OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(26)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams County Attorney

SUBJECT: Resolution urging the Florida Legislature to enact SB 438, HB 211, or similar legislation promoting and protecting small business participation in state contracting

Resolution No. R-1122-15

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

Abigail Price-Williams
County Attorney

APW/smm

MEMORANDUM

(Revised)

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

DATE: December 1, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(26)

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 ____, 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)(26)
12-1-15

RESOLUTION NO. R-1122-15

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT SB 438, HB 211, OR SIMILAR LEGISLATION PROMOTING AND PROTECTING SMALL BUSINESS PARTICIPATION IN STATE CONTRACTING

WHEREAS, bills have been filed for consideration during the 2016 session of the Florida Legislature, Senate Bill 438 ("SB 438") by Senator Dwight Bullard (D – Cutler Bay), and House Bill 211 ("HB 211") by Representative Hazelle P. "Hazel" Rogers (D – Lauderhill), respectively, that intend to promote and protect small business participation in state contracting; and

WHEREAS, SB 438 and HB 211 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 438 and HB 211, 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 438 and HB 211 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 438 and HB 211 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 438 and HB 211 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 438 and HB 211 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 438 and HB 211 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 12 calendar days after receipt of an invoice or other proper claim for payment; and

WHEREAS, the enactment of SB 438 and HB 211 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, during the 2015 state legislative session, this Board passed Resolution No. R-182-15, which urged the state legislature to pass similar legislation promoting and protecting small business participation in state contracting; and

WHEREAS, this Board would like to express its support for SB 438, HB 211, or similar legislation promoting and protecting small businesses' participation is 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 438, HB 211, 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, Senator Dwight Bullard, Representative Hazelle P. "Hazel" Rogers, and the Chair and remaining 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 2016 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of December, 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Javier Zapata