# MEMORANDUM

Amended
Agenda Item No. 11(A)(6)

| | | | |
|---|---|---|---|
| **TO:** | Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners | **DATE:** | July 2, 2013 |
| **FROM:** | R. A. Cuevas, Jr. County Attorney | **SUBJECT:** | Resolution pertaining to Community Small Business Development Program; amending Resolution No. R-1386-09 to eliminate CSBE bonding requirements on contracts up to $200,000.00 unless pre-approved by Small Business Development Resolution No. R-593-13 |

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

R. A. Cuevas, Jr.
County Attorney

RAC/smm

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# MEMORANDUM

(Revised)

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

DATE: July 2, 2013

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

SUBJECT: Amended
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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**

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Approved _____ Mayor

Veto _____

Override _____

Amended
Agenda Item No. 11(A)(6)
7-2-13

RESOLUTION NO.   R-593-13

RESOLUTION PERTAINING TO COMMUNITY SMALL
BUSINESS DEVELOPMENT PROGRAM; AMENDING
RESOLUTION NO. R-1386-09 TO ELIMINATE CSBE
BONDING REQUIREMENTS ON CONTRACTS UP TO
$200,000.00 UNLESS PRE-APPROVED BY SMALL BUSINESS
DEVELOPMENT

**WHEREAS**, on December 1, 2009, the Board of County Commissioners (the "Board")

passed and adopted Resolution No. R-1386-09, which implementing additional provisions for

inclusion in County contracts with a subcontractor goal(s) pertaining to its Community Small

Business Enterprise ("CSBE") program for construction related enterprises, including design-

build firms, and firms providing trades and/or services for the completion of construction

projects, as defined in Chapter 10 of the Code of Miami-Dade County, Fla., which have an actual

place of business in the County and whose three (3) year average annual gross revenues do not

exceed specific dollar thresholds based upon the type of construction related services performed

in accordance with their two-digit Standard Industrial Classification code, or six-digit North

American Industry Classification System code classification; and

**WHEREAS**, one of the additional contract provisions provided that "No Community

Small Business Enterprise firm entering into a subcontract for $200,000.00 or less shall be

required to execute and deliver a payment and performance bond as a condition of executing

such subcontract or performing the work unless, in the case of a subcontract, the prime

contractor has requested from the County, and the County has approved prior to the execution of

the subcontract, such request based on information submitted by the prime contractor"; and

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**WHEREAS,** §255.05(1)(d) of Florida Statutes provides discretion for "the official or board awarding such contract when such work is done for any county, city, political subdivision, or public authority, [that] any person entering into such a contract which is for $200,000.00 or less may be exempted from executing the payment and performance bond"; and

**WHEREAS,** the County wants to eliminate all Community Small Business Enterprise bonding requirements for any contracts up to $200,000.00, where the Community Small Business Enterprise is either the prime contractor directly contracting with a County department, or the subcontractor of a prime contractor, unless pre-approved by Small Business Development,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA,** that in all contracts of $200,000.00 or less for Community Small Business Enterprise work as either the (i) prime contractor directly contracting with a County department, or (ii) subcontractor of a prime contractor, there shall be no requirement for the Community Small Business Enterprise firm entering into said contract or subcontract to execute and deliver a payment and performance bond as a condition of executing such contract or subcontract, or performing the work, unless pre-approved by Small Business Development. The Mayor or designee shall prepare a report after one (1) year, and annually thereafter, on the success of said waiver of payment and performance bonds and the status of any defaulted jobs, to be presented to this Board of County Commissioners.

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The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Audrey M. Edmonson. It was offered by
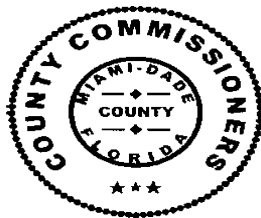
Commissioner     **Barbara J. Jordan**     , who moved its adoption. The motion was seconded

by Commissioner     **Audrey Edmonson**     and upon being put to a vote, the vote was as

follows:

|  |  |  |  |
|---|---|---|---|
| | Rebeca Sosa, Chairwoman | | **aye** |
| | Lynda Bell, Vice Chair | | **aye** |
| Bruno A. Barreiro | **aye** | Esteban L. Bovo, Jr. | **absent** |
| Jose "Pepe" Diaz | **aye** | Audrey M. Edmonson | **aye** |
| Sally A. Heyman | **aye** | Barbara J. Jordan | **aye** |
| Jean Monestime | **aye** | Dennis C. Moss | **aye** |
| Sen. Javier D. Souto | **aye** | Xavier L. Suarez | **aye** |
| Juan C. Zapata | **aye** | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 2$^{nd}$ day of July, 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: ___*Christopher Agrippa*___
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.          dsh

David Stephen Hope

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