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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(E)

(Second Reading 5-17-16)

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

DATE: February 2, 2016

FROM: Abigail Price-Williams County Attorney

SUBJECT: Ordinance pertaining to Small Business Enterprise Construction Services Program; amending section 10-33.02 of the Code to allow higher level contractors to compete for lower level set-aside contracts when unavailability exists

Ordinance No. 16-50

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

Abigail Price-Williams
County Attorney

APW/smm

Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact For Ordinance Pertaining to Small Business Enterprise Construction Services Program

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The proposed Ordinance pertains to Small Business Enterprise Construction Services Program and amends Section 10-33.02 of the code of Miami-Dade County, Florida to allow higher level contractors to compete for lower level set-aside contracts when unavailability exists.

The Small Business Program is currently managed by the Small Business Development Division, within the Internal Services Department. The implementation of this ordinance will not have a fiscal impact to Miami-Dade County.

Edward Marquez
Deputy Mayor

Fis03316 160087

Memorandum

MIAMI-DADE COUNTY

Date: May 17, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Social Equity Statement for Ordinance Pertaining to Small Business Enterprise Construction Services Program; Amending Section 10-33.02 of the Code of Miami-Dade County to Allow Contractors to Compete for Lower Level Set-Aside Contracts When Unavailability Exists

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The proposed Ordinance pertaining to Small Business Enterprise Construction (SBE-CON) Services Program by amending Section 10-33.02 of the Code of Miami-Dade County to allow contractors to compete for lower level set-aside contracts when unavailability exists.

This amendment will allow projects to remain as set-aside if Small Business Development Division cannot find an available firm in Level 1 by moving up to the next level in order to keep the project set-aside for SBE-CON firms. This will ensure that the locally-certified firms are getting every possible opportunity to compete for contracts.

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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. 7(E)
5-17-16

ORDINANCE NO. 16-50

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE CONSTRUCTION SERVICES PROGRAM; AMENDING SECTION 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO ALLOW HIGHER LEVEL CONTRACTORS TO COMPETE FOR LOWER LEVEL SET-ASIDE CONTRACTS WHEN UNAVAILABILITY EXISTS; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

Section 1. Section 10-33.02, Code of Miami-Dade County, is hereby amended as follows: [1]

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

* * *

(2) *Definitions*. The following definitions shall apply in this section:

* * *

Contracting participation level refers to the level in which a CSBE firm is classified based on the average gross revenues of the firm over a three-year period. [[~~In addition, construction contracts of ten million dollars ($10,000,000.00) or less (which may be reserved for limited competition amongst CSBEs) will be classified into one (1) of the three (3) contracting participation levels based on estimated project cost.~~]] The three (3) contracting participation levels are:

1. Level I — Three-year average gross revenues of $0 - $2,000,000.00.
2. Level II — Three-year average gross revenues [[~~above~~]]>>from<< [[~~$2,000,000.00~~]]>>$2,000,000.01<< but not exceeding $5,000,000.00.

[1] 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.

3. Level III — Three-year average gross revenues [[~~above~~]]>>from<< [[~~$5,000,000.00~~]]>>$5,000,000.01<< but not exceeding $10,000,000.00.

[[~~Notwithstanding any other provision of this Section 10-33.02, Level II and Level III CSBEs certified in SIC Code 17 - Specialty Trade Contractors, may bid on a specialty trade contract set-aside for CSBEs whose estimated cost is above $50,000 and may participate in any specialty trade portion of the work of a contract subject to a CSBE subcontractor goal where the cost of the specialty trade portion of the contract work is above $50,000.~~]]

Prime contracts with estimated project construction cost in excess of ten million dollars ($10,000,000.00) shall be "open market" contracts which all firms can bid on.

[[~~CSBEs prequalified in one (1) contracting participation level may not bid on a set-aside contract whose estimated cost falls within a lower contracting participation level (e.g., a CSBE classified in Level III may not bid on set-aside contracts whose estimated cost falls within Level II or I). CSBEs can bid on set-aside contracts whose estimated cost exceeds the limits of the contracting participation level in which they are classified (e.g., a Level I CSBE can bid on set-aside contracts whose estimated cost falls within Level II or III).~~]]

* * *

Set-aside means reservation for competition solely among CSBEs of a given prime County contract whose estimated cost is ten million dollars ($10,000,000.00) or less[[~~.~~]]>>, and such construction contracts will be classified into one (1) of the three (3) contracting participation levels based on estimated project cost:

1. Level I Set-aside – for competition solely among Level I prime contractors of a given County contract for construction project valued from $0 to $2,000,000.00. Level II and Level III prime contractors may not compete for Level I set-aside contracts as prime contractors, unless Level I prime contractor unavailability exists.
2. Level II Set-aside means – for competition solely among Level I and II prime contractors of a given County contract for construction project valued from $2,000,000.01 to $5,000,000.00. Level III prime contractors may not compete for Level II set-asides contract as prime contractors, unless Level I and Level II prime contractor unavailability exists.
3. Level III Set-aside – for competition solely among Level I, Level II, and Level III prime contractors of a given County contract for construction project valued from $5,000,000.01 to $10,000,000.00.<<

* * *

Section 2. 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 3. 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 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 4. 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: May 17, 2016

Approved by County Attorney as
to form and legal sufficiency: GBK

Prepared by: dsh

David Stephen Hope

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Commissioner Audrey M. Edmonson