

MEMORANDUM

Agenda Item No. 7(E)

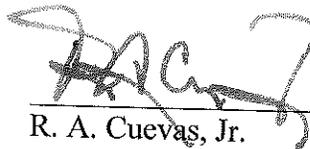
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 10-7-14)
July 1, 2014

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

SUBJECT: Ordinance pertaining to Small
Business Enterprise, Community
Business Enterprise, and
Community Small Business
Programs; amending Sections
2-8.1.1.1.1, 2-10.4.01, and
10-33.02 of the Code to rename
each program

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dennis C. Moss and Co- Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum



Date: October 7, 2014

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is written in a cursive style and is positioned to the right of the "From:" field.

Subject: Ordinance pertaining to Small Business Enterprise, Community Business Enterprise, and Community Small Business Programs; amending Sections 2-8.1.1.1.1, 2-10.4.01, and 10-33.02 of the Code of Miami-Dade County, Florida to rename each program

The proposed ordinance amends Sections 2-8.1.1.1.1, 2-10.4.01, and 10-33.02 of the Code of Miami-Dade County to rename each program. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is written in a cursive style and is positioned above a horizontal line.

Edward Marquez
Deputy Mayor

Fis9014



MEMORANDUM
(Revised)

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

DATE: October 7, 2014

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

SUBJECT: Agenda Item No. 7(E)

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. 7(E)
10-7-14

ORDINANCE NO. _____

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE, COMMUNITY BUSINESS ENTERPRISE, AND COMMUNITY SMALL BUSINESS PROGRAMS; AMENDING SECTIONS 2-8.1.1.1.1, 2-10.4.01, AND 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO RENAME EACH PROGRAM; 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. 2-8.1.1.1.1. Small Business Enterprise >>Goods & Services<< Program.

(1) *Title.* This section shall be referred to as the Small Business Enterprise >>Goods & Services<< Program.

* * *

Section 2. Section 2-10.4.01, Code of Miami-Dade County, is hereby amended as follows:

Sec. 2-10.4.01. ~~[[Community]]>>Small<< Business Enterprise >>Architecture & Engineering<< Program ~~[[for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services]].~~~~

(1) *Title.* This Section shall be referred to as the Miami-Dade County ~~[[Community]]>>Small<< Business Enterprise >>Architecture & Engineering<< (>>“CBE” or<< “CBE-A/E”) Program ~~[[for Architectural,~~~~

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.

~~Engineering, Landscape Architectural, and Surveying and Mapping Professional Services]].~~

* * *

(2) *Definitions.* For purposes of this section:

* * *

F. *CBE-A/E Program* is the ~~[[Community]]~~>>Small<< Business Enterprise Program for the Architectural, Engineering, Landscape Architectural, Surveying and Mapping Professionals.

* * *

Section 3. Section 10-33.02, Code of Miami-Dade County, is hereby amended as follows:

Sec. 10-33.02. ~~[[Community]] Small Business Enterprise~~
>>Construction Services<< **Program.**

* * *

(1) *Title.* This section shall be referred to as the Miami-Dade County ~~[[Community]]~~ Small Business Enterprise >>Construction Services<< (“CSBE”) Program.

(2) *Definitions.* The following definitions shall apply in this section:

* * *

~~[[Community]]~~ *Small Business Enterprise* >>for Construction Services<< (*CSBE*) means a construction related enterprise, including a design-build firm, and any firm providing trades and/or services for the completion of a construction project, as defined in Chapter 10 of the Code of Miami-Dade County, which has an actual place of business in Miami-Dade County and whose average annual gross revenues for the last three (3) years do not exceed: ten million dollars (\$10,000,000.00) for SIC 15 - Building Construction, General Contractors and Operative Builders; six million dollars (\$6,000,000.00) for SIC 16 - Heavy Construction, other than Building Construction; or five million dollars (\$5,000,000.00) for SIC 17 - Specialty Trade Contractors. CSBEs shall be categorized by the type of construction they

perform in accordance with the two-digit Standard Industrial Classification (SIC) code, or the six-digit North American Industry Classification System (NAICS), of the Census applicable to such type of construction. A CSBE will graduate out of the program upon notification by SBD that it has exceeded these size limits based on its three-year average annual gross revenues. A certified CSBE that graduates out of the program shall continue to submit financial information as to cumulative gross revenue and bonding capacity to SBD annually for 3 years thereafter in order to further the County's ability to assess the effectiveness of the program.

The County Mayor or designee shall be authorized to adjust the CSBE-size limits every five (5) years at his/her discretion based on the local Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013—2014 calendar year using the figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

CSBEs must be certified by SIC or NAICS code, and classified into one (1) of the three (3) contracting participation levels. The lack of bonding capacity shall not preclude an applicant from being certified as a CSBE. As part of the certification process, CSBEs must go through a prequalification process which will be used to determine which of the three (3) contracting participation levels the CSBE will be placed in based on the firm's three (3) year average gross revenues. The contracting participation levels are as follows:

1. Level I—Three-year average gross revenues of \$0.00—\$2,000,000.00;
2. Level II—Three-year average gross revenues above \$2,000,000.00 but not exceeding \$5,000,000.00; or
3. Level III—Three-year average gross revenues above \$5,000,000.00 but not exceeding \$10,000,000.00.

A firm's eligibility to participate in the CSBE program and the contracting participation level at which it will participate shall be determined based on the three-year average gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A [which can be found in the

County Clerk's office attached to Ordinance Number 97-52]. No firm shall be certified as a CSBE where the individual net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000.00). Representations as to gross revenues and net worth of owners shall be subject to audit.

Notwithstanding any other provision of this Section 10-33.02, Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on a specialty trade contract set aside for CSBEs whose estimated cost is above \$50,000 and may participate in any specialty trade portion of the work of a contract subject to a CSBE subcontractor goal where the cost of the specialty trade portion of the contract work is above \$50,000.

* * *

(3) *Program components:*

* * *

B. *Miami-Dade County* ~~[[Community]]~~ *Small Business Enterprise* >>Construction Services<<[[~~(CSBE)~~]] *Program*. The prompt payment provisions of this section shall take precedence over Section 2-8.1.4 of the Code ("Sherman S. Winn Prompt Payment Ordinance"), as to the contracts specified below:

* * *

Section 4. 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 5. 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 6. 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:



David Stephen Hope

Prime Sponsor: Commissioner Dennis C. Moss
Co-Sponsor: Commissioner Barbara J. Jordan