

MEMORANDUM

EDHS
Agenda Item No. **1(G)4**

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

DATE: **September 10, 2008**

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance pertaining to
Community Small
Business Enterprise
Program for purchase of
construction services

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date:

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

From: George M. Borges
County Manager

A handwritten signature in black ink, appearing to read "George M. Borges", written over the printed name of the County Manager.

Subject: Ordinance pertaining to Community Small Business Enterprise Program for purchase of construction services

The ordinance pertaining to Community Small Business Enterprise (CSBE) Program for purchase of construction services may have a fiscal impact to Miami-Dade County as it establishes a civil penalty of \$10,000 for failure to satisfy an approved CSBE Make-up Plan. While the penalty may generate revenue, the goal is to ensure compliance and not increase revenues to the County.

A handwritten signature in black ink, appearing to read "Susanne M. Torriente", written over the printed name and title of the Assistant County Manager.

Susanne M. Torriente
Assistant County Manager

fis06308



MEMORANDUM

(Revised)

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

DATE: July 17, 2008

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 4 (L)

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. 4(L)

Veto _____

7-17-08

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY; PERTAINING TO THE COMMUNITY SMALL BUSINESS ENTERPRISE (CSBE) PROGRAM FOR THE PURCHASE OF CONSTRUCTION SERVICES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR FAILURE TO SATISFY AN APPROVED CSBE MAKE-UP PLAN; AMENDING SECTION 8CC OF THE CODE OF MIAMI-DADE COUNTY; 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 of the Code of Miami-Dade County Code is hereby amended to read as follows:¹

Sec. 10-33.02 Community Small Business Enterprise Program

* * *

(5) ~~[[Sanctions for contractual violations]]~~>>Enforcement and Penalties<<

* * *

- v. The foregoing notwithstanding, the County Manager shall include language in all prospective contracts containing a CSBE measure which provides that, in addition to any other sanction for failure to fulfill the CSBE measure requirements, the contractor's eligibility to receive any future county contracts may be conditioned upon the contractor making up the deficit in CSBE participation in such future contracts by having CSBE(s) perform equal to double the dollar value of the deficiency in the CSBE measure in the prior contract. >>Contract language shall

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.

4

provide that in order to be eligible for future county contracts, a contractor who fails to meet an established CSBE goal shall submit a CSBE Make-up Plan for the approval of the Director. The Make-up Plan must provide for full satisfaction of a deficiency in achieving an established CSBE goal within a period not to exceed three years following the date of completion of the contract in which the deficiency occurred. Any contractor subject to an existing Make-up Plan shall have 3 years from the effective date of this subsection to satisfy such Make-up Plan. In the event that the contractor fails to comply with any of the material terms of a new or existing Make-up plan, including incurring any further deficiencies or failing to fully satisfy the deficiency within the period of the approved Make-up Plan without good cause, the Director shall be authorized to impose a fine pursuant to Section 8CC of this Code, with each material deficiency constituting a separate violation. No contractor who has failed to pay any fine following the exhaustion of any available appeal shall be eligible to contract with Miami-Dade County. Payment of a fine under this Section shall not relieve a contractor's obligation to satisfy a Make-up Plan.<< The foregoing obligation shall be in addition to any CSBE measure otherwise applicable to the future contract.

Section 2. Section 8CC-10 of the Code of Miami-Dade County, Florida, is hereby amended as follows:

Sec. 8CC-10. Schedule of civil penalties.

The following table shows the sections of this Code, as they may be amended from time to time, which may be enforced pursuant to the provisions of this chapter; and the dollar amount of civil penalty for the violation of these sections as they may be amended.

Code Section	Description of Violation	Civil Penalty
>> <u>10-33.02</u>	<u>Failure to satisfy an approved CSBE Make-up Plan</u>	<u>\$10,000</u> <<

Section 3. 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 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, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. 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 6. 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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

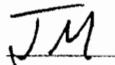
Section 7. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



John McInnis

Prime Sponsor: Commissioner Dorrin D. Rolle
Co-Sponsor: Vice-Chairwoman Barbara J. Jordan