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

Memorandum

MIAMI-DADE COUNTY

Date: June 3, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 9(A)(2)

From: George M. Burgess
County Manager

Resolution No. R-619-10

Subject: Resolution Rescinding Administrative Order 3-37 and approving Implementing Order 3-37: Community Workforce Program

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Recommendation

It is recommended that the Board of County Commissioners (Board) rescind Administrative Order No. 3-37: Community Workforce Program (CWP) and approve Implementing Order No. 3-37: Community Workforce Program which removes language relating to compensation to Workforce Development Organizations (WDOs) and Workforce Recruitment/Referral Organizations (WROs) for training, referral and placement of new hires from Designated Target Areas (DTAs), and changes the department's name from Department of Business Development to Department of Small Business Development (SBD).

Scope

This Implementing Order has countywide impact.

Fiscal Impact/Funding Source

There is no fiscal impact to the County.

Track Record/Monitor

SBD is responsible for administering the CWP.

Background

The CWP requires the application of local workforce goals on certain capital construction contracts for public improvements located in DTAs to ensure a minimum of ten percent (10%) of the persons performing construction trades and labor work under the contracts reside in DTAs. Since entering into a Memorandum of Understanding (MOU) with the South Florida Workforce Investment Board (SFWIB) in 2009 (see Resolution No. R-724-09), SBD has utilized the SFWIB to provide WDO and WRO services to accomplish the CWP workforce objectives.

The SFWIB provides workforce development services in Region 23 which includes Miami-Dade and Monroe counties. The MOU authorized the SFWIB to function as the first-stop WDO and WRO for the County's CWP at no cost to the County. SFWIB provides construction trade skills training, including training recognized and accepted by all federation members for the respective trades. In addition, the SFWIB provides qualified construction employment recruitment/referral services and employability skills training such as job application processes, interviewing skills and appropriate work attire.

Administrative Order No. 3-37 currently provides that WDOs and WROs be compensated for training, referral and placement of new hires from DTAs. Based on the MOU with the SFWIB, it is recommended that Implementing Order No. 3-37 be amended to remove language providing for compensation to WDOs and WROs.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 9(A)(2)

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 Manager'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. 9(A)(2)

6-3-10

RESOLUTION NO. **R-619-10**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM AND APPROVING IMPLEMENTING ORDER NO. 3-37 COMMUNITY WORKFORCE PROGRAM; AND AMENDING IMPLEMENTING ORDER NO. 3-37 TO REMOVE LANGUAGE RELATING TO COMPENSATION TO WORKFORCE DEVELOPMENT ORGANIZATIONS AND WORKFORCE RECRUITMENT/REFERRAL ORGANIZATIONS, AND TO CHANGE THE NAME OF THE ADMINISTERING DEPARTMENT

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board rescinds Administrative Order No. 3-37, Community Workforce Program and approves and enacts Implementing Order No. 3-37, Community Workforce Program which: (i) removes language relating to compensation to Workforce Development Organizations and Workforce Recruitment/Referral Organizations for training, referral and placement of new hires from designated target areas; and (ii) changes the administering department's name to the Department of Small Business Development.

The foregoing resolution was offered by Commissioner Jose "Pepe" Diaz , who moved its adoption. The motion was seconded by Commissioner Audrey M. Edmonson and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	aye		
Jose "Pepe" Diaz, Vice-Chairman	aye		
Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	absent
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of June, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

dsh

David Stephen Hope

I**A.O. No.:** **3-37**
Ordered: ~~**11/04/2003**~~[1]
Effective: ~~**11/14/2003**~~

MAIMI-DADE COUNTY
IMPLEMENTING ~~ADMINISTRATIVE~~ ORDER

COMMUNITY WORKFORCE PROGRAM

AUTHORITY:

~~Section 4.02 of the~~ The Miami-Dade County Home Rule Amendment and Charter, including among others, Sections 1.01 and 2.02 A.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous A.O. No. 3-37 ordered November 4, 2003 and effective November 14, 2003.

POLICY:

A. Except where federal or state laws or regulations mandate to the contrary, this Implementing ~~Administrative~~ Order shall require the review Capital Construction Contracts equal or greater than $250,000 and all Work Orders, the value and type set forth herein, for public improvements located in Designated Target Areas to determine the appropriateness of applying a local workforce goal requiring that a minimum of 10% of the persons performing the construction trades work and labor under the contract be residents of Designated Target Areas.

B. The provisions of this Implementing ~~Administrative~~ Order shall apply to all such Capital Construction Contracts/Work Orders entered into and issued by the County, its departments and agencies, including the Public Health Trust, or funded in whole or in part by County funds or with private funds on County property.

I. DEFINITIONS:

A. Capital Construction Contract means the building and/or improvement of a specific fixed asset as approved in the Capital Budget, or for the purpose of this Implementing ~~Administrative~~ Order, open contract infrastructure work where the individual work orders are distributed throughout the County.

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[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

BH. CDBG Eligible Block Group means a geographical area whose residents are lower to moderate income.

CB. Construction Trade Work means skilled laborers.

DC. Contract means a contract for Capital Construction.

ED. Department means department or agency administering a Capital Construction Contract to which a local workforce goal has been applied.

FE. Designated Target Area (DTA) means any geographic area of Miami-Dade County designated as an Empowerment/Enterprise Zone, any geographic area of Miami-Dade County designated by the Board of County Commissioners as a Targeted Urban Area (TUA), Community Development Block Grant (CDBG) Eligible Block Group or Focus Area.

G. Empowerment Zone means a geographical area of Miami-Dade County designated by the federal government as an empowerment zone.

HF. Enterprise Zone means a geographic area of Miami-Dade County designated as an Enterprise Zone or a Satellite Enterprise Zone pursuant to the Florida Enterprise Zone Act of 1994~~, as amended~~.

I. Focus Area means a geographical area slated for economic revitalization.

J. Job means a specific trade such as painting, electrical, plumbing, etc., in which a person hired by the contractor or subcontractor as part of the workforce used towards a workforce goal compliance and which the length of the job may aggregate to less than 120 days due to the nature of the job. Jobs that will be less than 30 days for completion may not be considered towards compliance with a workforce goal.

K. Labor Force means individuals (the workforce) that may count towards compliance to a workforce goal.

L. Labor Work means unskilled construction work.

M. Local Workforce Goal means a requirement that a percentage of the workforce performing construction trades work and labor under a Capital Construction Contract/Work Orders be residents of a Designated Target Area.

N. New Hire means any individual meeting the requirements of resident as defined below, employed by the contractor and on the contractor's or subcontractor's payroll, pursuant to the County's approval of the

Workforce Plan by the contractor or subcontractor to perform any construction trades work or labor under a contract to which a local workforce goal has been applied, and who remains employed by the contractor or subcontractor and performs the job as listed and approved on the contractor's or subcontractor's workforce plan to include any approved revisions to the workforce plan, for a minimum duration of one hundred twenty (120) days or the length of the job, whichever is less.

O. Resident means a person who has resided in Miami-Dade County in any designated target area the past year (12 months).

P. Review Committee ~~or~~ (RC) means the committee established by the County Manager to review proposed contracts for the application of local workforce goals.

Q. Scope of Services or Scope of Work means the work to be performed under a Contract.

R. Subcontractor means any person, firm, entity, or organization at any tier, other than the employees of the contractor, performing construction trade work and labor under a contract to which a local workforce goal has been applied pursuant to this Implementing ~~Administrative~~ Order. This term shall include employment agency furnishing personnel to a contractor or subcontractor.

S. Targeted Urban Area means a geographical area of Miami-Dade County that has been designated by the County Commission as a Targeted Urban Area under Section 30A-129 of the Code.

T. Work means the construction and services required by the contract including all labor, materials, equipment and services to be provided by the contractor to fulfill the contractor's obligations. The work may constitute the whole or a part of the contract.

U~~Y~~. Work Order means issuance of specific work based on an open work contract with fixed unit prices.

V~~U~~. Worker Training Program ~~or~~ (WTP) is a certified training program, technical school, apprenticeship program or other such construction industry related training program.

W~~V~~. Workforce Development Organization ~~or~~ (WDO) means an organization providing construction trades skills training or providing skills training that are recognized and accepted by all federation members of the respective trade, who are instrumental in its design and provides certification after participation or apprenticeship training or any construction related training.

The firm must be registered with the Department of Small Business Development (~~D~~SBD).

XW. Workforce Plan or Plan means a plan delineating the number and category of administrative, construction trades and labor personnel necessary to perform the work under a Capital Construction Contract to which a local workforce goal has been applied, and the proposed steps that will be taken to meet the goal. The Plan shall be organized by trade and indicate the number and category of positions already filled and the number and category of positions that require recruitment; the anticipated date that the hiring process will be initiated; the deadline for referrals; the anticipated position commencement date; and the duration of the position.

YX. Workforce Recruitment /Referral Organization ~~or~~ (WRO) means an organization providing qualified construction employment recruitment/ referral services and employability skills training, including application process, interviewing, and appropriate attire. The organization must be registered with the Department of Small Business Development (~~D~~SBD).

II. PROGRAM COMPONENTS:

A. PROCEDURES FOR RECOMMENDATION OF LOCAL WORKFORCE GOAL

i. A local workforce goal may be applied to all Capital Construction Contracts equal to or greater than $250,000 subject to review under this Implementing ~~Administrative~~ Order, of which the estimated value is greater or equal to $250,000 and all Work Orders.

ii. Such goal shall be applied based on:

1. The scope of work;

2. The engineer's or department's estimate of the trades and workforce necessary to perform construction trades and labor work under the contract; and

3. The SIC/NAICS of the contract/work order, the corresponding relative local unemployment rate and/or the statewide unemployment rate within the quarter the contract/work order was submitted to ~~D~~SBD for review. Unemployment rates will be based on the latest available U.S. Census data.

4. The availability of labor force in the DTA in which the public improvement is located.

B. ISSUING DEPARTMENT RESPONSIBILITY

i. The issuing department shall work in conjunction with ~~D~~SBD to establish the workforce goal.

ii. The issuing department shall provide to ~~D~~SBD a copy of the Notice to Award letter at the time the letter is sent to the awarded contractor.

iii. The issuing department shall provide a breakdown of employees on previous projects of similar type, if available.

iv. The issuing department shall provide that bid and proposal documents for a Capital Construction Contract/Work Order, as defined herein, to which a local workforce goal may be applied, specify that the successful bidder:

a. Submit to ~~D~~SBD, a Workforce Plan within 15 days from the date of the Notice of Award letter.

b. Shall forward notification of job opportunities in accordance with Resolution No. 1145-99 and Ordinance No. 03-1, to the Employee Relations Department ("ERD") for posting of job opportunities.

v. The issuing department shall provide that the contract language for a Capital Construction Contract valued greater than or equal to $250,000 or a Work Order, to which a workforce goal has been applied, shall specify that a certain percentage of the workforce performing construction trades, and labor work under such Contract be residents of Designated Target Areas as provided herein.

vi. The issuing department shall ensure that the job order request form is included in each bid packet.

vii. The issuing department shall, at the completion of a new hire, dispense new hire payments to the WDO/WRO if applicable. Departments may elect to pay this fee through the contract's contingency fund or reflect it as a line item on the contract/work order budget.

viii. The issuing department shall not issue the Notice to Proceed (NTP) until notified in writing by ~~D~~SBD that the successful contractor's Workforce Plan has been approved. If a NTP must be issued prior

to the approval of the successful contractor's Workforce Plan, the issuing department's Director or designee must submit a written request to ~~D~~SBD with an explanation as to why the NTP must be issued before the approval of the Workforce Plan. ~~D~~SBD will review such request within two (2) days of receipt.

ix. The issuing department shall advise ~~D~~SBD if a contractor has not submitted a Workforce Plan within the required timeframe as established in this Implementing ~~Administrative~~ Order.

C. ~~D~~SBD RESPONSIBILITIES

i. ~~D~~SBD shall review, to determine the appropriateness of applying a Local Workforce Goal, all Capital Construction Contracts/Work Orders under the authority of this Implementing ~~Administrative~~ Order.

ii. ~~D~~SBD shall work in conjunction with the issuing department to establish the Workforce Goal.

iii. ~~D~~SBD shall approve a Workforce Plan, complete with all required documentation, within 10 business days of receipt.

iv. ~~D~~SBD will present a recommendation to the RC as to whether a workforce goal should be applied to a Capital Construction Contract/Work Order and what the percentage goal should be. The RC will, in turn, present its recommendation to the County Manager for approval.

v. ~~D~~SBD shall notify the issuing department of a contractor that has not provided a Workforce Plan.

vi. ~~D~~SBD shall monitor for compliance, projects for which a workforce goal has been established.

vii. ~~D~~SBD shall register WDOs and WROs, and shall maintain and publish an updated list of WDOs and WROs, identifying areas of expertise and services.

viii. ~~D~~SBD shall notify a registered firm thirty (30) days prior to expiration of the firm's registration period.

ix. Subsequent to a recommendation by the RC and prior to contract advertisement, each department shall advise ~~D~~SBD of any change in the scope of work of a contract. ~~D~~SBD shall review the change and recommend to the County Manager whether the contract

requires further review by the RC due to the change in the scope of work. Each department shall advise ~~D~~SBD of post-award changes in scope and all change orders that require Board of County Commissioner's approval shall be submitted to ~~D~~SBD. ~~D~~SBD shall review the changes and change orders and recommend to the County Manager whether the contract requires further review by the RC due to the change in the scope of work, and report on the prime contractor's current status of Community Workforce Goal compliance.

1. Registration Criteria

    a. ~~D~~SBD shall collect, assemble, and verify information needed to establish eligibility for such registration.

    b. ~~D~~SBD shall register a WDO and WRO within five (5) business days of receipt of a detailed letter of eligibility complete with all required supporting documentation.

    c. ~~D~~SBD shall register WDOs and WROs by the type of services provided.

2. Terms of Registration

    a. Registration is valid for a three (3) year period.

    b. Registered WDOs and WROs shall provide written notification of any changes that affect eligibility status. The organization shall submit a written statement describing the nature and effective date of the changes to ~~D~~SBD within twenty (20) business days of the effective date therefore. ~~D~~SBD shall provide an updated registration document to the firm within five (5) business days.

    c. WDOs and WROs are responsible for applying for registration at least twenty (20) business days prior to expiration of current registration.

3. Eligibility requirements

    a. Interested organizations may obtain eligibility criteria from ~~D~~SBD in writing or on its website.

b. The organization shall submit a letter of eligibility along with the supporting documentation. The letter of eligibility shall contain a detailed statement of the organization's current function and service areas for the last three years or the life of the business, whichever is less.

c. Must be a business enterprise, located in Miami-Dade or Broward County.

d. In the letter of eligibility the organization must show at least one year's experience in the service area of training and/or referral /recruitment and/or placement.

D. REVIEW COMMITTEE (RC) RESPONSIBILITIES:

i. The RC is responsible for recommending to the County Manager whether to apply a Local Workforce Goal to a contract.

ii. The RC shall hear appeals as provided in Section IV of this Implementing ~~Administrative~~ Order.

E. CONTRACTOR RESPONSIBILITIES

i. The contractor or its qualified WDO or WRO shall submit to ~~D~~SBD through the issuing department, a Workforce Plan outlining how the goal will be met within fifteen (15) days of notification to award.

ii. The Contractor or its qualified WDO or WRO shall submit certified payrolls monthly itemizing, by trade, all New Hires performing work under the contract. The content of the certified payrolls shall include, but not be limited to, the respective trades, time periods during which work was performed, and permanent residence addresses.

iii. The Contractor or its qualified WDO or WRO shall complete a Job Order Request Form to the Employee Relations Department as outlined in the Job Clearinghouse Procedures in accordance with Resolution No. R-1145-99, for all positions designated in the approved Workforce Plan for recruitment.

iv. The Employer's Information portion of the Job Order Request Form shall provide the relevant information for the contractor or subcontractor who will employ the New Hire.

F. ERD'S RESPONSIBILITIES

i. ERD shall establish and ensure appropriate community notification of job opportunities created for the construction of improvements on County property, including those improvements that are privately funded.

ii. ERD shall receive, record, email and fax job notices to appropriate locations within twenty-four hours of receipt from the successful bidders.

iii. ERD and ~~D~~SBD shall monitor the job opportunity process and provide quarterly reports of all jobs generated through this process to the County Manager.

G. WORKFORCE PLAN

i. An approved Workforce Plan is required prior to the issuance of a NTP. ~~D~~SBD may permit the issuing department to issue the NTP prior to the approval of a Workforce Plan provided they submit the required written justification as outlined in section II B of this Implementing ~~Administrative~~ Order.

ii. The issuance of a Notice to Proceed prior to the contractor's submission of a plan or prior to ~~D~~SBD's approval of any Plan submitted shall not be deemed a waiver of the requirements that a Plan be submitted and be approved.

iii. The issuance of a Notice to Proceed does not indicate an acceptance of the Plan.

iv. The Plan shall specify the total number of persons that will be used by the contractor (as well as by all subcontractors) to perform all of the construction trades work and labor of the contract.

v. The Plan shall be broken down by trade and labor category, minimum qualifications for each category, and the number of persons to be utilized in each category.

vi. The Plan shall identify all persons proposed to perform work under the contract currently on the contractor's (or on any proposed subcontractor's) payroll who reside in any Designated Target Area by name, address and trade category.

vii. The Plan shall also indicate the total number of positions required by the contractor (or by any proposed subcontractors) to perform the construction trades work and labor work under the contract and

shall indicate the trade categories and minimum qualifications therefore of all such positions.

viii. In the event that, during the contract term, a New Hire or a person identified in the Plan is already on the contractor's (or any proposed subcontractor's) payroll to meet the local workforce goal is replaced, the contractor must contact ~~D~~SBD immediately identifying the replacement. The replacement must be approved by ~~D~~SBD in order to qualify towards meeting an established Workforce Goal.

H. GOAL COMPLIANCE REQUIREMENTS

It shall be the responsibility of the contractor to maintain compliance with the Local Workforce Goal utilizing direct employment or utilizing employment through the subcontractor's workforce.

i. If the primary contractor and the subcontractor, through written mutual agreement, agree that any portion of the workforce goal will be achieved through the subcontractor, then the subcontractor shall have the right to self recruit or select and utilize qualified WDOs or WROs. The primary contractor, however, retains full responsibility for meeting the established Workforce Goal.

ii. Persons designated in the approved Workforce Plan as already on the contractor's (or on any proposed subcontractor's) payroll at the time of approval who reside in the Designated Target Area in which the public improvement is located and who perform any construction trades or labor work of the awarded contract shall count towards meeting the local workforce goal. If additional workforce is needed to meet the goal, the contractor or any proposed subcontractors must recruit the required workforce from the DTA in which the public improvement is located. If the contractor or proposed subcontractors are unable to locate the remaining required workforce in part or in whole and provide sufficient written documentation to ~~D~~SBD that the required labor force was not available in the DTA in which the project is located, the contractor and any proposed subcontractors may count persons on their payroll that reside in another DTA or recruit from the nearest DTA to the location of the public improvement. Failure to submit said documentation may result in the contractor not meeting the Workforce Goal. Penalties and sanctions will apply and shall be enforced for all violations to the CWP.

iii. Each New Hire residing in a Designated Target Area who is hired to a position designated in the approved Workforce Plan and who performs construction trades work or labor work of the contract for

a minimum duration of one hundred twenty days or the duration of the may also count towards meeting the goal, provided the first priority in hiring for such position was given to persons residing in the Designated Target Area in which the public improvement is located.

iv. Not withstanding anything to the contrary above, the contractor may in whole or in part, be relieved of the requirements of the Community Workforce Ordinance and this Implementing ~~Administrative~~ Order if such contractor can demonstrate to ~~D~~SBD that it has utilized its best efforts to achieve a goal, including but not limited to, documented evidence (i.e. telephone/fax logs, etc.) of attempted recruitment through all ~~D~~SBD registered WDOs and WROs, Miami-Dade County's Clearinghouse and other ~~D~~SBD available workforce databases.

~~I. COMPENSATION TO WDO, WRO~~

~~The following applies to all Contracts to which a local workforce goal has been applied:~~

~~i. WDOs shall receive a fee of $750 for the collective training, referral/recruitment and placement, of each New Hire from a Designated Target Area on such Contracts.~~

~~ii. WDO/WROs shall receive a fee of $500 for the collective referral/recruitment and placement of each New Hire from a Designated Target Area on such Contracts.~~

~~iii. These fees are contingent on the New Hire remaining employed for a minimum of one hundred twenty (120) days or the duration of the job, whichever is less.~~

I~~J~~. MONITORING

The County shall maintain staff for the purpose of monitoring compliance with this Implementing ~~Administrative~~ Order. Assigned individuals will be on site monthly to review the progress towards meeting the local workforce goal. The contractor and all Subcontractors performing work on a contract to which a local workforce goal has been applied shall maintain, and make readily available, all records pertaining to employment by the contractor and subcontractors on the contract. ~~D~~SBD shall conduct payroll audits of the contractor's monthly certified payrolls itemizing, by respective trades, all New Hires performing work under the contract, time periods during which work was performed, and permanent residence addresses.

J~~K~~. INCENTIVES

It is the County's intent to encourage contractors to access incentives available in Designated Target Areas. Incentives established for Enterprise/Empowerment Zones and Targeted Urban Areas include the Work Opportunity Tax Credit, Business Registry Incentives, and Qualified Targeted Industries Incentives (QTI), as well as any other applicable incentives. A contractor is responsible for applying for any incentive for which it may be eligible. The contractor may utilize economic and business development organizations such as the Beacon Council, Empowerment Trust, Miami-Dade County's OCED, WDOs, WROs as well as other related organizations to access such incentives.

III. SANCTIONS FOR CONTRACTUAL VIOLATIONS

Bid and contract documents for all contracts/work orders shall provide that, notwithstanding any other penalties or sanctions provided by law, a contractor's violation of or failure to comply with the ordinance or this Implementing ~~Administrative~~ Order shall result in the imposition of one or more of the following sanctions:

i. The suspension of any payment of part thereof until such time as the issues concerning compliance are resolved; and/or

ii. Work stoppage; and/or

iii. Termination, suspension, or cancellation of the contract in whole or part; and

iv. In the event that at contract completion the contractor fails to comply with the established local workforce goal, liquidated damages equal to a minimum of $1,500.00 per position or the salary that would be payable for such position had the person(s) been hired for the position as listed on the approved workforce to include all approved revisions to the workforce plan, whichever is greater, shall be assessed in accordance with the governing ordinance. Funds so retained by the County shall be applied to the costs of the Community Workforce Program.

v. In the event the contractor attempts to comply with the provisions of this Implementing ~~Administrative~~ Order 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 of Miami-Dade County, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the contractor committed such acts. In addition, and as a further sanction, the County Manager or his or her designee may

impose any of the above-stated sanctions on any other contracts or subcontracts the contractor has on County projects. 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.

vi. The County Manager or his or her designee may issue a Stop Payment against current and future payments on a contract where the contractor who has not submitted or does not have a ~~D~~SBD approved Workforce Plan at contract commencement or at the 25 percent (25%) completion point for such contract.

IV. APPEALS PROCESS

A. Upon a denial of registration or a determination of non-compliance with the requirements of this Implementing ~~Administrative~~ Order, its Ordinance or implementing bid documents, which decision will be final unless appealed, ~~D~~SBD shall notify the affected party, in writing, setting forth the reasons for the determination and advising of this appeals process.

B. The affected party may appeal the determination by filing a written appeal with the Director of ~~D~~SBD within fifteen (15) days of receipt of the notice.

C. ~~D~~SBD shall forward all written appeals to the RC. The RC or a committee thereof appointed by the chairperson shall hear all appeals and forward recommendations regarding the appeal to the County Manager.

D. Decisions by the County Manager shall be final unless the County Commission agrees in its sole discretion upon request by the affected party to review the County Manager's decision.

E. This appeal process does not apply to decisions made pursuant to contract documents implementing the Community Workforce Program when such contract documents provide procedures for appeals of such decisions.

This Implementing ~~Administrative~~ Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

George M. Burgess
County Manager