

Memorandum



Date: March 23, 2016

Agenda Item No. 2(B)2
May 17, 2016

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over the printed name of the Mayor.

Subject: Mason Tillman Associates, Ltd. Disparity Study

This report is being provided to the Board of County Commissioners (Board) pursuant to Resolution No. R-888-15 adopted on October 6, 2015, which directed the Mayor or his designee to adopt certain race and gender neutral recommendations made by the Mason Tillman Associates, Ltd. Disparity Study, including the establishment of an independent Small Business Department. In the event the Mayor did not establish an independent Small Business Department, the Mayor was directed to provide a report to the Board detailing reasons for not following this recommendation and specifying policies adopted to address concerns identified in the Disparity Study.

As a result of the realignment of departments, the County has been able to refocus its mission on the efficient delivery of core services. The County has again become a catalyst for job creation and economic development, including increased opportunities for small businesses. The Small Business Development Division within the Internal Services Department continues to thrive, promoting small business inclusion in County contracting and the growth of the small business community. Over \$292 million were awarded to small businesses as a result of Small Business Program measures during Fiscal Year 2014-15 and we expect to surpass those figures in the coming year.

Small Business Development will remain a division of the Internal Services Department, where the Division Director, Gary Hartfield, is a direct report to the Department Director Tara Smith. Additional staffing, technology enhancements, and procedural implementations (the areas of concern and recommendations made in the Disparity Study) are currently being addressed, as outlined in Table 1. The changes outlined will increase the efficiency and effectiveness of the Small Business Programs so that they may continue supporting the small business community.

Should you need further information, please contact Gary T. Hartfield, Small Business Development Division Director, Internal Services Department, at 305-375-3111.

Attachment

- c: Abigail Price-Williams, County Attorney
- Office of the Mayor Senior Staff
- Tara C. Smith, Director, Internal Services Department
- Christopher Agrippa, Director, Clerk of the Board
- Charles Anderson, Commission Auditor

Table 1

Disparity Study Recommendations		
RECOMMENDATION		CURRENT STATUS
1	Require prime contractors to include in their bids and proposals the Schedule of Intent Affidavit	This recommendation is currently required by County Code
2	Publish Quarterly Countywide Progress Report, once applicable technology is implemented to detail department's performance in meeting Small Business Program goals and necessary recommendations to improve a department's efforts	With the procurement and implementation of software to replace the current Oracle database, complete tracking of payment data will allow departmental performance reporting
3	Provide mandatory annual training for key staff involved with the procurement process to ensure that procedures are applied uniformly across all departments	Training and updates are currently being performed by Internal Services Department; additional collaborative trainings will be performed quarterly to enforce requirements
4	Include compliance with Small Business Program requirements as a factor when conducting performance reviews of managers and staff members	With the procurement and implementation of software to replace the current Oracle database, complete tracking of payment data will allow departmental performance reporting; Measures are being added to the Internal Services Department Active Strategy Enterprise to display Small Business Enterprise award data by department
5	Increase the funding and staff overseeing the Small Business Programs	Funding has been provided in the County's mid-year budget for additional positions to the Small Business Development Division for assigning goals, outreach, certification and compliance monitoring for the Small Business Programs
6	Unbundle large procurements into smaller contracts whenever practicable	Small Business Development is continuing to partner with departments to examine various projects that are feasible for unbundling to increase opportunities for small businesses
7	Waive the County's bonding requirements when the engineer's estimate is less than \$25,000	Small Business Development is continuing to partner with departments to examine projects with an engineer's estimate less than \$200,000 to determine the feasibility of waving the County's bonding requirements
8	Have the County's Equitable Distribution Program managed by the Small Business Development Division and train key procurement staff on the requirements of the Equitable Distribution Program	The management of the Equitable Distribution Program has been transferred to the Small Business Development Division; training has been added to the quarterly training modules
9	Purchase software that would allow bidders to obtain digital plans and specifications from the County's website and have plan rooms established at both the County and trade and business associations' headquarters	In collaboration with the Information Technology Department, the Internal Services Department is exploring the feasibility of making digital plans available to the public
10	Revise insurance requirements on small contracts and develop criteria for obtaining insurance waivers on smaller contracts	Legislative amendments for Miscellaneous Construction Contracts are being discussed to address revising insurance requirements that would be needed at award
11	Require selection panel members to sign their evaluation forms and release the evaluation score, proposal, statement of qualifications and bid of the business(es) selected for award when the Intent to Award is issued	This recommendation is currently required by County Code and/or Implementing Order
12	Train key County procurement staff on bid protest procedures	Training and updates are currently being performed by Internal Services Department; To be added as a module to the training currently being performed
13	Enhance the County's outreach efforts by hosting forums to assist businesses in becoming more familiar with the County's procurement procedures and maintain a website to keep business owners apprised of important announcements and upcoming projects	With the addition of Small Business Development staff, countywide outreach events are held monthly in areas of need for small businesses; A small business dedicated webpage is available to serve the small business community; Marketing tools have been implemented using the County's mass transit advertisement space
14	Have debriefing sessions for unsuccessful bidders	Debriefing sessions will be included at quarterly workshops to review best practices of successful bidders

Disparity Study Recommendations		
RECOMMENDATION		CURRENT STATUS
15	Establish a payment verification system; publish prime contractor payments online and notify subcontractors when prime contractors have received mobilization payments	With the procurement and implementation of software to replace the current Oracle database, complete tracking and notification of payment data will be implemented
16	Conduct routine contract compliance monitoring that tracks subcontractor utilization in an online database; verifies actual subcontractor participation; certifies that only eligible firms are being used to meet the Small Business Enterprise goals	With the procurement and implementation of software to replace the current Oracle database, complete tracking of payment data will allow performance reporting
17	Publish 12 to 24 month contract opportunities forecast	Contracting opportunities are provided to firms at outreach events and on Small Business Development website when available
18	Establish procedures for resolution of payment disputes	Small Business Development staff provides ongoing assistance to firms to resolve payment disputes between County and firms as well as prime contractors and subcontractors; Procedures are disseminated at all outreach events and workshops
19	Optimize the County's website for mobile devices and provide greater accessibility for persons with disabilities	The County provides effective communications by offering assistance to persons with disabilities upon request. http://www.miamidade.gov/info/ada_notice.asp
20	Adopt a single, unified contract numbering scheme for all County contracts and purchases	County contracts are identified by Project Type and a Contract Number which when used together creates a unique number for reporting purposes
21	Verify the subcontractor data reported on the Schedule of Intent by the prime contractor; Require the prime contractor to submit the executed subcontracts related to Small Business Program goals prior to the County issuing any payments	Bidders are required to submit a County standard document (Schedule of Intent Affidavit) signed by proposed subcontractor(s) attesting to commitments to fulfill small business measures; Once awarded, successful bidders are required to enter into a subcontract agreement with subcontractors/sub-consultants; Small Business Development monitors for compliance with measure and commitments; New software will include automatic notifications of compliance for departments to authorize payments