

MEMORANDUM

Agenda Item No. 7(A)


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

DATE: (Second Reading 12-7-10)
October 19, 2010

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

SUBJECT: Ordinance pertaining to Small
Business Enterprise Program;
amending Section 2-8.1.1.1.1
of the Code to provide
retroactive temporary
extension to certified firms
during processing and review
of recertification applications

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



R. A. Cuevas, Jr.
County Attorney

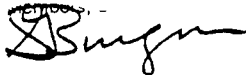
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Memorandum




Date: December 7, 2010

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

From: George M. Burgess 
County Manager

Subject: Ordinance amending Section 2-8.1.1.1.1 pertaining to Community Small Business
Enterprise Program

The proposed ordinance providing for firms who are in good standing with the County to have their certification retroactively temporarily extended during the period of recertification processing and review will not have a fiscal impact to the County.



Alina Hudak
Assistant County Manager

Fis0511



MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
12-7-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING SECTION 2-8.1.1.1.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO PROVIDE RETROACTIVE 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 2-8.1.1.1.1, Code of Miami-Dade County, is hereby amended as follows¹:

Sec. 2-1.1.1.1. Small Business Enterprise Program.

(3) Program * * *
* * *

(h) Certification

1. The Department of >>Small<<Business Development >>("SBD")<< 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 shall immediately be graduated from the program after formal written notification. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts and any options to renew on the contract. The graduated firm shall not be eligible for any new contracts under the SBE program under the existing certification. With exception of provisions described in the ordinance for graduation from the SBE/Micro Enterprise program, loss of certification may lead

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.

to removal of the firm from continued participation in the Small Business Enterprise program.

3. ~~[[The Department of Business Development]]~~>>SBD<< 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]]~~>>SBD<< 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. ~~[[D]]~~>>S<<BD 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. >>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 SBE/Micro Enterprise certification retroactively temporarily extended during the period of recertification processing and review by SBD.<< SBEs and Micro Enterprises experiencing changes in ownership shall notify ~~[[D]]~~>>S<<BD 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 ten (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]]~~>>SBD<< may require applicants and SBEs or Micro Enterprises to submit information

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regarding their business operations in order to determine eligibility for certification.

* * *

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 Attorneys
to form and legal sufficiency: ds

Prepared by: dsh

David Stephen Hope

Prime Sponsor: Commissioner Audrey M. Edmonson

Co-Sponsor: Commissioner Dorrin D. Rolle