MEMORANDUM

Agenda Item No. 4(D)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	October 5, 2010
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance pertaining to CSBE program to provide temporary extension to certified firms during processing and review recertification applications

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa and Co-Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: October 5, 2010

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

SUBJECT: Agenda Item No. 4(D)

Please note any items checked.

_____ **"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**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(D)
10-5-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COMMUNITY SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE TEMPORARY EXTENSION TO CERTIFIED FIRMS DURING PROCESSING AND REVIEW OF RECERTIFICATION APPLICATIONS; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND 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 follows[1]:

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

* * *

(4) *Certification requirements:* The County Manager shall implement eligibility criteria and procedures for entities to be certified as CSBEs based on regulations outlined in this section. Firms exceeding size limits established hereunder and under Appendix A [which can be found in the County Clerk's office attached to Ordinance Number 97-52] are not eligible for contract measures or participation in these programs.

1. The Department of >>Procurement Management ("DPM")<<[[~~Business Development~~]] shall maintain and publish at least every other week an updated list of CSBEs, identifying each listed CSBE based on each SIC category and each specialty trade the CSBE is certified in, and noting what contracting participation level the firm is classified in.

[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.

2. [[~~The~~]]D>>PM<<[[~~epartment of Business Development~~]] shall not certify an applicant, shall not recertify a CSBE, and shall decertify a CSBE that fails to comply with the criteria or procedures for obtaining or maintaining certification. [[~~The~~]]D>>PM<<[[~~epartment of Business Development~~]] shall have authority to suspend the certification of a CSBE during any appeal of a decertification decision.

3. Applicants and certified CSBEs must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified.

4. The qualifier of the certified CSBE firm must own at least ten (10) percent of the certified firm's issued stock.

5. Certification shall be renewed annually, and must be in effect at the time of bid submittal. For successful bidders, certification must be maintained from the time of bid submittal throughout the duration of the contract. >>Firms that (a) are in good standing with the County, and (b) have timely submitted their recertification application (i.e., all required information before certification expiration), shall have their CSBE certification temporarily extended during the period of recertification processing and review by DPM.<< With the exception of provisions previously described for graduation from the CSBE program, loss of CSBE certification may lead to removal of the firm from continued participation in the CSBE program. CSBEs experiencing changes in ownership shall notify the County Manager within thirty (30) days of the effective date of such changes.

6. A business owner, alone or as a member of a group, shall own or control only one (1) CSBE at a time. A business owner, alone or as a member of a group, and any CSBE may not hold more than a ten (10) percent equity ownership in any other CSBE.

7. Applicants for CSBE certification shall, as part of their application, disclose the information specified in Subsections (d)(1) and (2) of Section 2-8.1 of this Code.

8. [[~~The~~]]D>>PM<<[[~~epartment of Business Development~~]] may require applicants and CSBEs to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or CSBE's ownership, and/or workforce as to race, national origin, gender, and gross annual sales.

* * *

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: dsh

David Stephen Hope

Prime Sponsor: Commissioner Rebeca Sosa
Co-Sponsor: Commissioner Audrey M. Edmonson