

MEMORANDUM

Agenda Item No. 11(A)(21)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Resolution urging the Florida
Legislature to enact SB 1142,
HB 985, or similar legislation
promoting and protecting small
business participation in state
contracting

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson and Co-Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr. *for*
County Attorney

RAC/jls



MEMORANDUM
(Revised)

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and Members, Board of County Commissioners

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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 Mayor'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. 11(A)(21)
4-2-13

RESOLUTION NO. _____

RESOLUTION URGING THE FLORIDA LEGISLATURE TO
ENACT SB 1142, HB 985, OR SIMILAR LEGISLATION
PROMOTING AND PROTECTING SMALL BUSINESS
PARTICIPATION IN STATE CONTRACTING

WHEREAS, bills have been filed for consideration during the 2013 session of the Florida Legislature, SB 1142 by Senator Audrey Gibson (D-Jacksonville), and HB 985 by Representative Hazelle P. "Hazel" Rogers (D-Lauderdale Lakes), respectively, that intend to promote and protect small business participation in state contracting; and

WHEREAS, SB 1142, HB 985 require that Florida state agencies when awarding contracts shall, to the maximum extent practicable, structure agency contracts to facilitate competition by and among small businesses in the state, taking all reasonable steps to eliminate obstacles to their participation and avoiding the unnecessary and unjustified contract bundling that may preclude small businesses' participation as prime contractors; and

WHEREAS, contract bundling is the consolidation of contracts for the procurement of commodities or contractual services, at least part of which may be provided or performed by one or more small businesses, into a single contract that is not appropriate for award to a small business as the prime contractor; and

WHEREAS, contract bundling has a negative impact on small business participation in state contracting; and

WHEREAS, SB 1142, HB 985 seek to minimize the occurrence of contract bundling by requiring state agencies to conduct market research to determine whether contract bundling is necessary and justified before issuing a solicitation for a bundled contract; and

WHEREAS, SB 1142, HB 985 require Florida state agencies to award annually to small businesses, either directly or indirectly as subcontractors, at least 35 percent of the total dollar amount of contracts awarded; and

WHEREAS, SB 1142, HB 985 also require that each state awarded contract for commodities or contractual services must require that the vendor use small businesses in the state as subcontractors or subvendors; and

WHEREAS, SB 1142, HB 985 further require that vendors contracting with the state may not expend less than 35 percent of the gross contract amount in subcontracting with small businesses in the state; and

WHEREAS, SB 1142, HB 985 additionally require that vendors contracting with the state and subcontracting with small businesses in the state, include provisions in the contract to protect the subcontractor, such as requiring that payment from the owner and general contractor be paid to subcontractors within 15 calendar days after receipt of a subcontractor's invoice and pay application; and

WHEREAS, the enactment of SB 1142, HB 985 will protect and promote the growth of small businesses across the state; and

WHEREAS, this Board believes that promoting and protecting small businesses in Miami-Dade County is at the heart of growing the economy in our local community; and

WHEREAS, this Board would like to express its support for SB 1142, HB 985, or similar legislation promoting and protecting small business participation in state contracting,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the Florida Legislature to enact SB 1142, HB 985, or similar legislation promoting and protecting small business participation in state contracting.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to the Governor, Senate President, House Speaker, Senator Audrey Gibson, Representative Hazelle P. "Hazel" Rogers, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Authorizes and directs the County's state lobbyists to advocate for the passage of the legislation set forth in Section 1 above, and directs the Office of Intergovernmental Affairs to amend the 2013 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson and the Co-Sponsor is Commissioner Barbara J. Jordan. It was offered by

Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman

Lynda Bell, Vice Chair

Bruno A. Barreiro

Jose "Pepe" Diaz

Sally A. Heyman

Jean Monestime

Sen. Javier D. Souto

Juan C. Zapata

Esteban L. Bovo, Jr.

Audrey M. Edmonson

Barbara J. Jordan

Dennis C. Moss

Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

APA

Annery Pulgar Alfonso