

MEMORANDUM

Amended
Substitute
Agenda Item No. 5(F)

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 relating to small business and local preference requirements; amending sections 2-10.4.01, 2-8.1.1.1.1, 2-8.1.1.1.2 and 2-8.5 of the Code relating to small business architecture and engineering program requirements, small business enterprise services program requirements, small business enterprise goods program requirements, local business preference, locally headquartered business preference, local preference eligibility and verification, small business remedies, and related procurement policies; directing and authorizing the County Mayor to make conforming changes to implementing orders

Ordinance No. 26-62

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



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001

Memorandum



Date: September 1, 2026

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

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. 261351

The proposed ordinance amends Sections 2-10.4.01, 2-8.1.1.1.1, 2-8.1.1.1.2, and 2-8.5 of the Code of Miami-Dade County, 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 9, 10, 11, 27, 28, 30, 32, 38, and 54, including but not limited to changes to the County's Small Business Enterprise (SBE) programs.

Fiscal Impact Statement

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

- Recommendations 9, 10, 11, 27, and 28 would streamline and standardize the administration of the County's SBE Programs resulting in efficiencies. This Administration remains committed to advocating for small businesses and meeting with them on an ongoing basis to continue soliciting feedback, input, and suggestions so they can be considered and implemented accordingly. These meetings will be published online so that all stakeholders can participate.
- There may be a positive fiscal impact related to Recommendation 30 because it may minimize disputes later regarding whether a firm is local.²
- The random Inspector General audits for Local Preference claims recommended by Recommendation 32 may impact staffing levels.³
- Recommendation 38 has no impact as it was already being effectuated administratively.⁴
- Recommendation 54 may have a positive fiscal impact because it provides more opportunity to makeup small business measures on active contracts, instead of only relying on future contracts.⁵

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 9, 10, 27, 28, and 30, could provide a social equity benefit for vendors, including small vendors, seeking to do business with the County due to simplifying SBE participation requirements, such as established percentages for architectural and engineering (A&E) contracts (10) and bid preference or selection factor for purchases \$250,000 or less (27). The Administration remains committed to understanding industry dynamics and addressing concerns as they arise. The structural changes contemplated in this ordinance will require educating our small business community on such changes and the benefits, and we remain attentive to ensuring equitable access to information and support. Through this Administration's 'No Wrong Door' approach, staff assistance and guidance have been integrated across departments to ensure stakeholders receive timely, coordinated support regardless of their point of entry or business size.

- While Recommendation 10 provides for a 10% or 15% set aside for A&E, which is a social equity benefit, it should be noted that these are standards that can be increased or decreased.
- The elimination of the SBE Advisory Boards (Recommendation 11) should not result in a social equity burden, even though there will no longer be formal boards established to provide feedback. The County will continue to proactively solicit feedback from SBE firms to ensure the implementation of an equitable procurement process.
- Recommendation 30, to clarify that Local Preference can be verified after bid submittal and before award, provides a social equity benefit because it provides a fair opportunity to claim local preference before being rendered automatically ineligible for not checking a box.
- Recommendation 38 was already being effectuated administratively has and could provide a social equity benefit, without the need for an ordinance.
- Recommendation 54 could provide a social equity benefit on awarded vendors and certified small businesses, in that the makeup of goal deficits can be addressed sooner by using active contracts, as opposed to only future ones.

We look forward to our continued collaboration with the Chairman of the Board to streamline procurements while maintaining the integrity of the process.



Carladenise Edwards
Chief Administrative Officer

¹ Recommendation 9 (adopting contract-level Small Business Enterprise (“SBE”) utilization requirements for architecture and engineering task-based contracts) is implemented in Section 1 of the ordinance (Page MDC007). Recommendation 10 (establishing standardized SBE participation requirements) is implemented in Section 1 of the ordinance (Page MDC007). Recommendation 11 (eliminating the Small Business Enterprise Advisory Boards and the Small Business Enterprise Project Review Analysis Committees) is implemented in Section 1, 2, 3, 4 of the ordinance (page MDC007, MDC019, MDC029, MDC040). Recommendation 27 (for Invitations to Quote involving purchases of \$250,000.00 or less) is implemented in Sections 2 and 3 of the ordinance (Page MDC019 and MDC029). Recommendation 28 (replacing separate Small Business Enterprise participation goals with a bid preference for Invitations to Bid and a selection factor for Requests for Proposals) is implemented in Section 4 of the ordinance (Page MDC040).

² Recommendation 30 (clarifying that Local Business Preference eligibility may be verified prior to contract award) is implemented in Section 6 of the ordinance (Page MDC041).

³ Recommendation 32 (Office of the Inspector General to perform random audits to verify claims involving Local Business Preference, Locally Headquartered Business Preference, and Large Local Employer Preference) is just a recommendation so is not codified in the ordinance.

⁴ Recommendation 38 (supporting the Strategic Procurement Department’s efforts to train County departments regarding existing authority under Implementing Order 3-39) is referenced in Section 7 of the ordinance (Page MDC043).

⁵ Recommendation 54 (providing a mechanism to permit remedies for non-compliance with Small Business Enterprise utilization plans during the performance of active contracts) is implemented in Sections 1, 2 and 3 of the ordinance (Page MDC007, MDC019, and MDC029).



MEMORANDUM

(Revised)

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

DATE: September 1, 2026

FROM: 
Gen Bonzon-Keenan
County Attorney

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

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(F)
9-1-26

ORDINANCE NO. 26-62

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 RELATING TO SMALL BUSINESS AND LOCAL PREFERENCE REQUIREMENTS; AMENDING SECTIONS 2-10.4.01, 2-8.1.1.1.1, 2-8.1.1.1.2 AND 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO SMALL BUSINESS ARCHITECTURE AND ENGINEERING PROGRAM REQUIREMENTS, SMALL BUSINESS ENTERPRISE SERVICES PROGRAM REQUIREMENTS, SMALL BUSINESS ENTERPRISE GOODS PROGRAM REQUIREMENTS, LOCAL BUSINESS PREFERENCE, LOCALLY HEADQUARTERED BUSINESS PREFERENCE, LOCAL PREFERENCE ELIGIBILITY AND VERIFICATION, SMALL BUSINESS REMEDIES, AND RELATED PROCUREMENT POLICIES; DIRECTING AND AUTHORIZING THE COUNTY MAYOR TO MAKE CONFORMING CHANGES TO IMPLEMENTING ORDERS; AND PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

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 (“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, recommendation 27 of the Task Force's Final Report recommends that, for Invitations to Quote involving purchases of \$250,000.00 or less, an automatic Small Business Enterprise set-aside be utilized whenever a certified small business submits a bid that is within 10 percent of the lowest non-SBE bid, thereby supporting small business participation while simplifying compliance and preserving competition; and

WHEREAS, recommendation 28 of the Task Force's Final Report recommends replacing separate Small Business Enterprise participation goals with a bid preference for Invitations to Bid and a selection factor for Requests for Proposals, thereby simplifying the County's local and small business preference policies and reducing unnecessary procedural complexity; and

WHEREAS, recommendation 30 of the Task Force's Final Report recommends amending the Code of Miami-Dade County to clarify that Local Business Preference eligibility may be verified prior to contract award, thereby reducing litigation and bid protests, improving fairness, and ensuring that award decisions accurately reflect proposer eligibility; and

WHEREAS, recommendation 32 of the Task Force's Final Report recommends that the Office of the Inspector General perform random audits to verify claims involving Local Business Preference and Locally Headquartered Business Preference in order to deter fraudulent claims, improve accountability, and preserve the integrity of the County's local preference programs; and

WHEREAS, recommendation 38 of the Task Force's Final Report recommends supporting the Strategic Procurement Department's efforts to train County departments regarding existing authority under Implementing Order 3-39 permitting the procurement of continuing professional services contracts for specialized architectural and engineering work outside the Equitable Distribution Program, thereby improving access to specialized expertise and reducing unnecessary barriers to procurement; and

WHEREAS, recommendation 54 of the Task Force's Final Report recommends providing a mechanism to permit remedies for non-compliance with Small Business Enterprise utilization plans during the performance of active contracts rather than limiting remedies solely to future contracts, thereby accelerating work opportunities for certified small businesses, strengthening accountability, and enabling corrective action during contract performance; and

WHEREAS, this Board finds that implementation of recommendations 27, 28, 30, 32, 38, and 54 will modernize the County's Small Business Enterprise and Local Preference programs, improve procurement efficiency, enhance fairness and accountability, strengthen oversight of local preference programs, and continue to promote meaningful participation by local and small businesses in Miami-Dade County procurement,

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

Section 1. Pursuant to Recommendation ("Rec.") No. 54 of the Special Task Force to Reduce Inefficiencies in Procurement ("Task Force"), section 2-10.4.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-10.4.01. – Small Business Architecture and Engineering Program.

* * *

(2) *Definitions.* For purposes of this section:

* * *

- S. *Make-up Plan* means a plan whereby a proposer submits via the County's web-based system >>for future contract or to SBD for existing contracts<< its commitment ~~[[that if awarded the contract, it will]]~~ >>to<<fulfill all or a portion of any pending Small Business Enterprise Architecture and Engineering makeup requirement, identifying the certified CBE-A/E 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.

* * *

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.

(5) *Sanctions:* Proposal and agreement documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a CBE-A/E's, proposer's or subconsultant's violation of or failure to comply with this section or its implementing or administrative orders, or bid and competitive selection documents may result in the imposition of one or more of the following sanctions:

- i. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;
- ii. The issuance of fines upon prime consultants for violations of this section;
- iii. Work stoppage;
- iv. Termination, suspension, or cancellation of the agreement in whole or part;
- v. In the event a proposer or CBE-A/E attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, or is found after a hearing to have discriminated in violation of Article VII of Chapter 11A of the Miami-Dade County Code, the County shall, whenever practicable, terminate the agreement or require the termination or cancellation of the subconsultant agreement for the agreement on which the proposer or CBE-A/E committed such acts. In addition, and as a further sanction, the County Mayor or his or her designee may impose any of the above-stated sanctions on any other agreements or subconsultant agreements the proposer or CBE-A/E has on County projects. In each instance, the proposer or CBE-A/E shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The proposer or CBE-A/E may also be subject to debarment.

The foregoing notwithstanding, the County Mayor or designee shall include language in all prospective contracts containing a CBE-A/E measure which provides that, in addition to any other sanction for failure to fulfill the CBE-A/E measure requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in CBE-A/E participation in such future contract by having CBE-A/Es perform work equal to double the dollar value of the deficiency in the CBE-A/E measure in the prior contract. Contract language shall provide that in order to be eligible for future County contracts, a proposer who fails to meet an established CBE-A/E goal shall submit a CBE-A/E Make-up Plan for the approval of the SBD Director. A Make-up Plan must be submitted as part of any proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system >>or an existing contract with the County<<. The Make-up Plan must identify all CBE-A/Es to meet the subconsultant goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed noncompliant. Any proposer subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a six (6) month period. A proposer that fails to comply with any of the material terms of a second Make-up Plan,

without good cause, shall be subject to an automatic suspension from proposing and/or otherwise participating on County contracts as a prime or subconsultant for a one (1) year period. A proposer that fails to comply with any of the material terms of a third Make-up Plan, without good cause, shall be subject to debarment to be initiated by SBD in accordance with the debarment procedures of the County. After serving a debarment for failure to satisfy a third Make-up Plan for no good cause, the subject firm shall be deemed ineligible for proposing on County contracts with measures for one (1) additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any CBE-A/E measure otherwise applicable to the future contract. A Make-up Plan requirement may not be satisfied on a contract with a 100 percent CBE-A/E set-aside measure.

Some of the violations that may result in the imposition of the sanctions listed in Section (5) above include, but are not limited to, the following:

1. A CBE-A/E serving as a conduit for CBE-A/E work awarded to a firm as a CBE-A/E but which is being performed by a non-CBE-A/E firm;
2. A prime successful proposer not meeting CBE-A/E Program set-aside or subconsultant goal requirements;
3. Not obtaining or retaining CBE-A/E certification while performing work designated for CBE-A/E firms;
4. Failure to report payments to subconsultants or subcontractors via the County's web-based system, or failure of subconsultants or subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;
5. Failure to comply with CBE-A/E certification requirements, including not maintaining a place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
6. Failure to maintain certification as a CBE-A/E;
7. Deviation from the Utilization Plan without prior approval from SBD;
8. Termination of the CBE-A/E's agreement without prior approval from SBD;
9. Reduction of the scope of work of a CBE-A/E subconsultant agreement without prior approval from SBD;
10. Modifications to the terms and/or prices of payment to a CBE-A/E without prior approval from SBD;
11. Failure to enter into a written subconsultant agreement with a CBE-A/E after listing the firm on a Utilization Plan; and
12. Failure to pay subconsultants promptly and in accordance with the administrative procedures under this section.

* * *

Section 2. Pursuant to Rec. Nos. 27 and 54 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.

* * *

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

* * *

13. *Make-up Plan* means a plan whereby a bidder submits via the County's web-based system >>for future contracts or to SBD for existing contracts<< its commitment ~~[[that if awarded the contract, it will fulfill]]~~ >>to<< 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.

* * *

(3) *Program.*

* * *

(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.]]~~ >>1.<< 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.]]~~ >>2.<< 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.]]~~

* * *

(j) *Sanctions.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing or administrative orders, or bid and competitive selection documents may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved;
2. Work stoppage;
3. Termination, suspension, or cancellation of the contract in whole or part;
4. In the event a bidder or SBE attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder or SBE committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contracts or subcontracts the bidder or SBE has on County projects. In each instance, the bidder or SBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The bidder or SBE may also be subject to debarment.

The foregoing notwithstanding, the County Mayor or designee shall include language in all prospective contracts containing a SBE subcontractor goal which provides that, in addition to any other sanction for failure to fulfill the SBE subcontractor goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in SBE participation in such future contract by having SBEs perform work equal to double the dollar value of the deficiency in the SBE subcontractor goal in the prior contract. Contract language shall provide that in order to be eligible for future County contracts, a contractor who fails to meet an established SBE goal shall submit a SBE Make-up Plan for the approval of the SBD Director. A Make-up Plan must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's

web-based system >>or on an existing contract with the County<<. The Make-up Plan must identify all SBEs to meet the subcontractor goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed noncompliant. Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six month period. A contractor that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one year period. A contractor that fails to comply with any of the material terms of a third Make-up Plan, without good cause, shall be subject to debarment to be initiated by SBD in accordance with the debarment procedures of the County. After serving a debarment for failure to satisfy a third Make-up Plan for no good cause, the subject firm shall be deemed ineligible for bidding on County contracts with measures for one additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any SBE measure otherwise applicable to the future contract. A Make-up Plan requirement may not be satisfied on a contract with a 100 percent SBE set-aside measure.

Some of the contractual violations that may result in the imposition of the sanctions listed in Subsection (j) above include, but are not limited to, the following:

1. A SBE serving as a conduit for SBE work awarded to a firm as a SBE but which is being performed by a non-SBE firm;
2. A prime contractor not meeting SBE Services Program set-aside or subcontractor goal requirement;
3. Not obtaining or retaining SBE certification while performing work designated for SBE firms;
4. Failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;
5. Failure to comply with SBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
6. Failure to maintain certification as a SBE;
7. Deviation from the Utilization Plan without prior approval from SBD;
8. Termination of the SBE's contract without prior approval from SBD;

9. Reduction of the scope of work of a SBE subcontractor agreement without prior approval from SBD;
10. Modifications to the terms and/or prices of payment to a SBE without prior approval from SBD;
11. Failure to enter into a written subcontract with a SBE after listing the firm on a Utilization Plan; and
12. Failure to pay subcontractors promptly and in accordance with the administrative procedures under this section.

The foregoing obligation shall be in addition to any SBE subcontractor goal otherwise applicable to the future contract. The contractor's failure to enter into a written subcontract with a SBE after listing the firm in its Utilization Plan, may result in the imposition of one or more of the sanctions listed in Subsection (j) above.

* * *

Section 3. Pursuant to Rec. Nos. 27 and 54 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.

* * *

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

* * *

14. *Make-up Plan* means a plan whereby a bidder submits via the County's web-based system >>for future contracts or to SBD for existing contracts<< its commitment ~~[[that if awarded the contract, it will]]~~ >>to<< fulfill all or a portion of any pending Small Business Enterprise Goods makeup requirement, identifying 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 within the time frame specified by SBD.

* * *

(3) *Program.*

* * *

(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.]] >>1.<< 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.]] >>2.<< 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.]]~~

* * *

(j) *Sanctions.* Bid and contract documents shall provide that, notwithstanding any other penalties or sanctions provided by law, a bidder's violation of or failure to comply with this section or its implementing or administrative orders, or bid and competitive selection documents may result in the imposition of one or more of the following sanctions:

1. The suspension of any payment or part thereof until such time as the issues concerning compliance are resolved.
2. Work stoppage.
3. Termination, suspension, or cancellation of the contract in whole or part.
4. In the event a bidder or SBE attempts to comply with the provisions of this section through fraud, misrepresentation, or material misstatement, the County shall, whenever practicable, terminate the contract or require the termination or cancellation of the subcontract for the project on which the bidder or SBE committed such acts. In addition, and as a further sanction, the County may impose any of the above-stated sanctions on any other contracts or subcontracts the bidder or SBE has

on County projects. In each instance, the bidder or SBE shall be responsible for all direct and indirect costs associated with such termination or cancellation including attorney's fees and costs. The bidder or SBE may also be subject to debarment.

The foregoing notwithstanding, the County Mayor or designee shall include language in all prospective contracts containing a SBE subcontractor goal which provides that, in addition to any other sanction for failure to fulfill the SBE subcontractor goal requirements for such contract, the contractor's eligibility to receive any future County contract shall be conditioned upon the contractor making up the deficit in SBE participation in such future contract by having SBEs perform work equal to double the dollar value of the deficiency in the SBE subcontractor goal in the prior contract. Contract language shall provide that in order to be eligible for future County contracts, a contractor who fails to meet an established SBE goal shall submit a SBE Make-up Plan for the approval of the SBD Director. A Make-up Plan must be submitted as part of any bid or proposal for future contracts as part of the Utilization Plan submitted via the County's web-based system >>or on an existing contract with the County<<. The Make-up Plan must identify all SBEs to meet the subcontractor goal and the work each firm will perform in satisfaction of a make-up, in addition to any other goals that may be applicable. Failure to submit the required Make-up Plan with the Utilization Plan for any future contracts shall result in the submittal being deemed noncompliant. Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six month period. A contractor that fails to comply with any of the material terms of a second Make-up Plan, without good cause, shall be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one year period. A contractor that fails to comply with any of the material terms of a third Make-up Plan, without good cause, shall be subject to debarment to be initiated by SBD in accordance with the debarment procedures of the County. After serving a debarment for failure to satisfy a third Make-up Plan for no good cause, the subject firm shall be deemed ineligible for bidding on County contracts with measures for one additional year unless the County Mayor or designee determines that an emergency exists justifying such participation, and the Board of County Commissioners approves such decision. The foregoing obligation shall be in addition to any SBE measure otherwise applicable to the future contract. A Make-up Plan requirement may not be satisfied on a contract with a 100 percent SBE set-aside measure.

Some of the contractual violations that may result in the imposition of the sanctions listed in Subsection (j) above include, but are not limited to, the following:

1. A SBE serving as a conduit for SBE work awarded to a firm as a SBE but which is being performed by a non-SBE firm;

2. A prime contractor not meeting SBE Goods Program set-aside or subcontractor goal requirement;
3. Not obtaining or retaining SBE certification while performing work designated for SBE firms;
4. Failure of the prime contractor to report payments to subcontractors via the County's web-based system upon notification of payment by the County, or failure of subcontractors to confirm payments upon notification by the prime contractor, within the specified time frame;
5. Failure to comply with SBE certification requirements, including not maintaining an actual place of business in Miami-Dade County, not reporting organizational and operational changes, providing inaccurate or false information, and other certification related violations;
6. Failure to maintain certification as a SBE;
7. Deviation from the Utilization Plan without prior approval from SBD;
8. Termination of the SBE's contract without prior approval from SBD;
9. Reduction of the scope of work of a SBE subcontractor agreement without prior approval from SBD;
10. Modifications to the terms and/or prices of payment to a SBE without prior approval from SBD;
11. Failure to enter into a written subcontract with a SBE after listing the firm on a Utilization Plan; and
12. Failure to pay subcontractors promptly and in accordance with the administrative procedures under this section.

The foregoing obligation shall be in addition to any SBE subcontractor goal otherwise applicable to the future contract. The contractor's failure to enter into a written subcontract with a SBE after listing the firm in its Utilization Plan, may result in the imposition of one or more of the sanctions listed in Subsection (j) above.

* * *

Section 4. Pursuant to Rec. No. 28 of the Task Force, the Board of County Commissioners ("Board") directs the County Attorney's Office to coordinate with the office of the Chairman of the Board of County Commissioners to prepare all necessary legislative items including County Code changes or adoption of or amendments to Implementing Order(s) to

establish a preference in invitations to bid and other price-based solicitations or a selection factor for requests for proposals and other qualitative solicitations in lieu of providing subcontractor small business goals and measures for the purchase of goods and services.. This section may be amended by resolution of this Board.

Section 5. The Board directs the County Mayor or County Mayor's designee to prepare a written report analyzing the County's small business enterprise programs and policies. The report shall include, to the extent practicable: an overview of the County's small business programs and policies; an analysis of the costs to the County associated with administering and implementing such programs and policies, including administrative, personnel, operational, compliance, and other material fiscal costs; an analysis of the economic impacts of such programs and policies, including, where data are available, participation levels, County contract awards, job creation and retention, business growth, local economic activity, and other measurable economic outcomes; and further recommendations to improve the effectiveness, efficiency, accountability, or cost-effectiveness of the County's small business programs and policies. The County Mayor or County Mayor's designee shall place the completed reports on an agenda of the Board within 90 days, without committee review, pursuant to Rule 5.06(j) of the Board's Rules of Procedure.

Section 6. Pursuant to Rec. Nos. 30 and 32 of the Task Force, section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:

Sec. 2-8.5. – Procedure to provide preference to local business in county contracts.

(1) *Definitions.*

(a) *General services* means support services performed by an independent contractor requiring specialized knowledge, experience, or expertise that includes, but is not limited, to pest control, janitorial, laundry, catering, security, lawn maintenance and maintenance of equipment.

(b) *Goods* includes, but is not limited to, supplies, equipment, materials and printed matter.

(c) Local business means the vendor has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business ("Local Business Location"). The vendor must own or lease the Local Business Location and the address or another Local Business Location where the owner maintains the appropriate business permits, must have served as the place of employment for at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission. By exception, in the event the vendor is a Small Business Enterprise certified pursuant to any County ordinance, the vendor's Local Business Location must have served as the place of employment for at least one full time employee of the vendor for the continuous period of one year prior to the bid or proposal submission. The owner of the business may be counted towards the full time employee requirement provided that the owner was paid a salary by the business for the one-year period prior to bid or proposal submission at the Local Business Location. Local Firms who provide goods or services which are exempt from Miami-Dade Business Tax Receipt requirements shall be required to submit documentation, to the County's satisfaction, demonstrating the physical business presence of the firm within the limits of Miami-Dade County for at least one year prior to bid or proposal submission. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. ~~[[Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section.]]~~ If a vendor is a joint venture, the joint venture shall be considered a "local business" under this section, if: (a) the joint venture entity meets the requirements of a "local business" set forth in this section; or (b) all of the constituent vendors comprising the joint venture meets the requirements of a "local business" set forth in this section. >>At the time of submitting their bid or proposal, vendors shall affirm in writing their compliance with the foregoing and eligibility as a "local business" under this section. A vendor's failure to affirm their eligibility as a "local business" at the time of bid or proposal submission shall not render such vendors automatically ineligible to qualify as a local business hereunder. Information regarding a vendor's eligibility as a "local business" may be furnished to the County for verification after bid or proposal submission and before award pursuant to the solicitation's deadlines.<< The County may, in its sole discretion, investigate any claim that a vendor is not a local business and shall investigate any vendor that claims a Local Business Location located within an area zoned for residential uses for contracts whose award is valued at \$500,000.00 or more. >>Additionally, the Office of the Inspector General (OIG) is empowered to conduct random investigations and reviews to verify vendors' claims of eligibility as a local business under this section.<< The vendor shall, as a condition of award of a contract,

and at any time after a contract is awarded cooperate fully with any investigation which the County >>or OIG<< decides to conduct in connection with the vendor's claim to be a local business. The obligation to cooperate shall include, but not be limited to, the submittal to the County >>or OIG<< of any document supporting the vendor's claim to being a local business promptly upon request. Such documents shall constitute a public record and may not be submitted subject to any confidentiality or public record exemption. The County Mayor or County Mayor's designee >>or the OIG<< shall provide information on any investigation conducted in any recommendation for award of a contract submitted to the Board of County Commissioner. A vendor who misrepresents the status of its firm under this Section in a proposal or bid submitted to the County will lose the privilege to claim any preference under this Section for a period of up to one year. The County Mayor, in his discretion, may also recommend that the firm be referred for debarment in accordance with Section 2-8.4.1 of the Code of Miami-Dade County.

- (d) *Locally Headquartered Business* means a Local Business as defined in this Section which has a Principal Place of Business in Miami-Dade County.
- (e) *Principal Place of Business* means the nerve center or the center of overall direction, control, and coordination of the activities of the bidder. If the bidder has only one business location, such business location shall be its principal place of business.
- (f) *Professional services* includes any services where the County is obtaining advice, instruction, or specialized work from an individual, firm, or corporation specifically qualified in a particular area.

* * *

(6) *Reciprocity.* In the event Broward, Palm Beach or Monroe County extends preferences to local businesses, Miami-Dade County may enter into an interlocal agreement with such County wherein the preferences of this section may be extended and made available to vendors that have a valid occupational license issued by Broward, Palm Beach or Monroe County to do business in that County that authorizes the vendor to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of that County. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Broward, Palm Beach or Monroe County, whichever is applicable, in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to that County's tax base. ~~[[Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section.]]~~ In no event shall the amount of the preference accorded Broward, Palm Beach or Monroe County firms exceed the amount of preference that such County extends to Miami-Dade County firms competing for its contracts.

* * *

Section 7. Pursuant to Rec. No. 38 of the Task Force, the County Mayor or County Mayor's designee is directed to train County departments on the existing authority under Implementing Order 3-39, Section II(C)(1)(b), which allows County departments to procure "continuing contracts", as that term is defined under Florida statutory law, for specialized architectural and engineering services outside of the County's Equitable Distribution Program. This section may be amended by resolution of the Board.

Section 8. 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 9. This Board directs and authorizes the County Mayor or County Mayor's designee to make conforming changes to the affected implementing or administrative orders to implement the policies set forth in sections 1, 2, 3 and 6. The directive in this section may be amended by resolution of the Board.

Section 10. 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 11. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance contained in sections 1, 2, 3 and 6 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 12. It is the intention of the Board, and it is hereby ordained, that sections 4, 5, 7 and 8 of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 13. 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.

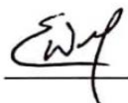
PASSED AND ADOPTED:

September 1, 2026

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Eduardo W. Gonzalez
Sophia Guzzo

Prime Sponsor: Chairman Anthony Rodriguez