

SBE

New Amendments

Summary

Review Committee

Modify RC process to mirror ESP

- Amends definition of Review Committee or RC - the committee established by the County Mayor or designee to review proposed contracts for the application of contract measures where SBD and the contracting department have not established consensus. (Ordinance and I.O.)
- Amends the existing Review Committee process to model the Expedited Review Committee process established to review projects under the Economic Stimulus Plan (ESP). The proposed process will establish a standing Review Committee that will only meet to review contracts where disagreements exist regarding the appropriate contract measure between SBD and the contracting departments. (I.O.)

Subcontractor Goals/Bid Documents

Submittal of Schedule of Intent Affidavit with bid instead of subcontractor agreement

- Change requirement of submittal of Subcontractor Agreement with Bid to Schedule of Intent Affidavit with Bid and submit Subcontractor Agreement after award.

Minimum Goals

- Increase minimum participation from 5% to 10% for contracts of \$50K and under

Certification

Modifies period of certification & clarifies Certification requirements

- Adds 3 Year Certification with yearly submittal of affidavit and minimal documents (Ordinance and I.O.)
- Local tax receipt issued by Miami-Dade County. (Ordinance and I.O.)
- Clarifies that acting as a broker is not considered a commercially useful function for purposes of certification eligibility. (Ordinance and I.O.)
- Simplifies the definition of affiliated businesses. (I.O.)

Adds language to allow the Mayor to adjust the CSBE size limits every 5 years

The County Mayor or designee shall be authorized to adjust the SBE-size limits every five (5) years based on the **local Consumer Price Index for All Urban Consumers (CPI-U) or other appropriate inflation measures as may be applied across all industries** calculated by the U.S. Department of Commerce as applied to Miami-Dade County for the preceding five (5) years. (Ordinance)

Appeals

Appeals to be heard by Administrative Hearing Officer

- All appeals of certification denial, decertification or non-compliance determinations shall be heard by administrative hearing officers that include retired judges who are licensed and admitted to practice law in the State of Florida, or arbitrators or mediators certified by the Eleventh Judicial Circuit or State Bar Association. Appointees will be acquainted with Implementing Order 3-41 and the provisions of Section 2-8.1.1.1.1, Miami-Dade County Code, as amended, applicable to the particular violations to be heard. (Ordinance and I.O.)

The Appeals section has been changed to provide for a Hearing Officer to make findings and recommendations, and the Mayor to make a final decision, which is appealable to Circuit Court. This change makes the appellate remedy the same, irrespective of the party appealing the final decision.

Additional Penalty Language

- It is proposed that language be added that allows penalties and sanctions to be imposed by the County Mayor or designee upon contractors that fail to comply with approved small business measures. In the case of a goal deficit, the County Mayor or designee may order a penalty amount to be withheld from the contractor for such noncompliance as follows: for the first deficit, a penalty in an amount equal to 10% of the amount thereof; for the second deficit, a penalty in an amount equal to 20% thereof; for the third and successive deficits, a penalty in an amount equal to 30% thereof. A fourth violation and finding of

SBE

New Amendments

noncompliance, shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. Monies received from payment of penalties imposed hereunder shall be deposited in a separate account and shall be utilized solely to defray SBD's costs of administering Section 10-33.02 of the Code of Miami-Dade County.

The substitute properly places modifications to the Administrative Penalties to include all penalties for violations of or noncompliance with this section and its implementing order, proposals(s), and/or competitive selection documents.