

# MEMORANDUM

Agenda Item No. 11(A) (10)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** February 18, 2015

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

**SUBJECT:** Resolution urging the Florida  
Legislature to enact SB 508,  
HB 253, or similar legislation  
promoting and protecting small  
business participation in state  
contracting

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



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R. A. Cuevas, Jr.  
County Attorney

RAC/smm



**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) (10)

2-18-15

RESOLUTION NO. \_\_\_\_\_

RESOLUTION URGING THE FLORIDA LEGISLATURE TO  
ENACT SB 508, HB 253, OR SIMILAR LEGISLATION  
PROMOTING AND PROTECTING SMALL BUSINESS  
PARTICIPATION IN STATE CONTRACTING

**WHEREAS**, bills have been filed for consideration during the 2015 session of the Florida Legislature, Senate Bill 508 (“SB 508”) by Senator Dwight Bullard (D-Cutler Bay), and House Bill 253 (“HB 253”) by Representative Hazelle P. “Hazel” Rogers (D-Lauderhill), respectively, that intend to promote and protect small business participation in state contracting; and

**WHEREAS**, SB 508 and HB 253 require that Florida state agencies, when awarding contracts, shall, to the maximum extent practicable, structure agency contracts to facilitate competition by and among all small businesses in the state while 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, as defined in SB 508 and HB 253, 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 508 and HB 253 seek to minimize the occurrence of contract bundling by requiring state agencies to conduct market research to determine whether contract bundling is necessary before issuing a solicitation for a bundled contract; and

**WHEREAS**, SB 508 and HB 253 require Florida state agencies to annually award to small businesses, either directly or indirectly as subcontractors, at least 35 percent of the total dollar amount of contracts awarded; and

**WHEREAS**, SB 508 and HB 253 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 508 and HB 253 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 508 and HB 253 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 14 calendar days after receipt of an invoice or other proper claim for payment; and

**WHEREAS**, the enactment of SB 508 and HB 253 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 vitally important to support the growing local economy; and

**WHEREAS**, this Board would like to express its support for SB 508, HB 253, or similar legislation promoting and protecting small businesses' 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 508, HB 253, 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, State Senator Dwight Bullard, State 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 2015 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. 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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

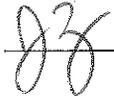
The Chairperson thereupon declared the resolution duly passed and adopted this 18<sup>th</sup> day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Javier Zapata