

MEMORANDUM

Agenda Item No. 7(B)

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 SBE Program for architectural, engineering, landscape architectural, and surveying and mapping professional services; amending Section 2-10.4.01 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

RAC/jls

Memorandum



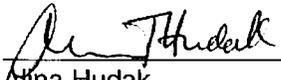
Date: December 7, 2010

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

From: George M. Burgess 
County Manager

Subject: Ordinance amending Section 2-10.4.01 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

Fis0611



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(B)

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(B)
12-7-10

ORDINANCE NO. _____

ORDINANCE PERTAINING TO COMMUNITY BUSINESS ENTERPRISE PROGRAM FOR ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND SURVEYING AND MAPPING PROFESSIONAL SERVICES; AMENDING SECTION 2-10.4.01 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 2-10.4.01, Code of Miami-Dade County, is hereby amended as follows¹:

Sec. 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.

* * *

(3) *Certification Requirements:* The County Manager or his or her designee shall implement eligibility criteria and procedures for firms to be certified as CBE-A/Es based on regulations outlined in this section. Firms exceeding size limits established hereunder and under Appendix A of the ordinance from which this section derives are not eligible for measures or participation in these programs.

1. The Department of Small Business Development >> ("SBD")<< shall maintain and publish at least monthly an updated list of CBE-A/Es.

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 Department of Small Business Development]]~~>>SBD<< shall not certify an applicant, shall not recertify a CBE-A/E, and shall decertify a CBE-A/E that fails to comply with the criteria or procedures for obtaining or maintaining certification. ~~[[The Department of Small Business Development]]~~>>SBD<< shall have authority to suspend the certification of a CBE-A/E during any appeal of a decertification decision

3. Applicants and certified CBE-A/Es 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. A qualifier can only qualify one CBE-A/E at a time.

4. The qualifier of the certified CBE-A/E firm must own at least twenty-five (25) percent of the certified firm's issued stock or have at least a twenty-five (25) percent ownership interest in the certified firm.

5. Certification shall be renewed annually, and must be in effect at the time of proposal submittal. For successful proposers, certification must be maintained from the time of proposal submittal throughout the duration of the agreement. >>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 CBE-A/E certification retroactively temporarily extended during the period of recertification processing and review by SBD.<< With the exception of provisions previously described for graduation from the CBE-A/E program, loss of CBE-A/E certification will lead to removal of the firm from continued participation in the CBE-A/E program. CBE-A/Es experiencing changes in ownership shall notify the County Manager or his or her designee 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 CBE-A/E at a time. A business owner, alone or as a member of a group, and any CBE-A/E may not hold more than a ten (10) percent equity ownership in any other CBE-A/E.

7. Applicants for CBE-A/E certification shall, as part of their application, disclose the information specified in subsections (d) (1) and (2) of Appendix A of this Code.

8. ~~[[The Department of Small Business Development]]~~>>SBD<< may require applicants and CBE-A/Es to submit information regarding their business operations, including but not limited to a breakdown of the applicant's or CBE-A/E's ownership, gross annual sales and/or workforce; however, the race, national origin, gender, shall not be used in the consideration.

* * *

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: AM

Prepared by:

dsh

David Stephen Hope

Prime Sponsor: Commissioner Audrey M. Edmonson
Co-Sponsor: Commissioner Dorrin D. Rolle