

# MEMORANDUM

Agenda Item No. 7(A)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** (Second Reading 1-20-21)  
November 19, 2020

**FROM:** Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Ordinance relating to small  
business enterprise programs;  
amending sections 2-8.1.1.1.1,  
2- 8.1.1.1.2, 2-8.5.1, 2-8.5.2, 2-  
10.4.01, and 10-33.02 of the  
Code; requiring the County  
Mayor to confirm any  
applicable bid preference  
eligibility as part of the  
responsibility check prior to an  
award recommendation;  
making technical changes

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Sally A. Heyman and Commissioner Rebeca Sosa, and Co-Sponsors Chairman Jose "Pepe" Diaz and Commissioner Kionne L. McGhee.



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Geri Bonzon-Keenan  
Successor County Attorney

GBK/uw

# Memorandum



**Date:** January 20, 2021

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

**From:** Daniella Levine Cava  
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

**Subject:** Fiscal Impact Statement for Ordinance Relating to Small Business Enterprise Programs

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The implementation of this ordinance will not have a fiscal impact to Miami-Dade County as the Internal Services Department currently performs activities included in the proposed changes.

# Memorandum



**Date:** January 20, 2021

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

**From:** Daniella Levine Cava   
Mayor

**Subject:** Social Equity Statement for Ordinance Relating to Small Business Programs

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The proposed ordinance amends Sections 2-8.1.1.1.1, 2-8.1.1.1.2, 2-8.5.1, 2-8.5.2, 2-10.4.01, and 10-33.02 of the County Code requiring the County Mayor or County Mayor's Designee to confirm any applicable bid preference eligibility as part of the responsibility check prior to an award recommendation, making technical changes; and providing severability, inclusion in the code and effective date.


The social equity benefit based on the implementation of the proposed ordinance cannot be determined at this time.



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** January 20, 2021

**FROM:**   
Gen Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Agenda Item No. 7(A)

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
- Statement of social equity 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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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(A)  
1-20-21

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO SMALL BUSINESS ENTERPRISE PROGRAMS; AMENDING SECTIONS 2-8.1.1.1.1, 2-8.1.1.1.2, 2-8.5.1, 2-8.5.2, 2-10.4.01, AND 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONFIRM ANY APPLICABLE BID PREFERENCE ELIGIBILITY AS PART OF THE RESPONSIBILITY CHECK PRIOR TO AN AWARD RECOMMENDATION; MAKING TECHNICAL CHANGES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

**WHEREAS**, the Internal Services Department (“ISD”) and other County departments are responsible for applying applicable bid preferences to bidders as part of its analysis and award recommendation in the County procurement process; and

**WHEREAS**, Small Business Development (“SBD”), a division of ISD, is responsible for the certification, recertification, and graduation of small business enterprises (“SBEs”) in the County’s various SBE programs; and

**WHEREAS**, this Board would benefit from knowing the certification status or bid preference eligibility of bidders recommended for award,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-8.1.1.1.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows: <sup>1</sup>

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<sup>1</sup> 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.

**Sec. 2-8.1.1.1.1. Small Business Enterprise Services Program.**

\* \* \*

(3) *Program.*

\* \* \*

(h) *Certification.*

\* \* \*

- 5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of bid submission; at bid award, and throughout the duration of the contract. >>The County Mayor or County department responsible for conducting the procurement shall confirm a SBE’s certification and bid preference eligibility as part of the responsibility check prior to an award recommendation. SBD shall provide quarterly reports to the County Mayor and the Board of all SBEs whose certification status has changed during that three month period.<< SBEs experiencing changes in address or ownership shall notify SBD within [~~thirty (30)]~~ >>30<< days of the effective date of such changes.

\* \* \*

**Section 2.** Section 2-8.1.1.1.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 2-8.1.1.1.2. Small Business Enterprise Goods Program.**

\* \* \*

(3) *Program.*

\* \* \*

(h) *Certification.*

\* \* \*

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of bid submission; at bid award, and throughout the duration of the contract. >>The County Mayor or County department responsible for conducting the procurement shall confirm a SBE's certification and bid preference eligibility as part of the responsibility check prior to an award recommendation. SBD shall provide quarterly reports to the County Mayor and the Board of all SBEs whose certification status has changed during that three month period.<< SBEs experiencing changes in address or ownership shall notify SBD within ~~[[thirty (30)]]~~ >>30<< days of the effective date of such changes.

\* \* \*

**Section 3.** Section 2-8.5.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 2-8.5.1. Procedure to Provide Preference to Local Certified Veteran Business Enterprises in County Contracts.**

- (1) ~~[[Definition: "Local Certified Veteran Business Enterprise" is a firm that is (a) a local business pursuant to Section 2-8.5 of the Code of Miami Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a veteran business enterprise pursuant to Section 295.187 of the Florida Statutes.]]~~

>>Definitions:

- a. Board means the Miami-Dade County Board of County Commissioners.
- b. Code means the Code of Miami-Dade County, Florida.
- c. Local Certified Veteran Business Enterprise means a firm

that is (i) a local business pursuant to of the Code, and (ii) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a veteran business enterprise pursuant to section 295.187, Florida Statutes.<<

- (2) A Local Certified Veteran Business Enterprise that submits a bid for a contract shall receive a bid preference of five percent of the bid price. These preferences will only be used for evaluating and awarding the bids and shall not affect the contract price. However, if a Local Certified Veteran Business Enterprise is the lowest bidder as a result of a Best and Final Bid (also known as a BAFO), then the price submitted as part of the Best and Final Bid shall be the contract price. >>The County department responsible for conducting the procurement shall confirm a Local Certified Veteran Business Enterprise’s certification and bid preference eligibility as part of the responsibility check prior to an award recommendation. The County department responsible for conducting the procurement shall provide quarterly reports to the County Mayor and the Board of all Local Certified Veteran Business Enterprises whose certification status has changed during that three month period.<<

\* \* \*

**Section 4.** Section 2-8.5.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 2-8.5.2. Application of contracting preferences.**

In any competitive process conducted by the County where the County is required to apply one or more of the preferences provided in the Code, the preferences will be applied in the following manner:

>>(1) Definitions:

- a. Board means the Miami-Dade County Board of County Commissioners.
- b. Code means the Code of Miami-Dade County, Florida.
- c. SBE means a Small Business Enterprise certified by the Small Business Development division of ISD or its successor division or department.<<

[[~~(4)~~]]>>(2)<< The County will apply first the preferences available to Small Business Enterprises under Sections 2-8.1.1.1(3)(c)(3), 2-8.1.1.1(3)(c)(4), and 2-8.1.1.1.2(3)(c)(3)



without reference to preferences which may be available to local or locally headquartered businesses under other provisions of the Code.

~~[[2]]~~>>(3)<< The County will apply the local and locally headquartered business preferences only after applying the preferences provided in subsection ~~[[4]]~~>>2<< above.

~~[[3]]~~>>(4)<< In determining whether a Small Business Enterprise is entitled to the opportunity to submit a best and final bid equal to or lower than the low bid under Section 2-8.5(2)(a)(1), the bid of the Small Business Enterprise shall be reduced by the amount of any preference to which the Small Business Enterprise is entitled under Section 2-8.1.1.1(3)(c)(3) and Section 2-8.1.1.1.2(3)(c)(3), which shall be referred to as the SBE evaluation price. The SBE evaluation price shall be used for evaluating the Small Business Enterprise's opportunity to participate in the best and final bid.

~~[[4]]~~>>(5)<< In determining whether a Small Business Enterprise is entitled to proceed to negotiations or advance to the next step in the solicitation process under Section 2-8.5(2)(b), the SBE Proposer shall be entitled to the application of the Selection Factor available to the SBE under Section 2-8.1.1.1(3)(c)(4) by the addition of 10 percent of the evaluation points scored on the technical portion of such SBE's proposal, which shall be referred to as the SBE evaluation score. The SBE evaluation score shall be added to the price score, if applicable, to determine the final rankings.

~~[[5]]~~>>(6)<< The preference to Local Certified Veteran Business Enterprises provided for under Section 2-8.5.1 shall be applied without reference to any bid preference or selection factor available to a Small Business Enterprise.

>>(7) The County department responsible for conducting the procurement shall confirm bid preference eligibility as part of the responsibility check prior to an award recommendation. The County department responsible for conducting the procurement shall provide quarterly reports to the County Mayor and the Board of all entities whose bid preference eligibility status has changed during that three month period.<<

**Section 5.** Section 2-10.4.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 2-10.4.01. Small Business Enterprise Architecture and Engineering Program.**

\* \* \*

(4) *Certification Requirements:* The County Mayor or designee shall implement eligibility criteria and administrative 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.

\* \* \*

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of proposal submittal. For successful proposers, certification must be maintained throughout the selection process and contract award. >>The County Mayor or County department responsible for conducting the procurement shall confirm a CBE-A/E's certification and bid preference eligibility as part of the responsibility check prior to an award recommendation. SBD shall provide quarterly reports to the County Mayor and the Board of County Commissioners of all CBE-A/Es whose certification status has changed during that three month period.<< 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 address or ownership shall notify SBD within [~~thirty (30)]~~ >>30<< days of the effective date of such changes.

\* \* \*

**Section 6.** Section 10-33.02 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

**Sec. 10-33.02. Small Business Enterprise Construction Services Program.**

\* \* \*

(4) *Certification requirements:* The County Mayor or designee shall implement eligibility criteria and procedures for entities to be certified as CSBEs based on regulations outlined in this section. Firms exceeding size limits established hereunder and under Appendix A ~~[[F]]>>~~~~<<~~which can be found in the County Clerk's office attached to Ordinance Number 97-52~~[[F]]>>~~~~<<~~ are not eligible for contract measures or participation in these programs.

\* \* \*

5. The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. Certification must be in effect at the time of bid submittal. Successful bidders must be certified at the time of bid submittal, bid award, and throughout the duration of the contract. >>The County Mayor or County department responsible for conducting the procurement shall confirm a CSBE's certification and bid preference eligibility as part of the responsibility check prior to an award recommendation. SBD shall provide quarterly reports to the County Mayor and the Board of County Commissioners of all CSBEs whose certification status has changed during that three month period.<< With the exception of provisions previously described for graduation from the CSBE program, loss of CSBE certification may lead to removal of the firm from continued participation in the CSBE program. CSBEs experiencing changes in ownership shall notify the County within ~~[[thirty (30)]]~~ >>30<< days of the effective date of such changes.

\* \* \*

**Section 7.** 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 8.** 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 a 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 9.** 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

Co-Prime Sponsors: Commissioner Sally A. Heyman  
Commissioner Rebeca Sosa

Co-Sponsors: Chairman Jose "Pepe" Diaz  
Commissioner Kionne L. McGhee