

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 5, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to create a mid-level Small Business Enterprise Construction Services Program for firms that have graduated from the Miami-Dade County SBE-Con program within the last three years; and requiring a report to the Board regarding the creation or inability to create the mid-level construction services program

Resolution No. R-333-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: April 5, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(6)

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 _____

Agenda Item No. 11(A)(6)
4-5-22

RESOLUTION NO. R-333-22

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CREATE A MID-LEVEL SMALL BUSINESS ENTERPRISE CONSTRUCTION SERVICES PROGRAM FOR FIRMS THAT HAVE GRADUATED FROM THE MIAMI-DADE COUNTY SBE-CON PROGRAM WITHIN THE LAST THREE YEARS; AND REQUIRING A REPORT TO THE BOARD REGARDING THE CREATION OR INABILITY TO CREATE THE MID-LEVEL CONSTRUCTION SERVICES PROGRAM

WHEREAS, the Miami-Dade County (the "County") Small Business Enterprise ("SBE") Construction Services Program ("SBE-Con" or "CSBE"), codified at section 10-33.02 of the Code of Miami-Dade County, Fla. (the "Code"), requires review of all County construction contracts funded in whole or in part with County funds and all leases and contracts for privately funded construction on County-owned land to determine the appropriateness of applying contract measures; and

WHEREAS, a construction related enterprise, including a design-build firm, and any firm providing trades and/or services for the completion of a construction project, as defined in Chapter 10 of the Code, (i) which has an actual place of business in the County, (ii) the individual net worth of any of its owners does not exceed one million five hundred thousand dollars, and (iii) whose average annual gross revenues for the last three years do not exceed (a) ten million dollars for SIC 15 – Building Construction, General Contractors and Operative Builders, (b) six million dollars for SIC 16 – Heavy Construction, other than Building Construction, or (c) five million dollars for SIC 17 – Specialty Trade Contractors may become certified in the SBE-Con program; and

WHEREAS, a CSBE that exceeds either the personal net worth or the specific size limits stated for the SBE-Con program based on the firm's three year average gross revenues shall graduate and is no longer eligible for program participation; and

WHEREAS, Small Business Development (“SBD”) provides business opportunities and technical assistance to aid small businesses in their growth and contribution to the County and South Florida economy; and

WHEREAS, SBD is responsible for the administration of the County’s SBE, wage, and workforce programs; and

WHEREAS, a CSBE that graduates continues to submit financial information as to cumulative gross revenue and bonding capacity to SBD annually for three years thereafter in order to further the County’s ability to assess the effectiveness of the program; and

WHEREAS, the County’s Miscellaneous Construction Contracts Program (“MCC”), codified at section 2-8.2.7.01 of the Code is intended to enhance the contracting opportunities of CSBEs, and to facilitate and expedite the award of construction contracts to small businesses; and

WHEREAS, firms that graduate from the SBE-Con program can find it difficult to compete for County construction contracts; and

WHEREAS, the County will benefit from the creation of a mid-level SBE construction services program for firms that graduated from the SBE-Con program within the last three years,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. This Board adopts the matters set forth in the foregoing recitals.

Section 2. This Board directs the County Mayor or County Mayor’s designee to create a mid-level SBE construction services program for firms that have graduated from the SBE-Con program within the last three years, and bring forth an ordinance to codify the program structure, components, and requirements. Graduated firms should be able to participate in the program for that period of time they continue to submit cumulative gross revenue and bonding capacity information to SBD after graduation from the SBE-Con program. The mid-level SBE construction services program should not compete with the MCC program.

Section 3. The County Mayor or County Mayor’s designee shall provide a report to this Board detailing the status of the mid-level SBE construction services program as set forth in section 2 of this resolution within 60 days of the effective date of the resolution. If the County Mayor or County Mayor’s designee does not move forward with the creation of the mid-level SBE construction services program, then the County Mayor shall prepare a report to the Board within 60 days after the effective date of this resolution, providing a detailed explanation as to why the program was not created. Such report shall be placed on an agenda of the full Board without committee review pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

	Jose “Pepe” Diaz, Chairman	aye
	Oliver G. Gilbert, III, Vice-Chairman	aye
Sen. René García	aye	Keon Hardemon aye
Sally A. Heyman	aye	Danielle Cohen Higgins aye
Eileen Higgins	aye	Joe A. Martinez aye
Kionne L. McGhee	aye	Jean Monestime aye
Raquel A. Regalado	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of April, 2022. 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "dsh", is written over a horizontal line.

David Stephen Hope