OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Amended
Substitute
Agenda Item No. 5(G)

TO: Honorable Chairman Anthony Rodriguez and Members, Board of County Commissioners

DATE: September 1, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to County procurement; implementing, in whole or in part, multiple recommendations from the final report of the special task force to reduce inefficiencies in procurement; amending section 2-11.1 of the Code relating to the Conflict of Interest and Code of Ethics Ordinance, section 2-8.8 of the Code relating to fair subcontracting practices, section 2-8.1.1.1.1 of the Code relating to the Small Business Enterprise Services Program, section 2-8.1.1.1.2 of the Code relating to the Small Business Enterprise Goods Program, section 2-8.1.1 of the Code relating to bids from related parties and bid collusion, and section 10-33.02.1 of the Code relating to bids precluded from related parties; repealing Resolution R-63-14 requiring certain due diligence affidavits in procurement

Ordinance No. 26-63

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Anthony Rodriguez.

For
Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum

Date: September 1, 2026

To: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Subject: Fiscal Impact and Social Equity Statement for Ordinance Relating to Recommendations from the Final Report of the Special Task Force to Reduce Inefficiencies in Procurement – Legistar No. 261353 (Substitute)

The proposed ordinance amends Sections 2-1.1, 2-8.8, 2-8.1.1.1.1, 2-8.1.1.1.2, 2-8.1.1, and 10-33.02.1 of the Code of Miami-Dade County and repeals Resolution No. R-63-14, based on recommendations by the Special Task Force to Reduce Inefficiencies in Procurement in its Final Report to the Board issued on May 19, 2026. Of the fifty-nine (59) recommendations, this item specifically implements or supports Recommendations 1, 2, 3, 4, 5, 6, 8, 13, 14, 15, 19, 20, 23, 24, 25, 29, 40, 41, 44, 45, 46, 55, 57, and 58, including but not limited to changes in relation to procurement planning, scope development, workflow management, systems optimization, procurement leadership, affidavit requirements, training, and performance management.

Fiscal Impact Statement

The exact fiscal impact of this ordinance cannot be quantified at this time. The possible fiscal impacts are as follows:

- Recommendation 1 would formalize the procurement cycle targets that have already been established by the Administration, i.e., from receipt of bids to award recommendation, competitive solicitations up to $5 million should be completed within 90 to 120 days and over $5 million should be completed within 120 to 150 days. Pursuant to this recommendation, Section 3 of the ordinance establishes that Board policy changes related to procurement consider the impact of such actions on procurement timelines. Future streamlining of the procurement process will result in positive fiscal impacts by saving time and money. It should be noted that these timeframes are predicated in part on legislative changes for streamlining that have not been presented to the Board yet, including but not limited to increasing the Mayor's delegated authority to $20 million (Recommendation 18), streamlining purchases for standard goods and services (Recommendation 12), and other Administration recommendations that do not appear in the report to streamline and/or reduce the over 200 items of legislation related to procurement.[1]
- Recommendation 2 to adopt a task management system to automate workflow would have a negative fiscal impact because of the resources (staffing, technology, etc.) and lead time that will be required for implementation.[2]
- Similarly, Recommendation 23 to create an online depository accessible to the public would require time and resources. Currently, relevant files are posted and available in INFORMS after award; therefore, the recommendation for a separate repository would require a different system and additional staff time to duplicate the posting of each file when available.[3]
- The training proposed by Recommendations 5 and 46 will require dedicating staffing resources, but such training should eventually result in efficiencies.[4]
- Recommendation 19 adds a step to the procurement process, and thus time and resources.[5]
- Recommendation 3 may have the effect of increasing the procurement timeline because it increases the industry comment period to 20 calendar days when a future solicitation is posted online; this additional time is not needed, since the timing of notices concern was already fixed administratively by notifying registered firms based on commodity code when a future solicitation is posted.[6]

- Recommendation 4 provides that submittal deadlines be automatically extended by 10 business days when an addendum materially affects pricing or technical requirements; however, there is no anticipated fiscal impact as the Administration will have discretion to waive or shorten the extension period for good cause and in the best interests of the County.[7]
- Recommendations related to system, regulatory, and process enhancements and standardization (2, 6, 8, 13, 14, 15, 19, 24, 25, 40, 41, 44, and 57) may have a positive fiscal impact due to streamlining of work, which can increase efficiency but may have a short term fiscal impact if new systems are required to achieve the intent prior to the realization of any savings.[8]
- Recommendation 45 may have a positive fiscal impact because it helps ensure fair and reasonable pricing for architectural and engineering services.[9]
- There is no fiscal impact associated with Recommendation 20.[10]
- It is already the Administration's intention to present the Board with a simplified procurement framework under the Code with reference to a single implementing order (Recommendation 29), which will result in positive fiscal impacts because multiple resolutions, ordinances, implementing orders, and administrative orders will not have to be referenced; however, it is requested that the Administration work collaboratively with the County Attorney's Office and the Office of the Chair on the administrative procedures. [11]
- Recommendations 55, 57, and 58 would have no impact, as they are already being done administratively.[12]

Social Equity Statement

The possible social equity benefits or burdens of the ordinance are as follows:

- The implementation of portions of this ordinance, specifically Recommendations 1, 2, 3, 4, 6, 8, 13, 14, 15, 19, 23, 24, 25, 29, 40, 41, 44, 55, and 57, could provide a social equity benefit for vendors, including small vendors, seeking to do business with the County due to streamlining and standardizing of processes and increasing transparency.
- The recommendations related to training (5 and 46) could provide a social equity benefit because vendors and Commission Office staff would be better informed about the procurement process.
- Recommendation 45[2] would have a social equity benefit because the Federal Acquisition Regulation audits are based on established standards to ensure fairness.
- Recommendations 55, 57, and 58 are already being effectuated administratively and could provide a social equity benefit, without the need for an ordinance.
- Recommendation 20 has already been effectuated administratively and has a social equity benefit, and is being recommended for formal codification.

As noted above, there are several recommendations here and that have not been presented that will improve the procurement process by reducing time and complexity, while other recommendations may require upfront investments. The Administration will continue to work collaboratively with the Chairman of the Board to streamline the County's procurement processes by removing bureaucracy and unnecessary red tape.

Carladenise Edwards
Chief Administrative Officer

[1] Recommendation 1 (procurements up to $5 million within 120 days of the submission or proposal's due date, and for procurements over $5 million, within 150 days) is implemented in Sections 1 and 3 of the ordinance (Page MDC005 and MDC010).
[2] Recommendation 2 (identify and/or adopt a task management system) is implemented in Section 1 of the ordinance (Page MDC006).
[3] Recommendation 23 (create an online repository accessible to the public) is implemented in Section 1 of the ordinance (Page MDC007).

[4] Recommendation 5 (provide training to County department staff to improve the development of scope for solicitations) is implemented in Section 1 of the ordinance (Page MDC006). Recommendation 46 (each Commissioner shall designate one member of his or her staff to be trained and certified in procurement matters) is implemented in Section 3 of the ordinance (Page MDC010).

[5] Recommendation 19 (hold a pre-handoff industry meeting for complex, non-repetitive procurements) is implemented in Section 1 of the ordinance (Page MDC007).

[6] Recommendation 3 (extend the time for industry comment on the publication of a future solicitation to twenty calendar days and remove future solicitations automatically when the solicitation has been advertised) is implemented in Section 1 of the ordinance (Page MDC006).

[7] Recommendation 4 (provide prospective bidders a minimum of ten (10) business days before the response deadline to a solicitation when an issued addendum includes changes that materially affect pricing or technical requirements) is implemented in Section 1 and 14 of the ordinance (Page MDC006 and MDC031).

[8] Recommendation 6 (eliminate in-person review meetings, eliminate the notarization requirement for the certification application, integrate a prequalification and technical certification registration portal with INFORMS, and modernize the MS access-based certification audit log) is implemented in Sections 1, 7, and 8 of the ordinance (Page MDC006, MDC014, and MDC021). Recommendation 8 (standardize methods of submitting a response to a solicitation, including bidding software and applications) is implemented in Section 1 of the ordinance (Page MDC006). Recommendation 13 (standardize the software application used for each type of procurement across procurement types) is implemented in Section 1 of the ordinance (Page MDC006). Recommendation 14 (standardize the vendor notification process across all procurements.) is implemented in Section 1 of the ordinance (Page MDC006). Recommendation 15 (support horizontal optimization of the County's existing electronic procurement systems, ensure that appropriate funding is identified for the necessary review and optimizations, identify which inefficiencies are based on system limitations versus those based on policy, investigate the potential for integration with other systems and provide support for those integrations) is implemented in Section 1 of the ordinance (Page MDC007). Recommendation 24 (move the "Contracting with Entities of Foreign Countries of Concern Prohibited Affidavit" to the proposal submittal form) is implemented in Sections 1, 4, 5, 6, 7, 8, 9, 10 of the ordinance (Page MDC008, MDC010, MDC013, MDC014, MDC021, MDC029, MDC030). Recommendation 25 (consider including in each solicitation page limitations, including font size and margins) is implemented in Section 1 of the ordinance (Page MDC008). Recommendation 40 (implement an expedited, informal opinion process for procurements valued at $5 million or below, in consultation with the County Attorney's Office) is implemented in Section 1 of the ordinance (Page MDC008). Recommendation 41 (remove the five checklist steps (Google, PACER, Westlaw) for proposal review) is implemented in Section 1 of the ordinance (Page MDC008). Recommendation 44 (create a website that provides the standard terms for contracts used by the County and allow for the public to comment prior to solicitation) is implemented in Section 1 of the ordinance (Page MDC008). Recommendation 57 (develop a standard form agreement for ground leases) is implemented in Section 1 of the ordinance (Page MDC009). Recommendation 58 (consider percentage participation rent or sharing entitlement risk in public-private partnerships) is implemented in Section 1 of the ordinance (Page MDC009).

[9] Recommendation 45 (shift towards utilization of the Federal Acquisition Regulation (FAR) overhead audits and a negotiated margin as the basis for establishing fee structures on architecture and engineering contracts and explore the adoption of a safe harbor multiplier) is implemented in Section 1 of the ordinance (Page MDC008).

[10] Recommendation 20 (consider creating a position of Chief Procurement Officer and require each department to designate an individual as a Procurement Lead who will serve as a point of contact for the Department Director,) is implemented in Section 1 of the ordinance (Page MDC007).

[11] Recommendation 29 (directs the County Attorney's Office to coordinate with the office of the Chairman of the Board of County Commissioners to prepare and present to the Board a simplified procurement framework under the Code) is implemented in Section 11 of the ordinance (Page MDC031).

[12] Recommendation 55 (implement a vendor performance system with a supplier scorecard for goods and services) is implemented in Section 1 of the ordinance (Page MDC009).

MEMORANDUM

(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: September 1, 2026

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Amended Substitute Agenda Item No. 5(G)

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**
_____	**Requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, majority plus one ____, CDMP 7 votes (majority of membership) ____, CDMP 2/3 members present but not less than 7 votes (majority of membership) ____, CDMP 9 votes (2/3 membership) _____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Substitute
Agenda Item No. 5(G)
9-1-26

ORDINANCE NO. **26-63**

ORDINANCE RELATING TO COUNTY PROCUREMENT; IMPLEMENTING, IN WHOLE OR IN PART, MULTIPLE RECOMMENDATIONS FROM THE FINAL REPORT OF THE SPECIAL TASK FORCE TO REDUCE INEFFICIENCIES IN PROCUREMENT; AMENDING SECTION 2-11.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE "CODE") RELATING TO THE CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE, SECTION 2-8.8 OF THE CODE RELATING TO FAIR SUBCONTRACTING PRACTICES, SECTION 2-8.1.1.1.1 OF THE CODE RELATING TO THE SMALL BUSINESS ENTERPRISE SERVICES PROGRAM, SECTION 2-8.1.1.1.2 OF THE CODE RELATING TO THE SMALL BUSINESS ENTERPRISE GOODS PROGRAM, SECTION 2-8.1.1 OF THE CODE RELATING TO BIDS FROM RELATED PARTIES AND BID COLLUSION, AND SECTION 10-33.02.1 OF THE CODE RELATING TO BIDS PRECLUDED FROM RELATED PARTIES; REPEALING RESOLUTION R-63-14 REQUIRING CERTAIN DUE DILIGENCE AFFIDAVITS IN PROCUREMENT; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE; AND REQUIRING A REPORT

WHEREAS, pursuant to Resolution No. R-441-25, the Board of County Commissioners (the "Board") established the Special Task Force to Reduce Inefficiencies in Procurement (the "Task Force") to review existing laws, codes, procedures, and administrative practices governing Miami-Dade County's procurement process and to recommend changes that would improve efficiency, transparency, accountability, and fairness; and

WHEREAS, in carrying out its mandate, the Task Force examined each phase of the County's procurement lifecycle, from pre-procurement planning through contract performance, to identify opportunities to streamline procurement processes while ensuring that each discussion

addressed the subject matters identified in Resolution No. R-441-25, including procurements for goods and services, architectural and engineering professional services, construction contracting, public-private partnerships, leases and development agreements, and concession agreements; and

WHEREAS, throughout its review, the Task Force worked closely with the Strategic Procurement Department, procurement professionals, and subject matter experts, and also conducted a workshop to obtain feedback from members of the County's small business community regarding opportunities to improve the procurement process; and

WHEREAS, on September 5, 2025, the Task Force adopted an Interim Report containing preliminary recommendations, and on April 23, 2026, approved fifty-nine (59) final recommendations designed to reduce procurement timelines, increase transparency, enhance fairness, support small business participation, and streamline procurement procedures across County government; and

WHEREAS, the Task Force has transmitted its Final Report to this Board, thereby fulfilling the mandate established by Resolution No. R-441-25; and

WHEREAS, the Task Force recommendations addressed by this legislation include recommendations 1, 2, 3, 5, 15, 19, and 20, which relate to procurement planning, scope development, industry engagement, workflow management, departmental coordination, systems optimization, and procurement leadership; and

WHEREAS, the Task Force recommendations addressed by this legislation also include recommendations 4, 6, 8, 13, 14, 23, 24, 25, and 29, which relate to vendor participation and standardized procurement procedures, submittal methods, software applications and advertisement notifications, streamlined affidavit requirements, mandatory page limitations, and reorganized procurement regulations; and

WHEREAS, the Task Force recommendations addressed by this legislation include recommendations 40, 41, 44 through 46 and 55, which relate to proposal review, responsiveness, contract terms, pricing, training, and performance management; and

WHEREAS, this legislation also addresses Task Force recommendations 57 and 58, which relate to standard ground lease agreements and balanced risk allocation for public-private partnerships; and

WHEREAS, this Board desires to implement the Task Force recommendations as set forth in this legislation,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. The Board hereby establishes as Board policy the following, based on the recommendations of the Special Task Force to Reduce Inefficiencies in Procurement (the "Task Force"), as modified herein, and directs the County Mayor or County Mayor's designee to implement the following recommendations to the greatest extent possible, subject to legally available funding:

A. Pursuant to Recommendation ("Rec.") No. 1 of the Task Force, submit a recommendation to the Clerk's Office for procurements under five million within 120 days of the submission or proposal's due date, and for procurements 5 million or over, within 150 days.

B. Pursuant to Rec. No. 2 of the Task Force, identify and/or adopt a task management system, including systems or software that may already be in use by the County, that will establish roles and responsibilities for various participants in the procurement process and effectuate workflow, covering the development of scope for a solicitation until recommendation and award.

C. Pursuant to Rec. No. 2 of the Task Force, automate workflow, measure the duration of each step in the procurement process, and publish what stage the procurement is in online for bidders and the public to track.

D. Pursuant to Rec. No. 3 of the Task Force, as modified herein, extend the time for industry comment on the publication of a future solicitation to twenty calendar days.

E. Pursuant to Rec. No. 3 of the Task Force, remove future solicitations automatically when the solicitation has been advertised.

F. Pursuant to Rec. No. 4 of the Task Force, adopt a standard operating procedure providing that when questions submitted timely by respondents to a solicitation are answered by the County less than 10 business days before the submittal deadline, a bid or proposal submittal extension is triggered. The extended submittal deadline shall be no earlier than 10 business days from the date the County publishes the answers. The County, however, acting through its chief procurement officer, retains the discretion to waive or shorten the 10-day extension for good cause and in the best interests of the County.

G. Pursuant to Rec. No. 5 of the Task Force, provide training to County department staff to improve the development of scope for solicitations.

H. Pursuant to Rec. No. 6 of the Task Force, eliminate in-person review meetings, eliminate the notarization requirement for the certification application, integrate a prequalification and technical certification registration portal with INFORMS, and modernize the Microsoft access-based certification audit log.

I. Pursuant to Rec. No. 8 of the Task Force, standardize methods of submitting a response to a solicitation, including bidding software and applications.

J. Pursuant to Rec. No. 13 of the Task Force, standardize the software application used for each type of procurement for consistency across different procurement types.

K. Pursuant to Rec. No. 14 of the Task Force, standardize the vendor notification process across all procurements.

L. Pursuant to Rec. No. 15 of the Task Force, support horizontal optimization of the County's existing electronic procurement systems, ensure that appropriate funding is identified for the necessary review and optimizations, identify which inefficiencies are based on system limitations versus those based on policy, investigate the potential for integration with other systems and provide support for those integrations.

M. Pursuant to Rec. No. 19 of the Task Force, hold a pre-handoff industry meeting for complex, non-repetitive procurements, unless such meeting is deemed waived by the director of the user department in consultation with the director of the Strategic Procurement Department.

N. Pursuant to Rec. No. 20 of the Task Force, consider creating a position of Chief Procurement Officer, who would be responsible for overseeing the implementation of all procurement policies and procedures approved by the Board and the administration across the County. Consider requiring each department to designate an individual as a Procurement Lead who will serve as a point of contact for the Department Director, Mayor's Office, Chief Procurement Officer, vendors, and the public, oversee all procurement activities of the department, be responsible for implementing County procurement policies and procedures, and will coordinate directly with the Chief Procurement Officer. Consider providing that the hiring, setting goals and objectives and annual evaluation of all departmental Procurement Leads must be approved jointly by the

Chief Procurement Officer and the respective department director, ensuring both county-wide consistency and oversight. Consider providing the Chief Procurement Officer with the authority to: develop and implement tools and processes for structured engagement with department directors and their Procurement Leads; support proactive acquisition planning and establish baseline procurement standards; and provide training and guidance on best practices to ensure compliance and efficiency. Consider providing that the Chief Procurement Officer shall standardize Countywide positions for procurement functions and work with Procurement Leads to analyze workload and make recommendations to the County Mayor for appropriate staffing levels in each department to ensure all procurement activities are handled in the manner that maximizes efficiency and costs-savings to the County.

O. Pursuant to Rec. No. 23 of the Task Force, as modified herein, create an online repository accessible to the public, publishing the following documents within ten (10) business days of availability: solicitation documents and addenda; all responsive submittals received, provided such responsive submittals are not shielded from publication under Chapter 119, Florida Statutes; individual and aggregate evaluation scoring sheets; audio or video recordings of evaluation and selection committee meetings; memoranda requesting responsiveness opinions; evaluation, negotiation or award recommendations; bid protest objection letters; and final contracts.

P. Pursuant to Rec. No. 24 of the Task Force, move the "Contracting with Entities of Foreign Countries of Concern Prohibited Affidavit" to the proposal submittal form.

Q. Pursuant to Rec. No. 25 of the Task Force, consider including in each solicitation page limitations, including font size and margins, for submissions in response to the following

County procurements: Notice to Professional Consultants, Design Build (Step 1), Goods and Services procurements under five million, development solicitations, first-phase qualification submissions in public-private partnership procurements; and deem ineligible for award any proposal or submission that exceeds the page limitations.

R. Pursuant to Rec. No. 40, implement an expedited, informal opinion process for procurements valued at 5 million or below, in consultation with the County Attorney's Office, whereby staff can determine eligibility for award based on pre-determined issues of responsiveness, subject to approval by the Director of the Strategic Procurement Department or Chief Procurement Officer and the County Attorney's Office.

S. Pursuant to Rec. No. 41 of the Task Force, remove the five checklist steps (including Google, PACER, and Westlaw) for proposal review.

T. Pursuant to Rec. No. 44 of the Task Force, create a website that provides the standard terms for contracts used by the County and allow for the public to comment prior to solicitation.

U. Pursuant to Rec. No. 45 of the Task Force, shift towards utilization of the Federal Acquisition Regulation (FAR) overhead audits and a negotiated margin as the basis for establishing fee structures on architecture and engineering contracts and explore the adoption of a safe harbor multiplier, which may be capped by the County consistent with the audited cost data and negotiated margin framework.

V. Pursuant to Rec. No. 55 of the Task Force, implement a vendor performance system with a supplier scorecard for goods and services that allows the County to evaluate supplier performance based on preconfigured targets, assigns suppliers a score based on evaluations, with results posted and shared with other users, provides instructions to departments on how and when to conduct performance reviews of firms and contractors;

and includes guidelines on how to determine when a non-performance review is required and how to complete one.

W. Pursuant to Rec. No. 57 of the Task Force, develop a standard form agreement for ground leases that includes input from lenders and experts from the equity capital markets and tax credits to expedite negotiations.

X. Pursuant to Rec. No. 58 of the Task Force, consider percentage participation rent or sharing entitlement risk in public-private partnerships.

Y. In procurements for the leasing of County-owned property, require a proposer to identify any objection to the terms of the County's standard ground lease when responding to the solicitation or the proposer is foreclosed from later raising an objection during negotiations. This section may be amended by resolution of the Board.

Section 2. The Board also establishes as Board policy the following:

A. Pursuant to Rec. No. 1, when the Board considers policy changes related to procurement, or takes action relating to an ongoing procurement, the Board shall also consider the impact of such action on procurement timelines.

B. Pursuant to Rec. No. 46, each Commissioner shall designate one member of his or her staff to be trained and certified in procurement matters, which training and certification shall be provided by the Strategic Procurement Department.

The Board policy adopted in this section may be amended by resolution of the Board.

Section 3. Pursuant to Rec. No. 24 of the Task Force, this Board repeals R-63-14 directing the County Mayor or Mayor's designee to require certain affidavits as part of the due diligence conducted by the County with respect to the responsibility of potential vendors and contractors prior to contract award. This section may be amended by resolution of the Board.

Section 4. Pursuant to Rec. No. 24 of the Task Force, Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:[1]

Sec. 2-11.1. - Conflict of Interest and Code of Ethics Ordinance.

* * *

(s) *Principal and Lobbyist Registration*.

(1) *Definitions*.

(a) *County personnel* means those County officials, officers and employees included in Section 2-11.1(i)(2) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, with the exception of the County Attorney and Assistant County Attorneys; advisory personnel as defined in Section 2-11.1(b)(4); and any employee of a County department or division with the authority to participate in procurement matters, when the communication involves such procurement.

(b) *Expenditure* means the same as defined in Section 112.3215, Florida Statutes.

(c) *Government entity* means any political subdivision, including any county, municipality, special district, school district, utility authority, or other authority, or any instrumentality, agency, unit, or department thereof.

(d) *Lobbying activity* means any attempt to influence or encourage the passage or defeat of, or modification to, governmental actions, including, but not limited to, ordinances, resolutions, rules, regulations, executive orders, and procurement actions or decisions of the County Commission, the Mayor, any County board or committee, or any County personnel. The term "lobbying activity" encompasses all forms of communication, whether oral, written, or electronic, during the entire decision-making process on actions, decisions, or recommendations which foreseeably will be heard or reviewed by County personnel. This definition shall be subject to the exceptions stated in subparagraph (s)(2) below.

[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.

* * *

(2) *Exceptions.* The following persons are specifically excluded from the definition of "lobbyist" and shall not be subject to the requirements of this subsection:

(a) Any representative of individuals, corporations, or other entities solely during a public hearing on a quasi-judicial matter;

(b) Any person who appears only as a representative of a neighborhood association without compensation or reimbursement for the appearance, whether direct, indirect, or contingent;

(c) Any person who only appears as a representative of a not-for-profit community-based organization without special compensation or reimbursement for the appearance to request a grant;

(d) Any person employed or retained by a principal whose normal scope of employment or retention does not include lobbying activities and who is not engaged in lobbying activities on behalf of said principal;

(e) Any expert who is retained for the sole purpose of providing only scientific, technical, or other specialized information or testimony in public meetings;

(f) Any public officer, employee, or appointee, appearing in his or her official capacity, to represent a governmental entity;

(g) Any person who only appears in his or her official capacity for the purpose of self-representation without compensation or reimbursement, whether direct, indirect, or contingent, to express support or opposition to any item;

(h) Any person engaged in following activities involving a procurement matter:

1. Appearance at a pre-bid conference;

2. Submission of a bid or proposal;

3. Submission of a written question or response to a bid or proposal;

4. Presentation by technical experts, or persons employed or retained by a principal whose normal scope of employment does not include lobbying activities, for purposes of explaining or demonstrating characteristics or performance of a procurement matter, provided the presentation does not include any advocacy or recommendations on the procurement matter and is

otherwise consistent with the pending procurement matter or guidelines and procedures;

5. >>Appearance at and participation in an oral presentation before a County certification, evaluation, selection, technical review or similar committee or recorded negotiation meetings or sessions;

6<<. Post-award contract management;

>>7<<[[~~6~~]]. Participation in market research process;

>>8<<[[~~7~~]]. Accessed contracts; and

>>9<<[[~~8~~]]. Emergency purchases

* * *

[[~~(6) *Affidavit requirement.* The following provisions shall apply to certain individuals who, in procurement matters, participate in oral presentations or recorded negotiation meetings and sessions:~~

~~(a) The principal shall list on an affidavit form, provided by the County, all technical experts or employees of the principal whose normal scope of employment does not include lobbying activities and whose sole participation in a County procurement matter involves an appearance and participation in an oral presentation before a County certification, evaluation, selection, technical review or similar committee, or recorded negotiation meetings or sessions.~~

~~(b) No person shall appear before any procurement committee or at any procurement negotiation meeting or session on behalf of a principal unless he or she has been listed as part of the principal's presentation or negotiation team pursuant to this subparagraph (s)(6), or has registered as a lobbyist pursuant to subparagraph (s)(3).~~

~~(c) For the purpose of this subsection (s) only, the listed members of the oral presentation or negotiation team shall not be required to separately register as lobbyists or pay any registration fees.~~

~~(d) The affidavit required by this subsection shall be filed by County procurement staff with the Clerk of the Board at the time the proposal is submitted or prior to the recorded negotiation meeting or session.~~

~~(e) Notwithstanding the foregoing, any person who engages in lobbying activities in addition to appearing before a procurement committee to make an oral presentation, or at a recorded~~

~~procurement negotiation meeting or session, shall comply with all lobbyist registration requirements.~~]]

* * *

Section 5. Pursuant to Rec. No. 24 of the Task Force, Section 2-8.8 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.8. Fair subcontracting practices.

* * *

[[~~(4) *Reporting of subcontracting policies procedures and payments.* For all contracts in which a bidder may use a Subcontractor, prior to contract award, the bidder shall provide a detailed statement of its policies and procedures for awarding subcontracts. Failure to provide the required statement shall preclude the bidder from receiving the contract. As a condition of final payment under a contract, the contractor shall submit to the County via its web-based system all subcontractors used in the work, the amount of each subcontract, and the amount paid and to be paid to each subcontractor. In the event that the contractor intends to pay less than the subcontract amount, the contractor shall deliver to the County a statement explaining the discrepancy or any disputed amount. The County Mayor or Mayor's designee shall include language in the specifications of applicable County contracts to give effect to the intent of this section.~~]]

Section 6. Pursuant to Rec. Nos. 6 and 24 of the Task Force, Section 2-8.1.1.1.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.1.1.1.1. - Small Business Enterprise Services Program.

(1) *Title.* This section shall be referred to as the Small Business Enterprise Services Program.

(2) *Definitions.* The following definitions shall apply in this section.

1. *Agreement* is a duly executed legally binding contract.

2. *Available* or *availability* means to have prior to bid submission, the ability to provide services under a contract, by having:

a. Reasonably estimated, uncommitted capacity;
b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise (SBE) certification to provide the type of services being purchased under the contract;
c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and
d. The ability to otherwise meet bid specifications.

3. *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

4. *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted by a SBE on a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.

5. *Bidder* or *Proposer* means any person, partnership, corporation or other business entity that submits a bid or proposal.

6. *Board* means the Board of County Commissioners of Miami-Dade County, Florida.

[[~~7. *Certificate of Assurance* means the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small Business Enterprise ("SBE") measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.~~

~~8~~]]>>7<<. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally. Acting as a broker is not considered a commercially useful function.

[[~~9~~]]>>8<<. *Contract* means an agreement for the purchase of services, including professional services. Professional services as used in this section includes but is not limited to accounting, legal, health care, consulting and management services. Contract does not mean: an agreement to purchase, lease, or rent real property; a grant, license, permit, franchise or a concession; an agreement to acquire professional architectural, engineering, landscape architectural or land surveying and mapping services of seven hundred thousand dollars ($700,000.00) or less; or a contract for construction or construction management services of seven hundred thousand dollars ($700,000.00) or less.

[[~~10~~]]>>9<<. *Graduation* means the SBE has exceeded either the personal net worth, or the specific size limits stated for the program and may no longer be eligible to participate in the program.

[[~~11~~]]>>10<<. *Gross Revenue* is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.

[[~~12~~]]>>11<<. *Joint venture* means a business arrangement of two (2) or more parties, in which at least one (1) is a SBE that agrees to pool its resources for the purpose of accomplishing a specific task. The details of Joint venture participation in the SBE-Services program shall be provided in Implementing Order No. IO 3-41.

[[~~13~~]]>>12<<. *Make-up Plan* means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Services makeup requirement, and identify the certified SBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project, and the percentage, dollar value, and description of the work that needs to be made-up within the time frame specified by SBD.

[[~~14~~]]>>13<<. *Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development.

[[~~15~~]]>>14<<. *Mentor-Protege Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs in order for the latter to

benefit from the knowledge and experience of the established mentor firms. The details of this program shall be provided in Implementing Order No. IO 3-41.

[[~~16~~]]>>15<<. *Prompt Payment* is the intent of the Board that all firms, including SBEs providing services to the county, receive payments promptly as specified herein.

[[~~17~~]]>>16<<. *Review* [[~~*Committee*~~]] >>Team<< or [[~~*RC*~~]] >>RT<< means the committee established by the Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measures/goals recommendations. The [[~~RC~~]] >>RT<< will make recommendations to the Mayor or designee as needed.

[[~~18~~]]>>17<<. *SBD* means the Division of Small Business Development or successor division or department.

[[~~19~~]]>>18<<. *Selection factor* means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,
A joint venture with one or more SBEs.

[[~~20~~]]>>19<<. *Small Business Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise Program(s).

[[~~21~~]]>>20<<. *Small Business Enterprise ("SBE" or "SBE-Services")* means a business entity certified by SBD, providing services, which has a valid business tax receipt issued by Miami-Dade County at least one year prior to certification, an actual place of business in Miami-Dade County, not a Virtual Office, and whose three year average gross revenues does not exceed the following contracting participation levels:

(i) Tier 1 — $0 to $750,000;
(ii) Tier 2 — $750,000.01 to $2,000,000;
(iii) Tier 3 — $2,000,000.01 to $5,000,000; or
(iv) Tier 4 — $5,000,000.01 to $8,000,000.

No firm shall be certified as a SBE where the personal net worth of any of its owners is more than $3,500,000.00, exclusive of: (a) the value of the primary residence for which there is a homestead exemption; (b) the value of the business; and (c) funds invested in an individual retirement

account ("IRA"), 401k, pension, or other official retirement account. The owner MUST provide information about the terms and restrictions of the account(s) to SBD, and certify that the retirement account(s) is legitimate. Representations as to a business entity's average gross revenues, personal net worth of owners and payroll shall be subject to audit.

[[~~22~~]]>>21<<. *Service* means work offered for public or private consumption that does not consist primarily of goods.

[[~~23~~]]>>22<<. *Set-aside* means the designation of a given contract for competition among SBEs.

[[~~24~~]]>>23<<. *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

[[~~25~~]]>>24<<. *Utilization Plan* means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project identifying certified firms to fulfill goal(s), percentages and/or dollar value of work and description of work within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system. Bidders must enter into written subcontracts with the listed SBE(s).

[[~~26~~]]>>25<<. *Virtual Office* means an agreement that provides a receptionist, mail and facsimile services, and similar services, that give the appearance of having a business presence at a location, but the business entity has no ongoing, full-time physical presence in the building. Virtual Offices are invalid for certification purposes.

[[~~27~~]]>>26<<. *Work* means the provision of services, as defined herein.

(3) *Program.*

(a) *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to Miami-Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The Public Health Trust shall provide data on a quarterly basis of all contracts awarded to SBEs. The County Mayor or designee shall prepare implementing orders, bid and contract documents implementing the provisions of this section. The County Mayor or designee by implementing order may exclude classes of contracts, or

parts thereof, from application of this section. The words County Mayor or designee in this section shall mean the County Mayor or designee.

(b) *Contracts of $250,000.00 or less.*

1. Within the fiscal year, it is required that County departments expend with SBEs 100 percent of the total value of contracts two hundred-fifty thousand dollars ($250,000.00) or less for services. The departmental requirement shall be complied with unless SBD determines that there is either not enough capacity, or the contract(s) can only be handled by a non-SBE firm(s). The total value of Public Health Trust contracts applicable under this section shall remain at one hundred thousand dollars ($100,000.00).

2. Bids or quotes submitted by any SBE that is a Tier 1 or Tier 2 shall automatically receive a 10 percent bid preference and a Tier 3 or Tier 4 SBE shall automatically receive a 5 percent bid preference, when not set-aside for SBEs. When set-aside, the preference shall be: 10 percent for Tier 1 SBEs; 5 percent for Tier 2 SBEs; and 0 percent for Tier 3 and Tier 4 SBEs. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation.

3. Annually, SBD shall provide a report of awards to SBEs to the Board.

4. There shall be at least two available SBEs to perform a competitive bid contract.

(c) *Contracts Greater than $250,000.00.* The following SBE measures may be applied to contracts greater than two hundred-fifty thousand dollars ($250,000.00), except the total value of Public Health Trust contracts applicable under this section shall remain at one hundred thousand dollars ($100,000.00):

1. *Set-asides:*

a. Competitive bidding requirements may be waived (by the County Mayor or County Commission depending on whether the amount of the contract is above or below the minimum amount established by ordinance for competitive bidding) for a contract and the contract set-aside for bidding solely by SBEs where prior to bid advertisement, there are at least three available SBEs to perform the contract, and where such set-aside is in the best interest of the County. Where applicable: (i) contracts from $250,000 to $750,000 shall be set-aside for Tier 1 SBEs; contracts from $750,000.01 to $2

million shall be set-aside for Tier 2 SBEs; (iii) contracts from $2,000,000.01 to $5 million shall be set-aside for Tier 3 SBEs; and (iv) contracts from $5,000,000.01 to $8 million shall be set-aside for Tier 4 SBEs.

b. In the event there is no availability in the designated SBE tier, SBD may assign a set-aside to the next level tier which will retain a set-aside recommendation. Lower tier SBE firms may bid on higher tier set-asides.

c. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from SBD.

d. When set-aside, the bid preference shall be: 10 percent for Tier 1 SBEs; 5 percent for Tier 2 SBEs; and 0 percent for Tier 3 and Tier 4 SBEs. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation. The County Mayor or the County Mayor's designee shall implement this subsection no later than 60 days from the effective date of this ordinance.

2. *Subcontractor goals:*

a. Subcontractor goals may be applied to a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract and the availability of SBEs to perform such work. Bid documents for contracts to which a SBE subcontract goal is applied shall provide that only SBEs certified to provide the type of services be counted towards meeting a goal. The bid documents shall further provide that a bidder must be found in compliance with the requirements of subsections b and c below in order to be eligible for award of the contract.

b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that bidders must submit with its bid a completed [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based systems. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform therefore. The solicitation documents for any competitive selection involving a separate

evaluation of sealed price envelopes shall require that the technical submission contain a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan via the County's web-based system listing the certified SBEs to fulfill the measure. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of services that are the subject of the contract. Bidder must include in bid documents a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based system listing itself to fulfill the measure. The Utilization Plan shall be executed by the bidder via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e. the services to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder. Bidder must include in bid documents a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based system listing the certified SBEs to fulfill the measure. The Utilization Plan shall be executed by the bidder and the SBE(s) via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of services the SBE is to provide and the percentage of work the SBE is to perform. A SBE-Services firm may fulfill a subcontractor goal in only one (1) goal type per contract.

* * *

Section 7. Pursuant to Rec. Nos. 6 and 24 of the Task Force, Section 2-8.1.1.1.2 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.1.1.1.2. - Small Business Enterprise Goods Program.

(1) *Title.* This section shall be referred to as the Small Business Enterprise Goods Program.

(2) *Definitions.* The following definitions shall apply in this section.

1. *Agreement* is a duly executed legally binding contract.

2. *Available* or *availability* means to have prior to bid submission, the ability to provide goods under a contract, by having:

   a. Reasonably estimated, uncommitted capacity;
   b. All necessary licenses, permits, registrations and certifications, including Small Business Enterprise ("SBE") certification to provide the type of goods being purchased under the contract;
   c. The ability to obtain financing/insurance that is reasonably required and consistent with normal industry practice; and
   d. The ability to otherwise meet bid specifications.

3. *Bid* means a quotation, proposal, letter of interest or offer by any bidder in response to any kind of invitation, request or public announcement to submit such quotation, proposal, letter of interest or offer for a contract.

4. *Bid preference* means an amount deducted from the total bid price in order to calculate the bid price to be used to evaluate the bid submitted by a SBE on a competitively bid contract to be awarded on the basis of price (as opposed to an RFP, RFI or RFQ) which is not set aside.

5. *Bidder* or *Proposer* means any person, partnership, corporation or other business entity that submits a bid or proposal.

6. *Board* means the Board of County Commissioners of Miami-Dade County, Florida.

[[~~7. *Certificate of Assurance* means the departmental form submitted with bid documents whereby the Bidder acknowledges: (i) Small~~

~~Business Enterprise ("SBE") measures apply to the project; and (ii) Bidder will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.~~

~~8~~]]>>7<<. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of a contract by a SBE and the carrying out of its contractual responsibilities by actually performing, managing, and supervising the work involved. The determination of whether an activity is a commercially useful function shall include the evaluation of the amount of work subcontracted; normal industry practices; the skills, qualifications, or expertise of the enterprise to perform the work; whether the business owner performs, manages, and/or supervises the work involved; and other relevant factors. Acting as an authorized representative of a manufacturer as is normal industry practice is considered a commercially useful function. Commercially useful function shall also include a distributor authorized by a manufacturer to distribute the manufacturer's products locally. Acting as a broker is not considered a commercially useful function.

[[~~9~~]]>>8<<. *Contract* means an agreement for the purchase of goods. Contract does not mean: an agreement to purchase, lease, or rent real property; or a grant, license, permit, franchise or a concession.

[[~~10~~]]>>9<<. *Goods* mean any tangible product, material or supply that is not a service.

[[~~11~~]]>>10<<. *Graduation* means the SBE has exceeded either the personal net worth, or the specific size limits stated for the program and may no longer be eligible to participate in the program.

[[~~12~~]]>>11<<. *Gross Revenue* is defined to include all revenue in whatever form received or accrued from whatever source, including sales of products or services, interest, dividends, rents, royalties, fees or commissions, reduced by returns and allowances. However, proceeds from sales of capital assets, and investments, proceeds from transaction between a firm and its domestic and foreign affiliates are excluded.

[[~~13~~]]>>12<<. *Joint venture* means a business arrangement of two (2) or more parties, in which at least one (1) is a SBE that agrees to pool its resources for the purpose of accomplishing a specific task. The details of Joint venture participation in the SBE-Goods program shall be provided in Implementing Order No. IO 3-41.

[[~~14~~]]>>13<<. *Make-up Plan* means a plan whereby a bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill all or a portion of any pending Small Business Enterprise Services makeup requirement, and identify the certified SBE firm(s) to be utilized to fulfill the make-up requirement that is in excess of any SBE goal(s) required on the project, and the percentage, dollar value, and description of the work that needs to be made-up within the time frame specified by SBD.

[[~~15~~]]>>14<<. *Management and Technical Assistance (MTA)* means a program designed to provide direct and indirect assistance for small business enterprise development.

[[~~16~~]]>>15<<. *Mentor-Protege Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging SBEs in order for the latter to benefit from the knowledge and experience of the established mentor firms. The details of this program shall be provided in Implementing Order No. IO 3-41.

[[~~17~~]]>>16<<. *Prompt Payment* is the intent of the Board that all firms, including SBEs providing services to the county, receive payments promptly as specified herein.

[[~~18~~]]>>17<<. *Review* [[~~*Committee*~~]] >>Team<< or [[~~*RC*~~]] >>RT<< means the committee established by the Mayor or designee to review proposed projects for the application of contract measures where SBD and the contracting department have not established consensus and when public input requires deliberation regarding the measures/goals recommendations. The [[~~RC~~]] >>RT<< will make recommendations to the Mayor or designee as needed.

[[~~19~~]]>>18<<. *SBD* means the Division of Small Business Development or successor division or department.

[[~~20~~]]>>19<<. *Selection factor* means a factor considered in evaluating the response submitted to an RFP, RFQ or RFI by a bidder that is:

A SBE,
A joint venture with one or more SBEs.

[[~~21~~]]>>20<<. *Small Business Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise Program(s).

[[~~22~~]]>>21<<. *Small Business Enterprise ("SBE" or "SBE-Goods")* means a business entity certified by SBD, providing services, which has a valid business tax receipt issued by Miami-Dade County at least one year prior to certification, an actual place of business in Miami-Dade County, not a Virtual Office, and whose three year average gross revenues does not exceed the following contracting participation levels:

(i) Tier 1 — $0 to $750,000;
(ii) Tier 2 — $750,000.01 to $2,000,000;
(iii) Tier 3 — $2,000,000.01 to $5,000,000; or
(iv) Tier 4 — $5,000,000.01 to $8,000,000.

The term Small Business Enterprise shall also include a (x) manufacturer with 100 employees or less, or (y) wholesaler with 50 employees or less, without regard to gross revenues. A wholesaler or manufacturer must comply with all other requirements of this section to be a certified SBE.

No firm shall be certified as a SBE where the personal net worth of any of its owners is more than $3,500,000.00, exclusive of: (a) the value of the primary residence for which there is a homestead exemption; (b) the value of the business; and (c) funds invested in an individual retirement account ("IRA"), 401k, pension, or other official retirement account. The owner MUST provide information about the terms and restrictions of the account(s) to SBD, and certify that the retirement account(s) is legitimate. Representations as to a business entity's average gross revenues, personal net worth of owners and payroll shall be subject to audit.

[[~~23~~]]>>22<<. *Set-aside* means the designation of a given contract for competition among SBEs.

[[~~24~~]]>>23<<. *Subcontractor goal* means a proportion of a total contract value stated as a percentage to be subcontracted to SBE(s) to perform a commercially useful function.

[[~~25~~]]>>24<<. *Utilization Plan* means the plan whereby a Bidder submits via the County's web-based system its commitment that if awarded the contract, it will fulfill the SBE goal(s) required for the project identifying certified firms to fulfill goal(s), percentages and/or dollar value of work and description of work within the time frame specified by SBD. Subcontractor(s) listed will also be required to confirm their participation via the County's web-based system. Bidders must enter into written subcontracts with the listed SBE(s).

[[~~26~~]]>>25<<. *Virtual Office* means an agreement that provides a receptionist, mail and facsimile services, and similar services, that give the appearance of having a business presence at a location, but the business entity has no ongoing, full-time physical presence in the building. Virtual Offices are invalid for certification purposes.

[[~~27~~]]>>26<<. *Work* means the provision of services, as defined herein.

(3) *Program.*

(a) *Application*. Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall be applicable to Miami-Dade and Public Health Trust contracts (as defined in this section) funded in whole or in part by County funds. The Public Health Trust shall provide data on a quarterly basis of all contracts awarded to SBEs. The County Mayor or designee shall prepare implementing orders, bid and contract documents implementing the provisions of this section. The County Mayor or designee by implementing order may exclude classes of contracts, or parts thereof, from application of this section. The words County Mayor or designee in this section shall mean the County Mayor or designee.

(b) *Contracts of $250,000.00 or less.*

1. Within the fiscal year, it is required that County departments expend with SBEs 100 percent of the total value of contracts two hundred-fifty thousand dollars ($250,000.00) or less for goods. The departmental requirement shall be complied with unless SBD determines that there is either not enough capacity, or the contract(s) can only be handled by a non-SBE firm(s). The total value of Public Health Trust contracts applicable under this section shall remain at one hundred thousand dollars ($100,000.00).

2. Bids or quotes submitted by any SBE that is a Tier 1 or Tier 2 (which shall also include manufacturers with 50 or less employees, and wholesalers with 15 or less employees), shall automatically receive a 10 percent bid preference, and a Tier 3 or Tier 4 SBE (which shall also include manufacturers with 51 to 100 employees, and wholesalers with 16 to 50 employees), shall automatically receive a 5 percent bid preference, when not set-aside for SBEs. When set-aside, the preference shall be: 10 percent for Tier 1 SBEs; 5 percent for Tier 2 SBEs, which shall also include manufacturers with 50 or less employees, and wholesalers with 15 or less employees; and 0 percent for Tier 3 and Tier 4 SBEs, which shall also include wholesalers with 16 to 50 employees, and manufacturers with 51 to 100 employees. The departments shall

deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation.

3. Annually, SBD shall provide a report of awards to SBEs to the Board.

4. There shall be at least two available SBEs to perform a competitive bid contract.

(c) *Contracts Greater than $250,000.00.* The following SBE measures may be applied to contracts greater than two hundred-fifty thousand dollars ($250,000.00), except the total value of Public Health Trust contracts applicable under this section shall remain at one hundred thousand dollars ($100,000.00):

1. *Set-asides:*

a. Competitive bidding requirements may be waived (by the County Mayor or Board depending on whether the amount of the contract is above or below the minimum amount established by ordinance for competitive bidding) for a contract and the contract set-aside for bidding solely by SBEs where prior to bid advertisement, there are at least three available SBEs to perform the contract, and where such set-aside is in the best interest of the County. Where applicable: (i) contracts from $250,000 to $750,000 shall be set-aside for Tier 1 SBEs; contracts from $750,000.01 to $2 million shall be set-aside for Tier 2 SBEs; (iii) contracts from $2,000,000.01 to $5 million shall be set-aside for Tier 3 SBEs, wholesalers, and manufacturers; and (iv) contracts from $5,000,000.01 to $8 million shall be set-aside for Tier 4 SBEs, wholesalers, and manufacturers.

b. In the event there is no availability in the designated SBE tier, SBD may assign a set-aside to the next level tier which will retain a set-aside recommendation. Lower tier SBE firms may bid on higher tier set-asides.

c. Transferring to a non-SBE through subcontracting or otherwise all or part of the actual work of a set-aside contract to a non-SBE is prohibited unless such transfer receives prior approval from SBD.

d. When set-aside, the bid preference shall be: 10 percent for Tier 1 SBEs; 5 percent for Tier 2 SBEs, which shall also include manufacturers with 50 or less employees, and wholesalers with 15 or less employees; and 0 percent for Tier 3 and Tier 4 SBEs, which shall also include wholesalers with 16 to 50 employees, and manufacturers with 51 to 100 employees. The departments shall deduct the preference amount from the total bid or quoted price in order to calculate the price to be used for evaluation. The County

Mayor or the County Mayor's designee shall implement this subsection no later than 60 days from the effective date of this ordinance.

2. *Subcontractor goals:*

a. Subcontractor goals may be applied to a contract based on estimates made prior to bid advertisement of the quality, quantity and type of subcontracting opportunities provided by the contract and the availability of SBEs to perform such work. Bid documents for contracts to which a SBE subcontract goal is applied shall provide that only SBEs certified to provide the type of goods be counted towards meeting a goal. The bid documents shall further provide that a bidder must be found in compliance with the requirements of subsections b and c below in order to be eligible for award of the contract.

b. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that bidders must submit with its bid a completed [[~~Certificate of Assurance acknowledging the required measure and a~~]] Utilization Plan>>, which<< shall be submitted via the County's web-based system. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of goods the SBE is to provide and the percentage of work the SBE is to perform therefore. The solicitation documents for any competitive selection involving a separate evaluation of sealed price envelopes shall require that the technical submission contain a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based system listing the certified SBEs to fulfill the measure. Each Utilization Plan shall be executed by the bidder and the SBE via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of goods the SBE is to provide and the percentage of work the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a SBE may itself meet the goal to the extent it is certified to provide the type of goods that are the subject of the contract. Bidder must include in bid documents a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based system listing itself to fulfill the measure. The Utilization Plan shall be executed by the bidder via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of goods the SBE is to provide and the percentage of work

the SBE is to perform. Bid documents for contracts to which a SBE subcontractor goal is applied shall provide that a bidder that is a joint venture one or more of whose venturers is an SBE must submit with its bid a copy of the joint venture agreement in order for such venturer(s)'s participation to be eligible to be counted towards meeting the goal. The joint venture agreement shall be in writing, signed by all venturers, and shall specify the ownership, control, profits and financial risk assumed by each venturer, including the SBE venturer(s). The joint venture agreement shall also specify the portion of the contract work (i.e. the goods to be provided) to be performed by the SBE venturer(s) in detail separately from the work to be performed by the non-SBE member. The bidder shall receive credit towards meeting the goal to the extent that the combined dollar value of the SBE's participation as shown in the joint venture agreement submitted in conformity with and meeting the requirements of this paragraph bears to the total contract price bid by the bidder. Bidder must include in bid documents a [[~~Certificate of Assurance acknowledging the required measure and submission of a~~]] Utilization Plan >>submitted<< via the County's web-based system listing the certified SBEs to fulfill the measure. The Utilization Plan shall be executed by the bidder and the SBE(s) via the County's web-based system upon notification of SBD within the required time frame, and shall specify the type of goods the SBE is to provide and the percentage of work the SBE is to perform. A SBE-Goods firm may fulfill a subcontractor goal in only one goal type per contract.

* * *

Section 8. Pursuant to Rec. No. 24 of the Task Force, Section 2-8.1.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.1.1. - Bids from related parties and bid collusion for the purchase of goods and services, leases, permits, concessions and management agreements.

(a) Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, licensing agreement, concession or management agreement, such bids or proposals shall be presumed to be collusive.

The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean the bidder or proposer; the principals, corporate officers, and managers of a bidder or proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a bidder or proposer or the principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.

(b) All bids or proposals submitted for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), lease, permit, concession or management agreement must be genuine and not sham or collusive, or made in the interest or on behalf of any person not therein named, and the contractor may not have, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. Any bid or proposal submitted in violation of this subsection shall be rejected and the proposer shall be subject to debarment and referred for prosecution.

[[~~(c) A contractor recommended for award as the result of a competitive solicitation for any County purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes), purchase, lease, permit, concession or management agreement shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the County stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties, as defined in this section, which bid in the solicitation; and attesting that the contractor's proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. In the event a recommended contractor identifies related parties in the competitive solicitation its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in accordance with the provisions of this section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.~~]]

Section 9. Pursuant to Rec. No. 24 of the Task Force, Section 10-33.02.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 10-33.02.1. - Bids precluded from related parties and colluding bidders.

(a) Notwithstanding any other provision of this Code, when two (2) or more related parties each submit a bid or proposal for any construction contract subject to this article, such bid or proposal shall be presumed collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean the bidder or proposer; the principals, corporate officers, and managers of a bidder or proposer; or the spouse, domestic partner, parents, stepparents, siblings, children or stepchildren of a bidder or proposer or the principals, corporate officers, and managers thereof which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.

(b) All bids or proposals submitted for any construction contract must be genuine and not sham or collusive or made in the interest or in behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. Any bid or proposal submitted in violation of this subsection shall be rejected and the proposer shall be subject to debarment.

[[~~(c) A contractor recommended for award as the result of a competitive solicitation for any County construction contract shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the County: stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties, as defined in this Section, which bid in the solicitation; and attesting that the contractor's proposal is genuine and not sham or collusive or made in the interest or on behalf of any person not therein named, and that the contractor has not, directly or indirectly, induced or solicited any other proposer to put in a sham proposal, or any other person, firm, or corporation to refrain from proposing, and that the proposer has not in any manner sought by collusion to secure to the proposer an advantage over any other proposer. In the event a recommended contractor identifies related parties in the competitive solicitation, its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in~~

~~accordance with the provisions of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.~~]]

Section 10. Pursuant to Rec. No. 29 of the Task Force, this Board directs the County Attorney's Office to coordinate with the office of the Chairman of the Board of County Commissioners to prepare and present to the Board a simplified procurement framework under the Code, with reference to a single implementing order that consolidates all procurement-related implementing orders, immediately upon the effective date of this ordinance.

Section 11. The Board directs the County Mayor or County Mayor's designee to prepare a report detailing the effects of the changes implemented herein on the procurement process. The County Mayor or County Mayor's designee shall place the completed reports on an agenda of the Board within one (1) year of the effective date of this ordinance, without committee review, pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

Section 12. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 13. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance contained in sections 5 through 10 shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 14. It is the intention of the Board, and it is hereby ordained, that sections 1 through 4 and 12 shall be excluded from the Code of Miami-Dade County, Florida.

Section 15. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED: September 1, 2026

Approved by County Attorney as to form and legal sufficiency: JMM FOR

Prepared by:

Sophia Guzzo
Eduardo W. Gonzalez

Prime Sponsor: Chairman Anthony Rodriguez