 01-21 which, except where Federal or State law mandates to the contrary, allow preference to be given to a local business. For the purposes of the applicability of this Ordinance, "local business" means the bidder, as of the date of the bid opening, has a valid occupational license issued by Miami-Dade County to do business in Miami-Dade County, that authorizes the bidder to provide the goods, services or construction to be purchased, and has a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business. A Post Office Box cannot be used to establish a physical address

When a responsive, responsible non-local business submits the lowest price bid, and the bid submittal by one or more responsive, responsible local businesses is within 10% of the price submitted by the non-local business, then the non-local business and each of the aforementioned local businesses shall have the opportunity to submit a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. The best and final bid will be requested by the County within five working days of the bid opening. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

**Small Business Advisory Board 2006-2007
Performance Measures**

The Small Business Advisory Board's performance measures are to operate as a focal point for the public. The Advisory Board reviews various reports that monitor the participation of small businesses on county contracts. At a minimum, county departments are to expend at least 5% of their purchases of \$50,000 or less with small businesses.