

MEMORANDUM

Substitute
Agenda Item No. 11(A)(12)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

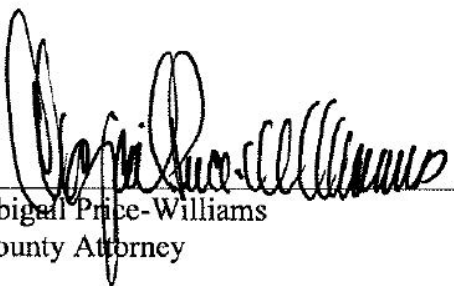
FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution related to Small
Business Enterprise Programs;
approving amendments to
Implementing Order Nos. 3-22,
3-32, and 3-41; and updating
SBD responsibilities, terms of
certification, certification
process, eligibility requirements,
size limitations, and removal of
annual continuing eligibility
affidavit requirements to
conform with the Code of
Miami-Dade County

Resolution No. R-1096-20

This substitute differs from the original version in that it requires submission of the prior three years of federal business tax returns for the applicant firm to be considered for certification as a small business.

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



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: October 20, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Substitute
Agenda Item No. 11(A)(12)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 11(A)(12)
10-20-20

REESOLUTION NO. R-1096-20

RESOLUTION RELATED TO SMALL BUSINESS ENTERPRISE PROGRAMS; APPROVING AMENDMENTS TO IMPLEMENTING ORDER NOS. 3-22, 3-32, AND 3-41; AND UPDATING SBD RESPONSIBILITIES, TERMS OF CERTIFICATION, CERTIFICATION PROCESS, ELIGIBILITY REQUIREMENTS, SIZE LIMITATIONS, AND REMOVAL OF ANNUAL CONTINUING ELIGIBILITY AFFIDAVIT REQUIREMENTS TO CONFORM WITH THE CODE OF MIAMI-DADE COUNTY

WHEREAS, this Board desires to conform the requirements of Implementing Order Nos. 3-22, 3-32, and 3-41 to applicable sections of the Code of Miami-Dade County, Fla. (the “Code”); and

WHEREAS, the adoption of the attached Implementing Orders will provide greater clarity and consistency to County policies, practices and procedures,

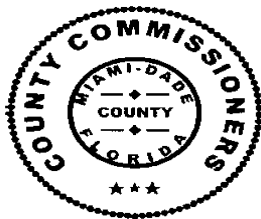
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the attached amended and restated Implementing Order Nos. 3-22, 3-32 and 3-41 related to the Small Business Enterprise Programs for Construction Services, Architecture and Engineering, and Goods and Services.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Barbara J. Jordan and Chairwoman Audrey M. Edmonson. It was offered by

Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Daniella Levine Cava** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	absent	Daniella Levine Cava	aye
Jose "Pepe" Diaz	aye	Sally A. Heyman	aye
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	absent
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of October. 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency:

David Stephen Hope



Implementing Order

Implementing Order No.: 3-22

Title: SMALL BUSINESS ENTERPRISE CONSTRUCTION SERVICES PROGRAM ("CSBE")

Ordered: 5/1/2018

Effective: 5/11/2018

AUTHORITY:

Section 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Amendment and Charter; and Sections 10-33.02 and 10-38 of the Code of Miami-Dade.

SUPERSEDES:

This Implementing Order supersedes previous Implementing Order 3-22, ordered ~~[[May 3, 2011]]~~>>May 1, 2018<<, and effective ~~[[May 13, 2011]]~~>>May 11, 2018<<.¹

POLICY:

- A. Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.
- B. This Implementing Order applies to all construction projects regardless of project or contract size.
- C. **APPLICABILITY TO THE PUBLIC HEALTH TRUST:**
The application of contract measures to construction services purchased by the Public Health Trust shall be governed by this Implementing Order.

* * *

II. CERTIFICATION:

A. SBD RESPONSIBILITIES

- 1. SBD is the County agency responsible for certifying applicants, decertifying CSBEs and recertifying CSBEs. SBD shall maintain an updated list of CSBEs, identifying each listed CSBE based on each SIC/NAICS category, and each

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.

Specialty Trade certification and noting the Contracting Participation Level classification.

2. SBD shall collect, assemble and verify all information needed to establish the eligibility of an applicant and continued eligibility of a CSBE~~[[, including the information required on the American Institute of Architects (AIA) Document A305 Contractor's Qualification Statement or its equivalent]]~~.
3. SBD shall attempt to make a certification decision within ~~>>ninety (90)<< [[twenty one (21) business]]~~ days of receipt of a complete application ~~>>via the County's web-based system<<~~. An application is complete when it includes all required supporting documents.
4. Where SBD knows or has reason to know, SBD shall not certify an applicant, shall not recertify a CSBE, and shall decertify a CSBE that fails to comply with the criteria or procedures of Section 10-33.02 of the Code of Miami-Dade County, as amended, this Implementing Order and/or participation provisions. SBD shall have discretion to suspend the certification of a CSBE during any appeal of a certification decision.
5. SBD shall certify each CSBE by the type of construction they perform in accordance with the two-digit SIC and/or six-digit NAICS code applicable to such type of construction for which the CSBE is licensed. A CSBE can be certified in an unlimited number of SIC/NAICS codes and trade categories. CSBEs certified in SIC 17 (Specialty Trade Contractors) shall also be classified by trade category or categories in which they are licensed. Each CSBE will also be certified in a specific Contracting Participation Level based on the firm's 3 year average gross revenues.
6. SBD shall ~~>>make available a re-certification application via the County's web-based system<<[[provide written procedures and/or forms for continuing eligibility to certified CSBEs not later than thirty (30) calendar days prior to their certification anniversary date]]~~.
7. To decertify a CSBE, SBD shall either:
 - a. give notice to the CSBE that the decertification decision will be effective at the completion of any appeal under this Implementing Order; or
 - b. ~~>>suspend<<~~ the certification of the CSBE during any appeal of the decertification decision.SBD shall give written notice, including the reasons for its decision, to applicants who are denied certification and to CSBEs who are decertified~~>>_<< [[or]] denied recertification >>or who have graduated<<~~.
8. SBD may require applicants and CSBEs to submit information regarding their business operations including, but not limited to, a breakdown of the applicant's or CSBE's ownership, and/or work force as to race, national origin, gender, and gross annual sales receipts.

B. TERMS OF CERTIFICATION

1. Certification for a CSBE firm is valid for a three (3) year period. ~~>>To validate continuing eligibility, SBD may conduct random audit(s) within the three (3) year certification period.<<[[Certification for CSBE firms is continuous within the three year period with the firm's submission of an Affidavit for Continuing Eligibility. SBD shall require that all CSBE firms, in order to continue eligibility, submit an application for certification renewal on or before the Anniversary Date via the County's web-based system.]]~~ The ~~>>re-certification application<<[[Affidavit for Continuing Eligibility]]~~ shall include, at a minimum:

- a. ~~[[Most recent,]]~~>>The prior three (3) years of federal business tax returns based upon the year that the CSBE application is submitted. The tax returns must be<< signed, ~~[[complete business tax return(s) or extension(s)]]~~>>completed and submitted<< for the firm and all affiliates.
 - b. Current personal financial statement for each >>direct or indirect<< owner.
 - c. Current business, professional license, Local Business Tax Receipt and certifications issued by the State of Florida and Miami-Dade County.
 - d. Current lease agreement or warrantee deed for the firm's actual place of business.
 - e. Notarized, sworn affiliation affidavit.
2. Additional supporting documentation may be required by SBD to verify >>re-certification and continuing<< eligibility. >>The re-certification application shall be submitted at least one hundred and eighty (180) days prior to the end of the three (3) year certification term to ensure sufficient time for processing by SBD. If the application is not approved by the end of the three (3) year certification period, and such application was not submitted at least ninety (90) days prior to end of the three (3) year certification term, the certification of the firm shall expire and not be in effect until a new application is approved by SBD. A firm whose certification expires because the re-certification application is not approved as of the last day of the three (3) year certification period pursuant to the above, shall no longer be eligible to participate in the CSBE program, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<
 3. SBD will take the following action if a CSBE firm~~[[s]]~~ >>does not continue to meet the eligibility criteria for the CSBE program given a failure to provide either required audit or re-certification documentation<<~~[[“Affidavit for Continuing Eligibility” is not received on or before the Anniversary Date]]~~:
~~[[a. SBD shall immediately prepare a “Notice of Certification Removal”]]~~
>>a.<<[[b.]] SBD shall >>provide written notice via the County's web-based system (the “Decertification Notice”)<<[[mail the Notice]] to the CSBE firm >>that the firm will be decertified as of the date specified in the Decertification Notice<<.

>>b.<<[[e.]] SBD shall allow the CSBE firm fifteen (15) days from the date of the >>Decertification Notice<<[[notice]] to >>submit the required audit or re-certification<<~~[[provide the “Affidavit for Continuing Eligibility” and supporting]]~~ documentation.

>>c.<<[[d.]] If the CSBE firm does not provide the >>required audit or re-certification<<~~[[Affidavit for Continuing Eligibility and supporting]]~~ documentation within the timeframe stipulated >>in the Decertification Notice<<[[above]], >>the CSBE<<[[SBD]] shall >>be decertified as of the date stipulated in the Decertification Notice<<[[decertify the firm and notify the firm in writing of the decertification]].

>>d.<<[[e.]] >>Effective the date specified in the Decertification Notice, the firm shall no longer be a CSBE, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<~~[[The “Notice of Certification Removal” will be dated the day following the deadline established pursuant to “c.” above.]]~~
 4. A CSBE contractor, its individual officers, its shareholders with significant interests, its qualifying agent or its affiliated businesses that has been denied certification ~~[[or continuing eligibility, or that has been decertified]]~~ is not eligible to apply for certification for twelve (12) months from the time of the denial[[;

- ~~decertification~~]]. >>Firms that have been decertified for non-submittal of documents, may apply for recertification once said documents have been submitted and verified by SBD.<< Graduating firms may be eligible to reapply for certification, after filing and submitting their most recent corporate tax return subsequent to graduation, if and only if, said tax return was not previously considered.
5. A CSBE must be certified in accordance with Section II A (4) above.
 6. A business owner, alone or as a member of a group, shall own or control only one CSBE firm. A business owner, alone or as a member of a group, and any CSBE, may not hold more than a ten (10) percent equity ownership in any other CSBE in the same or similar line of business. If a non-CSBE in the same or similar line of business as a CSBE has an equity ownership of such CSBE that exceeds ten (10) percent, the CSBE shall not be certified or recertified.
 7. ~~[[Certified-]]~~CSBEs shall provide written notice to SBD of any changes that affect their >>business structure or<< eligibility as a CSBE. CSBEs shall >>complete and<< submit ~~[[a Change Request form]]~~ >>required<< and supporting documentation describing the nature of the change[,:]] >>and<< the effective date of the change(s) to SBD within thirty (30) calendar days of the effective date of the change(s) >>via the County's web-based system. SBD shall review and determine if said change(s) effect the firm's CSBE certification<<. ~~[[Change Request Forms will be available on-line or upon receipt of written notification from the firm. This form must be completed and returned to SBD to be processed by SBD.]]~~
 8. A CSBE must have a valid certification in effect at time of bid submittal. Successful Bidders must be certified at the time of bid submittal, bid award, and throughout the duration of the contract. With the exception of graduation provisions described in Section 10-33.02 of the Code of Miami-Dade County, loss of CSBE certification may lead to removal of the firm from continued participation in the CSBE program. CSBEs shall allow site visits by County staff to determine continuing compliance with certification requirements. >>However, a graduated CSBE shall be eligible to complete any existing contracts and continue counting towards meeting any measures on existing contracts, as well as be eligible to be awarded contracts as primes or subcontractors for bids/proposals submitted prior to the notice of graduation<<
 9. Applicants and ~~[[certified]]~~ CSBEs must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified.
 10. The qualifier of the ~~[[certified]]~~ CSBE must own at least ten percent (10%) of the certified firm's issued stock.
 - >>11. SBD shall suspend a CSBE's certification when an owner or a qualifier necessary to the firm's certification dies or is incarcerated. A firm's certification may also be suspended when there is adequate evidence that there has been a material change in circumstances that affects the CSBE's eligibility, or when the CSBE fails to notify SBD in writing of any material change in circumstances as required. SBD shall provide written notification of the suspension and a time frame for the CSBE to demonstrate the firm's certification eligibility before SBD initiates the decertification process as provided in Section II (B) (3) above. During the period of suspension, the CSBE may complete any existing contracts and continue counting towards meeting any measures on existing

contracts as long as all other certification requirements are met, but will not be eligible for new awards under the CSBE program.<<

C. CERTIFICATION PROCESS

1. Interested parties shall complete an SBE certification application via the County's web-based system. An explanation of the certification requirements is also available on SBD's Web Page at www.miamidade.gov/smallbusiness.
2. The applicant shall complete the certification application and submit it >>online<< with all requested documentation to SBD.
3. The applicant, including CSBEs seeking continuing eligibility shall attend, if requested by SBD staff, an Eligibility Review Meeting ~~[(ERM)]~~ to clarify information that was submitted in the application and accompanying documents or to gain additional information regarding the applicant's eligibility for certification. SBD shall notify the applicant if an eligibility review meeting is required.
4. The applicant, including CSBEs seeking continuing eligibility, shall allow site visits by SBD staff to gain additional information regarding compliance with eligibility requirements. SBD shall notify the applicant if a site visit is required and shall schedule the site visit at a mutually convenient time.
5. Applicants and CSBEs shall provide SBD with all information that SBD reasonably requests to determine eligibility for certification ~~[[and to determine bonding capacity]]~~.
- >>6. All information submitted to SBD shall be subject to random audit. If a CSBE does not submit documentation requested as part of random audit by the time frame specified by SBD, SBD shall initiate the decertification process as provided in Section II B (3) above.<<

D. ELIGIBILITY REQUIREMENTS

1. Applicants and CSBEs must be profit-motivated businesses. (Note: not-for-profit or non-profit corporations are not eligible for certification).
2. CSBEs must have an actual place of business in Miami-Dade County and may be registered as a vendor with ISD.
 - a. When determining whether the applicant has an actual place of business in Miami-Dade County, SBD shall consider evidence such as, but not limited to, the following:
 1. Local Business Tax Receipt issued by Miami-Dade County~~[[;]]>>.<<~~
 2. Offices, premises related to business, or other facilities within the geographic boundaries of Miami-Dade County at which the goods or services to be provided are produced or performed~~[[;]]>>.<<~~
 3. The existence and location of secretarial or other administrative staff~~[[;]]>>.<<~~
 4. The possession of professional licenses and/or competency certificates required to conduct the business in Miami-Dade County.
3. To remain eligible for certification, CSBEs must perform a commercially useful function >>in the trade category, SIC/NAICS, or service area in which it is certified or seeking to be certified<<.
4. A firm shall be certified as a CSBE only if a business owner, alone or as a member of a group, owns at least 10% of the firm's stock personally and possesses the licenses necessary to satisfy the qualifying requirements established by a board regulating the industry in which certification is sought.

5. An individual, alone or as a member of a group, shall own or control only one (1) CSBE at a time.
6. A firm's eligibility to participate in the CSBE program and the Contracting Participation Level at which it will participate shall be determined based on the cumulative gross revenues of the applicant firm in combination with that of all of the firm's affiliates.
7. No firm shall be certified as a CSBE where the individual net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000). Representations as to gross revenues and net worth of owners shall be subject to audit.
8. Nothing shall prohibit CSBEs from competing for contracts under the Federal Disadvantaged Business Enterprise (DBE) program or any other business assistance program if the CSBE is also certified for the programs under this Implementing Order by SBD or certified by any other agency or organization.
9. When investigating the ownership and control of an applicant or a CSBE, SBD shall consider, but not be limited to the following:
 - a. All securities constituting ownership and/or control of a business for purposes of establishing the business as a CSBE shall be held directly by the owners. No securities held in trust shall be considered.
 - b. The contributions of capital and expertise by the qualifying agent to acquire interest in the business shall be real and substantial. Examples of insufficient contributions may include, but are not limited to, a note payable to the business or to those of its part owners, or the mere participation of the qualifier as an employee, rather than as a manager.
10. A CSBE shall not be subject to any formal or informal restrictions that limit the customary discretion of the owner.
11. Where the actual day-to-day management of the business is handled by individuals other than the owner, those persons who have the ultimate power to hire and fire the managers shall be considered as controlling the business.
12. An applicant that has undergone a recent change in ownership, control or reported income level will be carefully scrutinized. Factors such as, but not limited to, the following shall be considered:
 - a. The reasons for the timing of the change in ownership of the business relative to the time that the contracts in the applicant's trade, SIC/NAICS, or service area are advertised;
 - b. Whether an individual identified as an owner who had a previous or continuing employee-employer relationship with present owners has actual management responsibilities and capabilities;
 - c. The participation of one or more of the owners of the applicant firm in another firm in the same trade, SIC/NAICS, or service area;
 - d. Whether reported income levels indicate a severe decline to possibly attempt to qualify the firm for CSBE certification; and
 - e. Whether affiliation as described in Section 10-33.02 of the Code of Miami-Dade County, as amended, exists or once existed between the applicant firm and a non-CSBE firm.
- ~~[[13. A CSBE must perform a commercially useful function in the trade category, SIC/NAICS, or service area in which it is certified or seeking to be certified.]]~~

E. SIZE LIMITATIONS

The size limitations are described in the definition for CSBE in Section I above. ~~[[In addition, Appendix A of Ordinance 97-52, as amended, discusses size eligibility, contracting participation levels and affiliation determination.]]~~

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

County Mayor

Implementing Order



Implementing Order No.: IO 3-32

Title: SMALL BUSINESS ENTERPRISE ARCHITECTURE AND ENGINEERING PROGRAM ("CBE-A/E")

Ordered: 5/1/2018

Effective: 5/11/2018

AUTHORITY:

Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Amendment and Charter; Sections 2-10.4.01, and 10-38 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order supersedes previous Administrative Order 3-32, ordered ~~[[November 30, 2004]]~~>>May 1, 2018<< and effective ~~[[December 10, 2004]]~~>>May 11, 2018<<.¹

POLICY:

- A. It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/Es certified under the CBE-A/E ordinance.
- B. Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.
- C. **APPLICABILITY TO THE PUBLIC HEALTH TRUST:**
The application of contract measures to professional architectural, landscape architectural, engineering, or surveying and mapping services purchased by the Public Health Trust shall be governed by this Implementing Order.

* * *

II. CERTIFICATION

>>A.<<SBD ~~[[Responsibilities]]~~>>RESPONSIBILITIES<<

1. SBD is the County agency responsible for certifying applicants, decertifying and recertifying CBE-A/Es, SBD shall maintain an updated list of CBE-A/Es, identifying each listed CBE-A/E based on each Standard Industry Classification/North American

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.

Industry Classification System (SIC/NAICS) category, and each Technical Certification Category.

2. SBD shall collect, assemble and verify all information needed to establish the eligibility of an applicant and continued eligibility of a CBE-A/E. >>SBD shall attempt to make a certification decision within ninety (90) days of receipt of a complete application via the County's web-based system. An application is complete when it includes all required supporting documents.<<
3. SBD shall not certify an applicant, shall not ~~[[grant continuing eligibility to]]~~>>recertify<< a CBE-A/E, and shall decertify a CBE-A/E that fails to comply with the criteria or procedures of ~~[[the CBE-A/E Ordinance]]~~>>Section 2-10.4.01 of the Code of Miami-Dade County,<< as amended, in this Implementing Order and/or participation provisions. SBD shall have authority to suspend the certification of a CBE-A/E during any appeal of a certification decision.
4. SBD shall certify each CBE-A/E by the type of professional service it performs in accordance with the applicable SIC and/or NAICS ~~[[Code(s)]]~~>>code(s)<< and the Technical Certification Categories for which the CBE-A/E is licensed. A CBE-A/E can be certified in an unlimited number of applicable SIC/NAICS ~~[[Codes]]~~>>codes<< and Technical Certification Categories.
5. SBD shall >>make available a re-certification application via the County's web-based system<<~~[[provide written procedures and/or forms for continuing eligibility to certified CBE-A/Es not later than thirty (30) calendar days prior to their anniversary date]]~~.
6. To decertify a CBE-A/E, SBD shall either:
 - a. give notice to the CBE-A/E that the decertification decision will be effective at the completion of any appeal under this Implementing Order; or
 - b. suspend the certification of the CBE-A/E during any appeal of the certification decision.
7. SBD shall give written notice, including the reasons for its decision, to applicants who are denied certification and to CBE-A/Es who are decertified, denied recertification or who have graduated.
8. SBD may require applicants and CBE-A/Es to submit information regarding their business operations including, but not limited to, a breakdown of the applicant's or CBE-A/E's ownership, and/or work force as to race, national origin, gender, and gross annual sales receipts.

B. CERTIFICATION PROCESS

1. Interested parties shall complete an SBE ~~[[vis]]~~>>certification application via<< the County's web-based system. An explanation of the certification requirements is also available on SBD's Web Page at www.miamidade.gov/smallbusiness.
2. The applicant shall complete the certification application and submit it >>online<< with all requested documentation to SBD.
3. All applicants, including CBE-A/Es seeking continuing eligibility, shall attend, if requested by SBD staff, an Eligibility Review Meeting ~~[[ERM]]~~ to clarify information that was submitted in the application and accompanying documents or to gain additional information regarding the applicant's eligibility for certification. >>SBD shall notify the applicant if an eligibility review meeting is required.<<

4. All applicants, including CBE-A/Es seeking continuing eligibility, shall allow site visits by SBD staff to gain additional information regarding compliance with eligibility requirements. >>SBD shall notify the applicant if a site visit is required and shall schedule the site visit at a mutually convenient time.
5. Applicants and CBE-A/Es shall provide SBD with all information that SBD reasonably requests to determine eligibility for certification.
6. All information submitted to SBD shall be subject to random audit. If a CBE-A/E does not submit documentation requested as part of random audit by the time frame specified by SBD, SBD shall initiate the decertification process as provided in Section II C (3) below.<<

C. TERMS OF CERTIFICATION

1. Certification is valid for a three (3) year period. >>To validate continuing eligibility, SBD may conduct random audit(s) within the three (3) year certification period.<<[[Certification for CBE-A/E firms is continuous within the three year period with the firm's annual submission of an Affidavit for Continuing Eligibility. SBD shall require that all CBE-A/E firms, in order to continue eligibility, submit an Affidavit for Continuing Eligibility annually on or before the Anniversary Date via the County's web-based system.]] The >>re-certification application<<[[Affidavit for Continuing Eligibility]] shall include:
 - a. ~~[[Most recent,]]~~>>The prior three (3) years of federal business tax returns based upon the year that the CBE-A/E application is submitted. The tax returns must be<< signed, ~~[[complete business tax return(s) or extension(s)]]~~>>completed and submitted<< for the firm and all affiliates.
 - b. Current business, professional license, Local Business Tax Receipt issued by Miami-Dade County and certifications >>issued by the State of Florida and Miami-Dade County<<.
 - c. Current lease agreement or warrantee deed for the firm's actual place of business.
 - d. Notarized, sworn affiliation affidavit.
 - >>e. Current personal financial statement for each direct or indirect owner.<<
2. Additional supporting documentation may be required by SBD to verify >>re-certification and continuing<<eligibility. >>The re-certification application shall be submitted at least one hundred and eighty (180) days prior to the end of the three (3) year certification term to ensure sufficient time for processing by SBD. If the application is not approved by the end of the three (3) year certification period, and such application was not submitted at least ninety (90) days prior to end of the three (3) year certification term, the certification of the firm shall expire and not be in effect until a new application is approved by SBD. A firm whose certification expires because the re-certification application is not approved as of the last day of the three (3) year certification period pursuant to the above, shall no longer be eligible to participate in the CSBE program, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<
3. SBD will take the following action if a CBE-A/E firm~~[[s]]~~ >>does not continue to meet the eligibility criteria for the CSBE program given a failure to provide either required audit or re-certification documentation<<[[Affidavit for Continuing Eligibility is not received on or before the Anniversary Date]]:

~~[[a. SBD shall prepare a Notice of Certification Removal.]]~~

>>a.<<[[b.]] SBD shall >>provide written notice via the County's web-based system (the "Decertification Notice")<<[[~~mail the Notice of Certification Removal~~]] to the CBE-A/E firm >>that the firm will be decertified as of the date specified in the Decertification Notice<<.

>>b.<<[[c.]] SBD shall allow the CBE-A/E firm (15) days from the date of the >>Decertification Notice<<[[~~notice~~]] to >>submit the required audit or re-certification<<[[~~provide the Affidavit for Continuing Eligibility and supporting~~]] documentation.

>>c.<<[[d.]] If the CBE-A/E firm does not provide the [[~~Affidavit for Continuing Eligibility and supporting~~]] documentation within the timeframe stipulated >>in the Decertification Notice<<[[~~above~~]], >>the CBE-A/E<<[[~~SBD~~]] shall >>be decertified as of the date stipulated in the Decertification Notice<<[[~~decertify the firm and notify the firm in writing of the decertification~~]].

>>d.<<[[e.]] >>Effective the date specified in the Decertification Notice, the firm shall no longer be a CBE-A/E, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<[[~~The "Notice of Certification Removal" will be dated the day following the deadline established pursuant to "c." above.~~]]

4. A CBE-A/E firm, its individual officers, its shareholders with significant interests, its qualifying agent or its affiliated businesses that has been denied [[~~re~~]]certification[[~~;~~ that has been decertified]] is not eligible to apply for certification for twelve (12) months from the time of the denial[[~~;~~ or decertification, or graduation]]. >>Firms that have been decertified for non-submittal of documents, may apply for recertification once said documents have been submitted and verified by SBD.<< Graduating firms may be eligible to reapply for certification, after filing and submitting their most recent corporate tax return subsequent to graduation, if and only if, said tax return was not previously considered.

5. A business owner, alone or as a member of a group, shall own or control only one CBE-A/E at a time. A business owner, alone or as a member of a group, and any CBE-A/E, may not hold more than a ten (10) percent equity ownership in any other CBE-A/E in the same or similar line of business. If a non-CBE-A/E in the same or similar line of business as a CBE-A/E has an equity ownership of such CBE-A/E that exceeds ten (10) percent, the CBE-A/E shall not be certified or recertified.

6. [[~~Certified~~]] CBE-A/Es shall provide written notice to SBD of any changes that affect their >>business structure or<< eligibility as CBE-A/Es. CBE-A/Es shall >>complete and<< submit [[~~a Change Request Form~~]]>>required<< and supporting documentation describing the nature of the change, >>and<< the effective date of the change(s) to SBD within thirty (30) calendar days of the effective date of the change(s) >>via the County's web-based system. SBD shall review and determine if said change(s) effect the firm's CBE-A/E certification<<. [[~~This form must be completed and returned to SBD in order for the change to be processed by SBD.~~]]

7. A CBE-A/E must have a valid certification in effect at time of proposal submittal. For successful proposers, certification must be maintained throughout the selection process and contract award. With the exception of provisions described in [[~~CBE-A/E Ordinance~~]]>>Section 2-10.4.01 of the Code of Miami-Dade County,<< for graduation

from the CBE-A/E program, loss of CBE-A/E certification may lead to removal of the firm from continued participation in the CBE-A/E program. CBE-A/Es shall allow site visits by ~~[[SBD]]~~>>County<< staff to determine continuing compliance with certification requirements. >>However, a graduated CBE-A/E shall be eligible to complete any existing contracts and continue counting towards meeting any measures on existing contracts, as well as be eligible to be awarded contracts as primes or subcontractors for bids/proposals submitted prior to the notice of graduation.

8. A CBE-A/E must be certified in accordance with Section II A (3) above.
9. Applicants and CBE-A/Es must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified.
10. The qualifier of the CBE-A/E must own at least twenty-five percent (25%) of the certified firm's issued stock or have at least a twenty-five (25) percent ownership interest in the certified firm.
11. SBD shall suspend a CBE-A/E's certification when an owner or a qualifier necessary to the firm's certification dies or is incarcerated. A firm's certification may also be suspended when there is adequate evidence that there has been a material change in circumstances that affects the CBE-A/E's eligibility, or when the CBE-A/E fails to notify SBD in writing of any material change in circumstances as required. SBD shall provide written notification of the suspension and a time frame for the CBE-A/E to demonstrate the firm's certification eligibility before SBD initiates the decertification process as provided in Section II (C) (3) above. During the period of suspension, the CBE-A/E may complete any existing contracts and continue counting towards meeting any measures on existing contracts as long as all other certification requirements are met, but will not be eligible for new awards under the CBE-A/E program.<<

D. ELIGIBILITY REQUIREMENTS

1. Applicants and CBE-A/Es must be profit-motivated businesses. (Note: not-for-profit or non-profit corporations are not eligible for certification).
2. CBE-A/Es must have an actual place of business in Miami-Dade County and may be registered as a vendor with ISD.
 - a. When determining whether the applicant has an actual place of business in Miami-Dade County, SBD shall consider evidence such as, but not limited to:
 1. ~~[[The firm's address as recorded on the Miami-Dade County]]~~ Local Business Tax Receipt >>issued by Miami-Dade County<<.
 2. The existence of a Miami-Dade County telephone number in the name of the CBE-A/E or the name with which the CBE-A/E is doing business~~[[;]]~~>>.<<
 3. Offices, premises related to business, or other facilities within the geographic boundaries of Miami-Dade County at which the services to be provided are produced or performed~~[[;]]~~>>.<<
 4. The existence and location of secretarial or other administrative staff~~[[;]]~~>>.<<
 5. The existence of other offices or premises at which the same business is

conducted~~[[; and]]~~>>_<<

6. The possession of professional licenses and/or competency certificates required to conduct the business in Miami-Dade County.
3. An individual, alone or as a member of a group, shall own or control only one (1) CBE-A/E firm.
4. A firm's eligibility to participate in the CBE-A/E program shall be determined based on the average annual adjusted gross revenues for the last three (3) years, in combination with that of all of the firm's affiliates, if any. Representations as to gross revenues shall be subject to audit.
5. Applicants and certified CBE-A/Es must be properly licensed to conduct business in the State of Florida and in Miami-Dade County, and must perform a commercially useful function with an actual place of business in Miami-Dade County~~[[; and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified]]~~.
6. The applicant qualifier of the firm must own at least twenty-five percent (25%) of the certified firm's issued stock or have at least a twenty-five (25) percent ownership interest in the certified firm. A CBE-A/E firm may be certified in other technical categories for which the firm has received Technical Certification in accordance with Section 2-10.4 of the Code of Miami-Dade County through a non-owner qualifier.
7. Nothing shall prohibit CBE-A/Es from competing for contracts under the Federal Disadvantaged Business Enterprise (DBE) program or any other business assistance program if the CBE-A/E is also certified for the programs under this Implementing Order by SBD or certified by any other agency or organization.
8. When investigating the ownership and control of an applicant or a CBE-A/E, SBD shall consider factors including, but not be limited to the following:
 - a. All securities constituting ownership and/or control of a business for purposes of establishing the business as a CBE-A/E shall be held directly by the owners. No securities held in trust shall be considered.
 - b. The contributions of capital and expertise by the qualifying agent to acquire interest in the business shall be real and substantial. Examples of insufficient contributions may include, but are not limited to, a note payable to the business or to those of its part owners, or the mere participation of the qualifier as an employee, rather than as a manager.
9. A CBE-A/E shall not be subject to any formal or informal restrictions that limit the customary discretion of the owner.
10. An applicant that has undergone a recent change in ownership, control or reported income level will be carefully scrutinized. Factors such as, but not limited to, the following shall be considered:
 - a. The reasons for the timing of the change in ownership of the business relative to the time that the contracts in the applicant's trade, ~~[[Standard Industry Classification/North American Industry Classification System (]]SIC/NAICS[)]~~, or service area are advertised;
 - b. Whether an individual identified as an owner who had a previous or continuing

employee-employer relationship with present owners has actual management responsibilities and capabilities;

- c. The participation of one or more of the owners of the applicant firm in another firm in the same trade, SIC/NAICS, or service area;
- d. Whether reported income levels indicate a severe decline to possibly attempt to qualify the firm for CBE-A/E certification; and
- e. Whether affiliation as described herein exists or once existed between the applicant firm and a non-CBE-A/E firm.

>>11. To remain eligible for certification, CBE-A/Es must perform a commercially useful function.

12. No firm shall be certified as a CBE-A/E where the individual net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000). Representations as to gross revenues and net worth of owners shall be subject to audit.<<

E. SIZE ELIGIBILITY AND AFFILIATION DETERMINATION

- A. General: Only small firms that meet size limits of Tier 1 and Tier 2 CBE-A/Es as to average annual adjusted gross revenues for the last three years may be certified as CBE-A/Es. Size determinations for Tier 1 and Tier 2 CBE-A/Es certification eligibility shall take into account the combined gross revenues of the applicant firm and all of its domestic and foreign affiliates. All affiliates of the applicant firm, regardless of whether organized for profit, shall be included.

* * *

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

County Mayor

Implementing Order



Implementing Order No.: 3-41

Title: SMALL BUSINESS ENTERPRISE (SBE) PROGRAM FOR THE PURCHASE OF GOODS AND SERVICES

Ordered: 7/10/2018

Effective: 7/20/18

AUTHORITY:

Sections 1.01, 2.02 and 5.02 of the Miami-Dade County Home Rule Amendment and Charter and Sections 2-8.1.1.1.1 and 2-8.1.1.1.2 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order supersedes previous Implementing Order 3-41, ordered ~~[[May 3, 2011]]~~>>May 1, 2018<< and effective ~~[[May 13, 2011]]~~>>May 11, 2018<<.¹

POLICY:

- A. This Small Business Enterprise ("SBE") Program shall apply to all County and Public Health Trust contracts for the purchase of goods ("SBE-Goods") or services ("SBE-Services"), respectively, including professional services other than architectural, engineering, architectural landscape and land surveying and mapping professional services of seven hundred thousand dollars (\$700,000.00) or less, governed by Florida Statutes Section 287.055. The SBE Program shall not apply to construction or construction management services of seven hundred thousand dollars (\$700,000.00) or less; purchase, leases or rental of real property; licenses and permits; concessions; franchise agreements; or contracts for investment banking services.
- B. It is the policy of Miami-Dade County that County departments expend with SBES one hundred (100) percent of the total value of contracts one hundred thousand dollars (\$100,000.00) or less for goods or services.
- C. Small Business Enterprise Measures may be applied to contracts greater than \$100,000.
- D. The application of contract measures to contracts for goods or services purchased by the Public Health Trust shall be governed by this Implementing Order, except that the Public Health Trust shall establish its own administrative procedures consistent with this Implementing Order to govern the application of contract measures to its purchases of goods or services except for construction and/or architectural and engineering services. The Public Health Trust shall provide data on a quarterly basis of all contracts awarded to SBES.

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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. Remaining provisions are now in effect and remain unchanged.

IV. CERTIFICATION

a. Eligibility Requirements

1. ~~[[SBD is the County agency responsible for certifying, decertifying and re-certifying applicants for the SBE Program.]]>>~~No firm shall be certified as a SBE where the individual net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000). Representations as to gross revenues and net worth of owners shall be subject to audit.<<
2. SBE applicants must be profit-motivated businesses. Not-for-profit or non-profit corporations are not eligible for certification.
3. Only firms that meet personal net worth and size limits of SBEs as to average annual gross revenues for the last three (3) years may be certified as SBEs, or in the case of manufacturers and wholesalers – the number of full-time, permanent employees of the applicant firm and all of its domestic and foreign affiliates, may be certified as SBEs.
4. Size determinations for SBEs certification eligibility shall take into account the combined gross revenues of the applicant firm and all of its domestic and foreign affiliates, or in the case of manufacturers and wholesalers – the number of full-time, permanent employees of the applicant firm and all of its domestic and foreign affiliates. All affiliates of the applicant firm, regardless of whether organized for profit, shall be included. Section E below provides additional information regarding affiliation determinations.
- >>5.<< Applicants and certified SBEs must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, not a Virtual Office, must have a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified. In addition, a firm shall not be certified unless it contributes to the economic development and well-being of Miami-Dade County's tax base. When determining whether the applicant has an actual place of business in Miami-Dade County, SBD shall consider evidence such as, but not limited to:
 - a. The existence and location of secretarial or other administrative staff.
 - b. Offices, premises related to business, or other facilities within Miami-Dade County at which the goods or services to be provided are produced or performed.
 - c. Local Business Tax Receipt issued by Miami-Dade County.
- ~~[[5. Interested parties shall complete an SBE certification application via the County's web-based system. An explanation of the certification requirements is also available on SBD's Web Page at www.miamidade.gov/smallbusiness.]]~~
- >>6. A firm shall be certified as a SBE only if a business owner, alone or as a member of a group, owns at least 10% of the firm's stock personally and possesses the licenses necessary to satisfy the qualifying

requirements required in order to engage in the business of providing the type of services for which certification is sought.

7. An individual, alone or as a member of a group, shall own or control only one (1) SBE at a time.
8. When investigating the ownership and control of an applicant or a SBE, SBD shall consider factors including, but not be limited to, all securities constituting ownership and/or control of a business for purposes of establishing the business as a SBE shall be held directly by the owners. No securities held in trust shall be considered.
9. Nothing shall prohibit SBEs from competing for contracts under the Federal Disadvantaged Business Enterprise (DBE) program or any other business assistance program if the SBE is also certified for the programs under this Implementing Order by SBD or certified by any other agency or organization.
10. A SBE shall not be subject to any formal or informal restrictions that limit the customary discretion of the owner.
11. An applicant that has undergone a recent change in ownership, control or reported income level will be carefully scrutinized. Factors such as, but not limited to, the following shall be considered:
 - a. The reasons for the timing of the change in ownership of the business relative to the time that the contracts in the applicant's trade, or service area are advertised;
 - b. whether an individual identified as an owner who had a previous or continuing employee-employer relationship with present owners has actual management responsibilities and capabilities;
 - c. whether reported income levels indicate a severe decline to possibly attempt to qualify the firm for SBE certification; and
 - d. whether affiliation as described herein exists or once existed between the applicant firm and a non-SBE firm.<<

b. Terms of Certification

1. Certification for a SBE firm is valid for a three (3) year period. >>To validate continuing eligibility, SBD may conduct random audit(s) within the three (3) year certification period.<<[[Certification for SBE is continuous within the three (3) year period with the firm's submission of an Affidavit for Continuing Eligibility. SBD shall require that all SBE firms, in order to continue eligibility, submit an affidavit for Continuing Eligibility annually on or before the Anniversary Date via the County's web-based system.]] The >>re-certification application<<[[Affidavit for Continuing Eligibility]] shall include, at a minimum:
 - a. ~~[[Most recent,]]~~>>The prior three (3) years of federal business tax returns based upon the year that the SBE application is submitted. The tax returns must be<< signed, ~~[[complete business tax return(s) or extension(s)]]~~>>completed and submitted<< for the

firm and all affiliates.

b. Current business, professional licenses and certifications >>issued by the State of Florida and Miami-Dade County<<, and Local Business Tax Receipt issued by Miami-Dade County.

c. Current lease agreement or warrantee deed for the firm's actual place of business.

d. Notarized, sworn affiliation affidavit.

>>e. Current personal financial statement for each >>direct or indirect<< owner.

2. Additional supporting documentation may be required by SBD to verify >>re-certification and continuing<< eligibility. >>The re-certification application shall be submitted at least one hundred and eighty (180) days prior to the end of the three (3) year certification term to ensure sufficient time for processing by SBD. If the application is not approved by the end of the three (3) year certification period, and such application was not submitted at least ninety (90) days prior to end of the three (3) year certification term, the certification of the firm shall expire and not be in effect until a new application is approved by SBD. A firm whose certification expires because the re-certification application is not approved as of the last day of the three (3) year certification period pursuant to the above, shall no longer be eligible to participate in the CSBE program, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<

3. SBD will take the following action if a SBE firm~~[[s]]~~ >>does not continue to meet the eligibility criteria for the CSBE program given a failure to provide either required audit or re-certification documentation<<[[Affidavit for Continuing Eligibility is not received on or before the Anniversary Date]]:

[[a. SBD shall prepare a "Notice of Certification Removal".]]

>>a.<<[[b.]] SBD shall >>provide written notice via the County's web-based system (the "Decertification Notice")<<[[mail the Notice]] to the SBE firm >>that the firm will be decertified as of the date specified in the Decertification Notice<<.

>>b.<<[[c.]] SBD shall allow the SBE firm fifteen (15) days from the date of the >>Decertification Notice<<[[notice]] to >>submit the required audit or re-certification<<[[provide the "Affidavit for Continuing Eligibility" and supporting]] documentation.

>>c.<<[[d.]] If the SBE firm does not provide the >>required audit or re-certification<<[[Affidavit for Continuing Eligibility and supporting]] documentation within the timeframe stipulated >>in the Decertification Notice<<[[above]], >>the SBE<<[[SBD]] shall >>be decertified as of the date stipulated in the Decertification Notice<<[[decertify the firm and notify the firm in writing of the decertification]].

~~>>d.<<[[e.]] >>Effective the date specified in the Decertification Notice, the firm shall no longer be a SBE, however the firm may complete any existing contracts and continue counting towards meeting any measures on existing contracts.<<[[The "Notice of Certification Removal" will be dated the day following the deadline established pursuant to "c." above.]]~~

4. A SBE firm, its individual officers, its shareholders, its qualifying agent or its affiliated businesses that has been denied certification ~~[[or continuing eligibility, or that has been decertified,]]~~ is not eligible to apply for certification for twelve (12) months from the time of the denial~~[[or, decertification]]~~. Firms that have been decertified for non-submittal of documents, may apply for recertification once said documents have been submitted and verified by SBD. Graduating firms may be eligible to reapply for certification, after filing and submitting their most recent corporate tax return subsequent to graduation, if and only if, said tax return was not previously considered.
5. A SBE ~~[[Enterprise]]~~ must be certified by the applicable type of goods or services it provides in accordance with the applicable NAICS/NIGP Commodity Code in which the SBE is licensed (if applicable). A SBE can be certified in more than one NAICS/NIGP Commodity Codes. SBD will determine the appropriate codes for certification under the program based on the licenses held by the firm and experience submitted to SBD.
6. A business owner, alone or as a member of a group, shall own or control only one SBE firm at a time and shall not own or control another separate business certified under the Small Business Enterprise Program. If a non-SBE in the same or similar line of business as a SBE has an equity ownership of such SBE that exceeds ten (10) percent, the SBE shall not be certified or recertified.
7. ~~[[Certified-]]~~ SBEs shall provide written notice to SBD of any changes that affect their >>business structure or<< eligibility as SBEs. SBEs shall >>complete and<< submit [[a Change of Request Form]]>>required<< and supporting documentation describing the nature of the change[[;]] and [[stating]] the effective date of the change(s) to SBD within thirty (30) calendar days of the effective date of the change(s) >>via the County's web-based system. SBD shall review and determine if said change(s) effect the firm's SBE certification<<. [[Change Request Forms will be available on-line or upon receipt of written notification from the firm. This form must be completed and returned to SBD in order for the change to be processed by SBD.]]
8. A SBE must have a valid certification in effect at time of bid submittal. For successful bidders, certification must be maintained from bid award throughout the duration of the agreement. With the exception of >>provisions described in Sections 2-8.1.1.1.1 and 2-8.1.1.1.2 of the Code of Miami-Dade County, for<< graduation from the SBE Program, loss of SBE certification may lead to removal of the firm from continued participation in the SBE Program. [[SBD staff shall not be limited to Eligibility Review Meetings (ERMs) and/or]]>>SBEs shall allow<< site visits >>by County staff<< when attempting to determine continuing compliance with certification requirements. >>However, a graduated SBE shall be eligible to complete any existing contracts and continue counting towards meeting any measures on existing contracts, as well as be

eligible to be awarded contracts as primes or subcontractors for bids/proposals submitted prior to the notice of graduation.

9. A SBE must be certified in accordance with Section IV c (2) below.
10. Applicants and SBEs must be properly licensed to conduct business in Miami-Dade County, must perform a commercially useful function with an actual place of business in Miami-Dade County, and must continue to perform a commercially useful function in Miami-Dade County to be eligible for certification or to remain certified.
11. SBD shall suspend a SBE's certification when an owner or a qualifier necessary to the firm's certification dies or is incarcerated. A firm's certification may also be suspended when there is adequate evidence that there has been a material change in circumstances that affects the SBE's eligibility, or when the SBE fails to notify SBD in writing of any material change in circumstances as required. SBD shall provide written notification of the suspension and a time frame for the CBE-A/E to demonstrate the firm's certification eligibility before SBD initiates the decertification process as provided in Section IV b (3) above. During the period of suspension, the SBE may complete any existing contracts and continue counting towards meeting any measures on existing contracts as long as all other certification requirements are met, but will not be eligible for new awards under the CBE-A/E program.<<

c. >>SBD Responsibilities and<< Certification Process

1. >>SBD is the County agency responsible for certifying, decertifying and re- certifying applicants for the SBE Program.<< SBD shall collect, analyze and verify all information needed to establish the eligibility of an applicant and continued eligibility of SBEs. >>SBD shall attempt to make a certification decision within ninety (90) days of receipt of a complete application via the County's web-based system. An application is complete when it includes all required supporting documents. SBD shall make available a re-certification application via the County's web-based system.<<
2. SBD shall not certify an applicant, shall not ~~[[grant continuing eligibility to]]~~>>recertify<< a SBE, and shall decertify a SBE >>that fails to comply with the criteria or procedures of Sections 2-8.1.1.1.1 and 2-8.1.1.1.2 of the Code of Miami-Dade County, as amended, this Implementing Order and/or participation provisions. SBD shall have discretion to suspend the certification of a SBE during any appeal of a certification decision.<<[[who:
 - a. ~~Fails to comply with the criteria or procedures of the SBE Ordinance, this Implementing Order and/or participation provisions;~~
 - b. ~~Fails to complete the application process;~~
 - c. ~~Fails to provide full disclosure;~~
 - d. ~~Falsifies information; or~~
 - e. ~~Has been debarred by the County.]~~

3. SBD shall certify each SBE~~[[/Micro Enterprise]]~~ by the type of good and/or service it performs in accordance with the applicable NAICS/NIGP code(s).
4. ~~>>~~To decertify a SBE, SBD shall either: (a) give notice to the SBE that the decertification decision will be effective at the completion of any appeal under this Implementing Order; or (b) suspend the certification of the SBE during any appeal of the certification decision.~~<<~~ SBD shall give written notice, including the reasons for its decision, to applicants who are denied certification and to SBEs who are decertified, or denied continuing eligibility recertification, or have graduated.
5. SBD may require applicants and SBEs to submit information regarding their business operations including, but not limited to, a breakdown of the applicant's or SBE's ownership~~>>~~, and/or work force as to race, national origin, gender,~~<<~~ and gross annual sales receipts.
6. SBD shall ~~>>~~make available a re-certification application via the County's web-based system~~<<[[provide written procedures and/or forms for continuing eligibility to certified SBEs not later than thirty (30) calendar days prior to their Anniversary Date]]~~.
7. SBD shall maintain an updated list of SBEs, based on each NAICS/NIGP commodity code(s) by which the SBE is certified.
- ~~>>~~8. Interested parties shall complete an SBE certification application via the County's web-based system. An explanation of the certification requirements is also available on SBD's Web Page at www.miamidade.gov/smallbusiness.
9. The applicant shall complete the certification application and submit it online with all requested documentation to SBD.
10. All applicants, including SBEs seeking continuing eligibility, shall attend, if requested by SBD staff, an Eligibility Review Meeting to clarify information that was submitted in the application and accompanying documents or to gain additional information regarding the applicant's eligibility for certification. SBD shall notify the applicant if an eligibility review meeting is required.
11. All applicants, including SBEs seeking continuing eligibility, shall allow site visits by SBD staff to gain additional information regarding compliance with eligibility requirements. >>SBD shall notify the applicant if a site visit is required and shall schedule the site visit at a mutually convenient time.
12. Applicants and SBEs shall provide SBD with all information that SBD reasonably requests to determine eligibility for certification.
13. All information submitted to SBD shall be subject to random audit. If a SBE does not submit documentation requested as part of random audit by the time frame specified by SBD, SBD shall initiate the decertification process as provided in Section IV b (3) above.<<

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

Approved by the County Attorney as
to form and legal sufficiency _