Memorandum

MIAMI-DADE COUNTY

Date: June 8, 2016

To: Department Directors

From: Carlos A. Gimenez
Mayor

Subject: Administrative Order 3-63, Employ Miami-Dade Program

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I am pleased to announce the launch of Administrative Order 3-63, *Employ Miami-Dade Program*, effective June 1, 2016, to promote the numerous benefits of Employ Miami-Dade through County contracting. Employ Miami-Dade is my initiative in which the County, CareerSource South Florida, Neighbors and Neighbors Association, and other local agencies partner to offer construction certification training to help put eligible County residents back to work. Administered through CareerSource South Florida, Employ Miami-Dade offers vital career resources to residents including training, certifications, and job referrals, as well as a variety of assistance measures to prepare and place residents in permanent employment in the construction field.

The administrative order outlines how Employ Miami-Dade will be promoted. All County construction contracts shall include notification to the contractor regarding the use of the Employ Miami-Dade list of unemployed persons to fill construction labor work positions, the minimum number of Employ Miami-Dade participants to be used on the contract, and details regarding the County's evaluation of the Contractor's efforts to promote Employ Miami-Dade, which will be used during responsibility reviews for consideration on new County contract awards. The administrative order will apply to County funded contracts valued in excess of $1,000,000 for the construction, demolition, alteration, or repair of public buildings or public works projects. The provisions will also apply to privately-funded projects or leases, subject to Section 2-11.16 of the Code of Miami-Dade County, valued in excess of $1,000,000 for the construction, demolition, alteration, or repair of buildings or improvements on County-owned land.

This administrative order is an integral part of the County's overall efforts to support our residents and promote employment opportunities. Employ Miami-Dade is fulfilling an important need by providing participants with training and successful placement into positions. The Internal Services Department's Small Business Development Division will be providing departmental staff training on the implementation and application of this administrative order.

Should you have any questions, please contact Tara C. Smith, Director of the Internal Services Department, at 305-375-5893.

c: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners
Abigail Price-Williams, County Attorney
Office of the Mayor Senior Staff
Rick Beasley, Executive Director, CareerSource South Florida

A.O. No.: 3-63
Ordered:
Effective: June 1, 2016

MIAMI-DADE COUNTY
ADMINISTRATIVE ORDER

EMPLOY MIAMI-DADE PROGRAM

AUTHORITY:
Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter; Chapter 2, Article I, Section 2-8.1 of the Code of Miami-Dade County Florida.

POLICY:
Employ Miami-Dade is an initiative in which Miami-Dade County, CareerSource South Florida, Neighbors and Neighbors Association, and other local agencies partner to offer construction certification training to help put eligible Miami-Dade County residents back to work. The goal of the Employ Miami-Dade initiative is to provide skill training and employment opportunities for participants.

To promote Employ Miami-Dade, except where federal or state laws or regulations mandate to the contrary, all County Construction Contracts shall include notification to the Contractor regarding the use of the Employ Miami-Dade Register, the minimum number of participants to be used on the contract, and details regarding the County's evaluation of the Contractor's efforts to promote Employ Miami-Dade by using participants on the contract which will be used as part of the responsibility review for consideration on new County contract awards.

The provisions of this Administrative Order (AO) shall apply to (i) a County contract valued in excess of $1,000,000 for the construction, demolition, alteration or repair of public buildings or public works projects, funded completely or partially by Miami-Dade County, and (ii) privately-funded projects or leases valued in excess of $1,000,000 for the construction, demolition, alteration or repair of buildings or improvements on County-owned land, and which are subject to Section 2-11.16 of the Code of Miami-Dade County. The provisions of this AO shall not apply to work order driven purchases off of blanket or pool contracts (i.e., contracts with pre-qualified contractors).

This AO applies to County Construction Contracts. However, in order to promote Employ Miami-Dade, competitive solicitations for professional services issued pursuant to *A.O. 3-39, Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting*, shall include information regarding Employ Miami-Dade for informational purposes.

PURPOSE:
This AO establishes the procedures for including Employ Miami-Dade provisions in County Construction Contracts; for ensuring that the applicable solicitations for County Construction Contracts include the requirements herein, including the documents/affidavits to be developed and made available by the County, and completed by potential firms/businesses doing business with the County or Contractors selected, as applicable; for evaluation of Contractors' efforts to promote Employ Miami-Dade by using participants on County Construction Contracts; and for the inclusion of an advertisement in professional services solicitations.

I. DEFINITIONS:

A. Administrative Order ("AO") means the administrative order developed by the Mayor or Mayor's designee to give effect to the promotion of Employ Miami-Dade in County Construction Contracts.

B. Code means the Code of Miami-Dade County, Florida.

C. Compliance Officer means the Director of the Small Business Development Division of the Internal Services Department, or his or her designee, or the Director of Miami-Dade Aviation Department, Office of Minority Affairs, or his or her designee, who reviews a contract(s), lease(s), and associated documents to determine Contractor's compliance with, and efforts to promote Employ Miami-Dade by using participants on County Construction Contracts.

D. Construction Workforce Plan - means the form provided by the County, and submitted by a Contractor that includes the Contractor's workforce plan for the specific Contract.

E. Contracting Officer means the County staff person assigned under a contract (i.e., a department director or his or her designee), with the primary responsibility to manage contract requirements.

F. Contractor means any general contractor, construction manager, other contractor, individual, corporation, partnership, or other legal entity that directly or indirectly (e.g., through an affiliate) submits an offer(s) for, or is awarded, or reasonably may be expected to submit an offer(s) for or be awarded, a County contract subject to the requirements of this AO.

G. Contractor Commitment Affidavit means the affidavit submitted with a bid/proposal indicating the Contractor's commitment to use the Employ Miami-Dade Register and abide by the requirements of this AO.

H. County means Miami-Dade County.

I. County Construction Contract means (i) a County contract valued in excess of $1,000,000 for the construction, demolition, alteration or repair of public buildings or public works projects, funded completely or partially by Miami-Dade County, and (ii) privately-funded projects or leases valued in excess of $1,000,000 for the construction, demolition, alteration or repair of buildings or improvements on County-owned land, and which are subject to Section 2-11.16 of the Code of Miami-Dade County (Responsible Wages and Benefits).

J. Department means the department, agency or other party responsible for awarding a County Construction Contract as designated by the County.

K. Employ Miami-Dade Register shall mean the database compiled and maintained by CareerSource South Florida which shall be a listing of unemployed persons from Employ Miami-Dade, to be made available to Contractors as a source for their construction employment needs.

L. Lessee means a lessee of County-owned land under a lease on such land subject to the requirements of this AO.

M. Workforce Performance Report – means the report forms provided by the County, and submitted by a Contractor that includes information on the workforce employed by the Contractor, and subcontractor if applicable, in the execution of the County Construction Contract.

II. RESPONSIBILITY

A. RESPONSIBILITY OF ISSUING DEPARTMENT/CONTRACTING OFFICER:

1. INCLUDE REQUIREMENTS IN SOLICITATION AND CONTRACT DOCUMENTS

a. The issuing department/Contracting Officer shall include the provisions of this AO in solicitation and contract documents for County Construction Contracts, except where state or federal laws or regulations mandate to the contrary. In addition to specifying the requirements herein, the information in the solicitation and contract documents shall include the following contract language:

   "The awarded Contractor is hereby notified that the County will consider whether the Contractor made its best reasonable efforts to promote Employ Miami-Dade on this contract, as defined in AO 3-63, as a part of the County's evaluation and responsibility review of the Contractor for new County contract awards."

b. The issuing department/Contracting Officer shall include for use by bidders/proposers on County Construction Contracts the various affidavits and forms as part of the applicable solicitation and contract documents.

c. The issuing department/Contracting Officer shall include the following referral procedures in solicitation and contract documents:
   i) CareerSource South Florida shall compile and maintain the Employ Miami-Dade Register.
   ii) The Contractor will notify CareerSource South Florida of the vacancy by completing a Job Opening Form on the Employ Miami-Dade website (https://iapps.southfloridaworkforce.com/employmiami/). The job order must contain a detailed description of the job responsibilities and qualifications.
   iii) CareerSource South Florida will then provide a list of qualified candidates available to the Contractor with a copy to the Compliance Officer.
   iv) The Contractor will review the resumes and qualifications of the candidates, conduct interviews with those candidates who satisfy the minimum competency requirements, and make a good faith effort to fill at least 20% of the labor workforce required per Contractor's Construction Workforce Plan from the Employ Miami-Dade Register through CareerSource South Florida.
   v) Positions filled from the Employ Miami-Dade Register must be full-time, for at least 120 days, or the length of the County Construction Contract if the County Construction Contract is less than 120 days, in order to be considered towards attainment of the 20% labor workforce threshold herein.
   vi) If the 20% labor workforce threshold per Contractor's Construction Workforce Plan from the Employ Miami-Dade Register is not met on the contract, the Contractor must provide the Compliance Officer with a detailed explanation of its efforts.
   vii) CareerSource South Florida may have funds to pay a portion of the salaries for Employ Miami-Dade participants. It shall be the responsibility of the Contractor to contact CareerSource South Florida directly to determine eligibility for, and make arrangements as applicable with, CareerSource South Florida to pay a portion of the salaries for a specified period and/or during on the job training for the Employ Miami-Dade participants employed on the contract.

2. AFTER NOTICE OF AWARD BUT PRIOR TO ISSUANCE OF NOTICE TO PROCEED

a. After a Notice of Award, but prior to the issuance of a Notice to Proceed, the issuing department/Contracting Officer must verify that the Contractor has submitted and complied with the following:
   i) Provided a Construction Workforce Plan and supporting documentation.
   ii) The Construction Workforce Plan must:
      1. Specify the total number of positions by trade that will be used by the Contractor (as well as by all subcontractors) to perform all of the construction labor work of the contract; and
      2. Indicate the number of positions to be filled by the Contractor from the Employ Miami-Dade Register.
b. The Contracting Officer shall not issue a Notice to Proceed until all applicable documents required above, in this AO, have been fulfilled. Failure to provide the documents as specified may result in rescission of award or termination of the contract. For a County Construction Contract that is phased or will have multiple Notice to Proceed documents issued, the applicable documents required in this paragraph shall mean those documents required for the portion of the County Construction Contract that falls within the instant Notice to Proceed.

3. CONTRACT ADMINISTRATION

a. Within thirty (30) business days of completion of a County Construction Contract, the Contracting Officer shall require the Contractor to submit a Workforce Performance Report to the County, which shall include the following information on the workforce employed in the execution of the contract:

   i) The total number of construction labor work positions used on the County Construction Contract, and the number of such positions performed by Employ Miami-Dade participants;
   ii) Supporting documentation verifying construction labor work positions performed by Employ Miami-Dade participants; and
   iii) Supporting documentation verifying reasonable efforts to promote Employ Miami-Dade if 20% labor workforce threshold was not met per Contractor's Construction Workforce Plan from the Employ Miami-Dade Register.

b. Contractor shall submit an updated Construction Workforce Plan to the Contracting Officer on a monthly basis.
c. The Contracting Officer shall forward copies of all versions of the Construction Workforce Plan and Workforce Performance Report to the Compliance Officer.
d. The Contractor's failure to provide a completed Workforce Performance Report will result in a finding by the County that the Contractor failed to satisfy this AO. This finding will be included in the Compliance Officer's report pursuant to Section III, Monitoring, Paragraph D, herein.

B. RESPONSIBILITIES OF THE CONTRACTOR AND SUBCONTRACTORS:

1. Throughout the performance of the contract, the Contractor, or subcontractors as applicable, shall keep on file a copy of each Employ Miami-Dade participant's verification documentation.
2. If the Contractor, or subcontractor as applicable, has a need to hire employees to perform labor work on a County Construction Contract, Contractor will document its

efforts to hire workers from Employ Miami-Dade, including following the referral procedure described in this AO.

III. MONITORING

A. County staff shall perform random audits of documents and/or unannounced visits to the County Construction Contract project site to verify employment of Employ Miami-Dade participants.
B. The Compliance Officer shall review information collected by the Contracting Officer or designee during on site field interviews and issue written notices to Contractor when he/she determines the 20% labor workforce threshold from the Employ Miami-Dade Register will not be met or best reasonable efforts are not being performed.
C. At project completion on a County Construction Contract, the Compliance Officer shall review the Workforce Performance Report and applicable supporting documents such as employee performance reviews, payrolls, and payments to employees, and shall ascertain whether employees will be retained beyond the contract.
D. The Compliance Officer shall report his/her determination of whether the Contractor successfully met the 20% labor workforce threshold from the Employ Miami-Dade Register and, if not, whether the Contractor used its best reasonable efforts to promote Employ Miami-Dade as further detailed in this AO. Such report shall, at a minimum, be included in the County's Capital Improvement Information System (CIIS) (by the Contracting Officer) with a copy to CareerSource South Florida.

   In making such determination, the Compliance Officer shall consider:

   1. Whether the Contractor followed the referral procedures in this AO;
   2. Whether minimum requirements were established for available positions beyond reasonable requirements to complete the job;
   3. The availability of candidates from the Employ Miami-Dade Register for the trades required on the County Construction Contract;
   4. The number of referred candidates interviewed for the position; and
   5. The Contractor's labor force and the number of Employ Miami-Dade participants employed on the County Construction Contract by the Contractor (or its subcontractors if applicable) for at least 120 days of full-time work, 40 hours per week, or for the length of the County Construction Contract if the County Construction Contract is less than 120 days.

E. The County's determination as to whether a Contractor has met the 20% labor workforce threshold from the Employ Miami-Dade Register or made best reasonable efforts is final and binding.

IV. EVALUATION OF CONTRACTOR

A. For County Construction Contracts, the Contracting Officer shall review prior work performed by the proposed Contractor, including the Compliance Officer's determination(s) whether the Contractor successfully met the 20% labor workforce threshold from the Employ Miami-Dade Register and, if not, whether the Contractor used its best reasonable efforts to promote Employ Miami-Dade as further detailed in this AO on prior contracts. Bidders/Proposers will be deemed non-responsible and their bids/proposals rejected if the Contractor has been found to have failed to successfully meet the 20% labor workforce threshold from the Employ Miami-Dade Register or use its

best reasonable efforts to promote Employ Miami-Dade as further detailed in this AO on one (1) or more projects in the last three (3) years.

B. In the event the Contractor or subcontractor attempts to comply with the provisions of this AO through fraud, misrepresentation, or material misstatement, or is found after a hearing to have discriminated in violation of Article VII of Chapter 11A of the Code, the County shall, whenever practicable, terminate the contract, or require the removal of the subcontractor, from the project on which the acts were committed. In each instance, the Contractor shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The Contractor may also be subject to debarment pursuant to Section 10-38 of the Code of Miami-Dade County.

V. RESPONSIBILITY OF DEPARTMENTS LEASING COUNTY-OWNED LAND FOR CONSTRUCTION OF PRIVATELY FUNDED IMPROVEMENTS THEREON

Any project or lease of County-owned land on which privately funded improvements will be constructed shall stipulate in such contract or lease the provisions of this AO, if applicable.

VI. ADVERTISEMENTS IN SOLICITATIONS FOR PROFESSIONAL SERVICES

The provisions of this section of the AO only applies to solicitations for professional services subject to *A.O. 3-39, Standard Process for Construction of Capital Improvements, Acquisition of Professional Services, Construction Contracting, Change Orders and Reporting.* The issuing department/Contracting Officer shall include, except where state or federal laws or regulations mandate to the contrary, the following language in solicitation documents:

> *"The County has an initiative to provide construction labor employment and training opportunities for Miami-Dade residents through the Employ Miami-Dade initiative. Contractors are encouraged to visit the Employ Miami-Dade website at https://www.employ-miamidade.com to learn more about this continuing effort."*

Approved by the County Attorney as
to form and legal sufficiency