

**SMALL BUSINESS ENTERPRISE
ARCHITECTURE AND ENGINEERING
ADVISORY BOARD MEETING**

September 27, 2023



miamidade.gov

Office of Small Business Development

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Miami, Florida 33128

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**Miami-Dade County
Small Business Enterprise – Architecture and Engineering
Advisory Board Meeting**

Wednesday, September 27, 2023

10:30 a.m. to 12:00 p.m. - Virtual Meeting -Zoom

URL: <https://miamidade.live/SBE-AEAdvisoryBoard>

Webinar ID: 958 1106 2618

AGENDA

- I. Welcome/Introductions (5 min)**
- II. Old Business (10 min)**
 - a. Approval of July 26, 2023 – Meeting Minutes
 - b. Approval of 2024 Advisory Board Meeting Dates
- III. Discussion (20 min)**
 - a. Personal Net Worth Discussion – Director Gary T. Hartfield
 - b. Office of Small Business Development – Director Gary T. Hartfield
- IV. SBD Section Reports (15 min)**
 - a. SBE-A&E Business Outreach and Education Report – Lawanda Wright (SBD Section Chief)
 - b. SBE-A&E Certification Report – Jeanise Cummings-Labossiere (SBD Section Chief)
 - c. SBE-A&E Utilization Report– Rossi Siewnarine (SBD Section Chief)
- V. Report (5 min)**
 - a. Jackson Health System – Kenneth Robertson
- VI. New Business (20 min)**
 - a. A&E Taskforce Update – Strategic Procurement Department - Pablo Valin
 - b. Selection Committee Legislation
- VII. Future agenda Items (5 min)**
- VIII. Reasonable opportunity for the public to be heard before County Boards (Sec. 2-11.39.3) (5 min)**
- IX. Adjournment (5 min)**

NEXT BOARD MEETING: November 29, 2023

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July 26, 2023, Meeting Minutes

Miami-Dade County
Small Business Enterprise – Architecture and Engineering
Advisory Board Meeting
July 26, 2023, Meeting Minutes

Start: 10:40 AM
 Stop: 12:37 PM

Appointed: 6
 Quorum: 4

(E)=Excused (U) = Unexcused

Members Present (5)	Members Absent (1)
Juan A. Crespi (Chairman)	Renee Webley (U)
Ivette O. Argudin	
Brett Moss	
Deborah Swain	
Berrin Tansel	

Staff present & online: Gary T. Hartfield (Division Director), Rossi Siewnarine (SBD Section Chief), Jeanise Cummings-Labossiere (SBD Section Chief), Lawanda Wright-Robinson (SBD Section Chief), Laurie Johnson (SBD Section Chief), Michou Jean (SBD Section Manager), Carlos Ansuarez (SBD Section Manager), Courtney Anderson (SBD), Pablo Valin (SPD)

I. Welcome/Introductions:

- i. Chairman Juan A. Crespi called the Architecture and Engineering (A&E) Advisory Board meeting to order at 10:40 AM. Advisory Board members & SBD staff introduced themselves.

II. Old Business

a. Approval of January 25, 2023, Meeting Minutes

- i. It was moved by Deborah Swain to approve the A&E meeting minutes for January 25, 2023. This motion was seconded by Mr. Brett Moss, and upon being put to a vote, the motion passes by a vote of 5-0.

III. SBD Section Reports

a. SBE-A&E Business Outreach and Education Report- Lawanda Wright (SBD Section Chief)

- i. Lawanda Wright presented the report for the period of April 1, 2023, to May 31, 2023..
- ii. Ms. Wright reported that staff have conducted the training for user departments on the tiers and the recommended preferences that should be applied for SBE's . Mr. Crespi recommended starting with user departments that may be struggling in this regard.
- iii. The board advised that contract participation goals were lower than normal.
- iv. Berrin Tansel questioned whether Ms. Wright could develop subcategories in the report. She noted under certification assistance to include details about the type of assistance that was required , and to include what kind of payment issues. Ms. Wright explained a payment issue arises when a vendor claims they were owed money, which could be for various reasons. Also,

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she noted if the department was withholding payments, it would considered a prompt payment issue.

b. SBE- A&E Certification Report – Jeanise Cummings-Labossiere (SBD Section Chief)

Ms. Cummings-Labossiere presented the report for the period of April 1, 2023, to May 31, 2023. Ms. Cummings-Labossiere noted that there were no firms that graduated, but one (1) firm was denied during this period.

- i. Ms. Argudin requested that she be provided with the section of the code related to the SBE tiers. Ms. Michou Jean indicated that she would send an email to all board members containing the code with the relevant SBE Tiers highlighted.

c. SBE-A&E – A&E Utilization Report– Rossi Siewnarine (SBD Section Chief)

- i. Mr. Rossi Siewnarine presented the report for the period of April 1, 2023, to May 31, 2023.
- ii. Mr. Siewnarine advised that the raw data was emailed with the agenda to provide board members with a detailed breakdown of the reported numbers.
- iii. Mr. Moss inquired whether staff could include a footnote specifying the number of projects awarded in case there were questionable figures on the report. Mr. Siewnarine confirmed that it was possible to include the footnote.
- iv. Mr. Crespi inquired about the status of the Disparity study. Mr. Siewnarine informed that a draft report was anticipated by the fourth quarter.
- v. Mr. Crespi also raised a query about the demographic categories listed on the utilization report. He questioned where someone would be categorized, for example, if they identified as a “black Hispanic”. He pointed out that the system does not allow input for multiple answers. Mr. Siewnarine clarified that while all information is voluntary due to the County’s a race and gender-neutral policy, he would explore options for reporting such data accurately.

IV. Report

a. Jackson Health System Report – Kenneth Robertson (JHS)

- i. Mr. Robertson presented the report for April 1, 2023, until May 31, 2023. During this reporting period Jackson awarded Twelve (12) A&E Awards. He noted eight (8) of those projects went to SBE primes.
- ii. Mr. Crespi requested for information about the upcoming projects, and Mr. Robertson stated that they have issued a Request for Proposal (RFP) under the cone for the Pediatric Outpatient Pavilion, which was currently in the selection committee upcoming meeting.

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- iii. They also have a selection committee tier meeting scheduled for the Window Retrofit Project at the long-term care center. Additionally, they were currently in the process of negotiating a contract for a design build contract related to the Jackson South Parking Garage.

V. New Business

a. A&E Taskforce Update – Pablo Valin (Strategic Procurement Department)

- i. Mr. Pablo Valin (SPD) provided an update on IO 3-39, stating that there were currently pending two (2) items. He noted with regards to the IO 3-39, they were exploring the possibility of incorporating changes to key personnel after the submission of proposal. They were awaiting approval from the County attorney for the revised language. The board members expressed interest in knowing when should they speak to their sponsoring commissioners for support on this item.
- ii. Implementing Order 3-68 was pending revisions from SBD.
- iii. Mr. Crespi inquired about the timeline, and Mr. Valin advised that they were aiming to meet the deadline of August 4, 2023, for presentation at the September 6, 2023 BCC meeting. If this deadline cannot be met, they were considering August 18, 2023, or September 18, 2023, BCC meeting as alternatives.
- iv. Mr. Hartfield noted that IO 3-68 was currently under discussion, regarding the enforcement aspect.
- v. Ms. Swain suggested a tracking system needs to be established, but it should not delay the progress of having the items go forward. The board members made it clear that they do not want IO 3-39 to be delayed, and Mr. Hartfield confirmed that IO 3-39 should proceed without delays.
- vi. It was moved by Ms. Swain to expedite the progress of IO 3-39 and IO 3-39 not be delayed due to related issues to IO 3-68. This motion was seconded by Mr. Moss, and upon being put to a vote, the motion passed by a vote of 5-0.

b. Small Business Relief Grant: SBD Section Chief – Rossi Siewnarine

- i. Mr. Siewnarine informed the board members about the ongoing Small Business Grant Program. Mr. Crespi raised concerns about how this grant could benefit A&E Firms, noting that the qualifications and guidelines seem to be geared towards Construction firms.
- ii. Ms. Argudin concurred with Mr. Crespi and mentioned that she had three (3) projects delayed during that period. She noted despite having staff, they were unable to commence work. She questioned whether A&E firms were excluded from the grant, and if not, how could A&E firms demonstrate their hardship.

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- iii. Mr. Rossi explained that fee increases were applicable, but Ms. Argudin pointed out that the programs guidelines were challenging for A&E firms, because they often engage in multi-year contracts where negotiations occur at the projects outset.
- iv. Mr. Gary Hartfield inquired about the expenses that led to losses during this period. Ms. Swain clarified that their losses were due to projects experiencing significant delays, despite having to gather staff. Mr. Hartfield explained that the grant did not cover delayed projects and mentioned Paycheck Protection Program (PPP) grant addressed this issue. He added that the Small Business grants focused on unaddressed problems.
- v. Mr. Crespi indicated that their projects faced delays ranging from months to years, which resulted in increased labor cost when they finally received work. Mr. Hartfield suggested that they submit labor rate information before and after the delays, offering to review the examples and present it to the Board of County Commissioners.

VI. Future agenda Items

- i. None

VII. Reasonable opportunity for the public to be heard before County Boards (Sec. 2-11.39.3)

- i. No speakers

VIII. Adjournment

- i. There being no further business to come before the Architecture and Engineering Advisory Board, Chairman Juan A. Crespi adjourned the meeting at 12:37 pm.

2024 Advisory Board Meeting Dates

2024 Small Business Enterprise Architecture and Engineering Advisory (A&E) Board Meeting Dates

The A&E Advisory Board Meeting dates for 2024 are as follows:

When: January 31, 2024
March 27, 2024
May 29, 2024
July 31, 2024
September 25, 2024
November 27, 2024

Time: 10:30am- 12:00pm

Location:

Board Members- In person

Office of Small Business Development
Stephan P. Clark Center
111 N.W. 1st, 19th Floor- Main Conference Room
Miami, FL 33128

Public - Virtual Meeting - Zoom

Register in advance for this webinar:

https://miamidade.zoom.us/webinar/register/WN_4iCGKmXFRr28d61uJ6cnjw

Note: *The A&E Advisory Board meetings are held Bi-Monthly on the last Wednesday of the designated month unless a County observed holiday falls on that Wednesday. Pursuant to the A&E Code the advisory board shall meeting Bi-Monthly or in special sessions as required.*

Personal Net Worth

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

- (1) *Title.* This Section shall be referred to as the Miami-Dade County Small Business Enterprise Architecture & Engineering ("CBE" or "CBE-A/E") Program.
- (2) *Definitions.* For purposes of this section:
 - A. *Agreement* means an agreement proposed by the County or Public Health Trust staff, or approved by the County Commission or Public Health Trust for architectural, landscape architectural, engineering, and surveying and mapping professional services.
 - B. *Available or availability* means to have, prior to proposal submission, the ability to provide professional services under an agreement or subconsultant agreement by having:
 - (1) Reasonably estimated, uncommitted capacity and expertise;
 - (2) All licenses, permits, registrations, insurances and certifications;
 - (3) The ability to obtain bonding that is reasonably required to perform the agreement or subconsultant agreement consistent with normal industry practice; and
 - (4) The ability to otherwise meet all the proposal specifications.
 - C. *A/E Advisory Board* is the board established for the purpose of supporting and promoting the Small Business Enterprise Architecture & Engineering Program.
 - D. *Bonding Assistance* may include providing assistance in preparing and completing bond packages as well as providing funding to be used for bonding purposes.
 - E. *Business day* means a regular weekday (Monday through Friday) normally starting at 8:00 a.m. and finishing at 5:00 p.m., excluding Saturdays and Sundays and excluding all legal holidays recognized by the Federal, State or Miami-Dade County governments.
 - F. *CBE-A/E Objective* means the objective of assuring that not less than 10 percent of the County's total annual expenditures for professional architectural, landscape architectural, engineering, and surveying and mapping services, are expended with CBE-A/Es certified under this section, for projects specific and multiple project contracts. The foregoing CBE-A/E objective may be increased by subsequent resolution of the Board of County Commissioners, adopted after recommendation for an increase by the County Mayor or designee.
 - G. *CBE-A/E Program* is the Small Business Enterprise Program for the Architectural, Engineering, Landscape Architectural, Surveying and Mapping Professionals.
 - H. *Calendar day* means a twenty-four (24) hour period covering all days of the week (Monday through Sunday including all holidays), starting at 12:00 a.m. and finishing at 11:59 p.m.
 - I. *Certificate of Assurance* means the departmental form submitted with proposal documents whereby the Proposer acknowledges: (i) Small Business Enterprise ("SBE") measures apply to the project; and (ii) Proposer will submit its list of certified SBEs to satisfy the measures via Miami-Dade County's web-based system, within the specified time frame.
 - J. *Commercially useful function* means contractual responsibility for the execution of a distinct element of the work of an agreement by a firm and the carrying out of the contractual responsibilities by actually performing, managing, and supervising the work involved. Acting as a broker is not considered a commercially useful function. The determination of whether an activity is a commercially useful function shall include:
 1. The evaluation of the amount of work subconsulted;

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2. Normal industry practices;
 3. The skills, qualifications, or expertise of the firm to perform the work;
 4. Whether the firm's own personnel perform, manage, and/or supervise the work involved; and other relevant factors.
- K. *Construction* means the building, renovating, retrofitting, rehabbing, restoration, painting, altering, or repairing of a public improvement.
- L. *Continuing contract* shall mean the term "continuing contract" as defined in Section 2-10.4(1)(f).
- M. *Debar* means to exclude a consultant, its individual officers, its shareholders with significant interests, its qualifying agent or its affiliated businesses from County agreements, whether as a prime consultant or subconsultant, for a specified period of time, not to exceed five (5) years.
- N. *Design-build contract* means a single contract with a design-build firm for the design and construction of a public construction project.
- O. *Design-build firm* means a partnership, corporation, or other legal entity which:
1. Partnership or joint venture, having at least one partner in compliance with either of the following two requirements:
 - a. Is certified under Section 489.119, Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - b. Is certified under Section 471.023, Florida Statutes, to practice engineering; certified under Section 481.219, Florida Statutes, to practice architecture; or certified under Section 481.319, Florida Statutes, to practice landscape architecture.
 2. An individual corporation or other legal entity in compliance with the following two requirements:
 - a. Is certified under Section 489.119, Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; and
 - b. Is certified under Section 471.023, Florida Statutes, to practice engineering; certified under Section 481.219, Florida Statutes, to practice architecture; or certified under Section 481.319, Florida Statutes, to practice landscape architecture.
- P. *Firm* means any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice architecture, engineering, landscape architecture, design-build, and land surveying and mapping services, which has a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, and an actual place of business in Miami-Dade County, not a Virtual Office. No Firm shall be certified as a CBE-A/E where the personal net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000), 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 average gross revenues, personal net worth of owners and payroll shall be subject to audit.
- Q. *Graduation* means the CBE-A/E has exceeded either the personal net worth, or the specific size limits stated for the Program and thus may no longer be eligible for participation in the Program.

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- R. *Joint venture* means a business arrangement of two or more parties, in which at least one is a CBE-A/E that agrees to pool its resources for the purpose of accomplishing a specific task. The details of Joint Venture participation in the CBE-A/E program shall be provided in Implementing Order No. IO 3-32.
- S. *Make-up Plan* means a plan whereby a proposer 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 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.
- T. *Mentor-Protégé Program* is a program whose purpose is to build effective working relationships between leaders of mature established companies and emerging small business enterprises 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 3-32.
- U. *Multiple Projects Contract* is a contract for a "project" which constitutes a grouping of minor or substantially similar construction, rehabilitation or renovation activities as defined in Section 2-10.4(1)(e)(1) and (2).
- V. *Owned* means having all the customary incidents of ownership, including the right of disposition, and the right or obligation to share in all risks and profits commensurate with the degree of ownership interest.
- W. *Professional services* are those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.
- X. *Project Specific awards* are contracts for professional services between Miami-Dade County and a firm whereby the firm provides professional services to the agency for work of a specified nature for a fixed capital study or planning activity.
- Y. *Prompt Payment*. It is the intent of the County that all firms, including CBE-A/Es providing professional services to the County, shall receive payments promptly in order to maintain sufficient cash flow.
1. Contracts with CBE-A/E set-asides, or subconsultant goals shall require that billings from consultants under prime professional services agreements with Miami-Dade County, or the Public Health Trust that are a CBE-A/E contract set-aside or which contain a set-aside or subconsultant goal shall be promptly reviewed and payment made by the County or Trust on those amounts not in dispute within fourteen (14) calendar days of receipt of such billing by the County, or the Trust.
 2. Small Business Development may investigate reported instances of late payments to CBE-A/Es. The County Mayor or designee shall establish an administrative procedure for the resolution of written complaints pertaining to underpayment of professional services.
- Z. *Proposal* means a proposal, letter of interest, letter of participation or offer by any proposer in response to any kind of invitation, request or public announcement to submit such proposal, letters of interest, letter of participation or offer to perform the agreement.
- AA. *Proposer* means any firm that submits a proposal to provide professional services.
- BB. *Qualifier* means the individual who qualifies the firm professional license holder as required by Florida Statute.


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- CC. *Review Committee or RC* means the committee established by the County 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 will make recommendations to the Mayor or designee as needed.
- DD. *SBD* means the Division of Small Business Development or successor division or department.
- EE. *Small Business Enterprise Architecture & Engineering* means a firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services, including a design-build firm, which has a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, an actual place of business in Miami-Dade County, not a Virtual Office, and whose three (3) year average annual gross revenues do not exceed \$500,000.00 for all Tier 1 CBE-A/Es, \$2,000,000.00 for all Tier 2 CBE-A/Es, \$4,500,000.00 for Tier 3 CBE-A/Es in the case of architectural services, or \$6,000,000.00 for Tier 3 CBE-A/Es in the case of landscape architectural services, engineering, and surveying and mapping services, and \$6,500,000.00 for Tier 4 CBE-A/Es in the case of architectural services, or \$8,000,000.00 for Tier 4 CBE-A/Es in the case of landscape architectural services, engineering, and surveying and mapping services. A CBE-A/E will graduate out of the program once it has exceeded the Tier CBE-A/E size limits based on its three-year average annual gross revenues. As part of the certification process, CBE-A/Es must go through a technical certification process, which will be used to determine which of the technical certification categories the CBE-A/E will be placed in. A firm's eligibility to participate in the CBE-A/E program shall be determined based on the cumulative adjusted gross revenues of the applicant firm in combination with that of all of the firm's affiliates as provided in Appendix A. No firm shall be certified as a CBE-A/E where the personal net worth of any of its owners is more than \$1,500,000.00, 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 average gross revenues, personal net worth of owners and payroll shall be subject to audit. The Contracting Participation Levels are as follows:
- i. Tier 1 CBE-A/Es in the case of architectural, landscape architectural, engineering, or surveying and mapping services - 3-year average annual gross revenues of \$0 to \$500,000.00.
 - ii. Tier 2 CBE-A/Es in the case of architectural, landscape architectural, engineering, or surveying and mapping services - 3-year average annual gross revenues of \$500,000.01 to \$2,000,000.00.
 - iii. Tier 3 CBE-A/Es in the case of architectural services - 3-year average annual gross revenues of \$2,000,000.01 to \$4,500,000.00.
 - iv. Tier 3 CBE-A/Es in the case of landscape architectural services, engineering, or surveying and mapping services - 3-year average annual gross revenues of \$2,000,000.01 to \$6,000,000.00.
 - v. Tier 4 CBE-A/Es in the case of architectural services - 3-year average annual gross revenues of \$4,500,000.01 to \$6,500,000.00.
 - vi. Tier 4 CBE-A/Es in the case of landscape architectural services, engineering, or surveying and mapping services - 3-year average annual gross revenues of \$6,000,000.01 to \$8,000,000.00.
- FF. *Subconsultant goal* means a proportion of a prime agreement value stated as a percentage to be subconsulted to Tier 1 and Tier 2 CBE-A/Es to perform a commercially useful function.
- GG. *Suspension* means temporary debarment for a period not to exceed two (2) years.

Office of Small Business Development

Memorandum



Date: September 14, 2023
To: SBE Advisory Boards
From: Gary T. Hartfield
Director
Subject: Office of Small Business Development



It is with excitement to announce that on August 31st Small Business Development (SBD) was restructured and now operates as an independent office from the Internal Services Department. Small Business Department is now retitled as the "Office of Small Business Development." By creating an independent office, it allows SBD to elevate the recognition of its programs and optimize their positive impact in the community. The objective of this change is to ensure that the Office of Small Business Development effectively serves the needs of our small and local businesses.

Under the prior organizational structure, I reported to the Director of the Internal Services Department. As part of the mayor's vision and directive, I will report directly to Dr. Carladenise Edwards, Chief Administrative Officer. In accordance with this shift, my classification will be retitled to "Director, Office of Small Business Development."

This organizational shift reaffirms Miami-Dade County's dedication to its small and local business community. Having a dedicated Office of Small Business Development ensures that we can scale up our efforts, innovate our approaches, and remain at the forefront of small business development strategies and initiatives. It is with great intention that these impactful efforts will lead to SBD becoming a department.

We are excited about the possibilities this change heralds and are confident in the Office of Small Business Development's capability to lead the community of entrepreneurs to greater heights. Your support, feedback, and collaboration have been, and will continue to be, invaluable as we embark on this new chapter.

- c: SBE Architectural and Engineering Advisory Board Members
- SBE Construction Advisory Board Members
- SBE Goods and Services Advisory Board Members
- Living Wage Commission
- Dr. Carladenise Edwards, Chief Administrative Officer, Office of the Mayor
- Vivian Walters, Assistant to the Chief Administrative Officer, Office of the Mayor

Enclosure:
Proposed Small Business Development Organizational Structure

Memorandum



Date: August 31, 2023

To: Daniella Levine Cava
Mayor

From: Carladenise Edwards
Chief Administrative Officer

A handwritten signature in blue ink, appearing to read "C. Edwards", written over the printed name of the Chief Administrative Officer.

Subject: Proposed Small Business Development Organizational Structure

This memorandum serves to present recommendations for organizational changes to the Internal Services Department, Small Business Division (SBD) and seeks your approval to implement the proposed changes. These recommendations are premised on the need to prioritize the role of SBD in Miami-Dade County and to ensure that its programs' visibility is elevated.

The incumbent Division Director, Gary Hartfield, currently reports to the Department Director of the Internal Services Department. In the recommended structure, he will be directly reporting to me in my new role. It is also recommended that the SBD Division is retitled to Office of Small Business Development. His classification would be retitled to Director, Office of Small Business Development.

The direct reports to the Division Director are five (5) SBD Section Chiefs. It is recommended that their titles will remain the same and that the positions be regraded to accommodate the organizational change. Please see the attached functional table of organization which will remain in place with Mr. Hartfield reporting to the Chief Administrative Officer as opposed to the Department Director for ISD. With regard to the positions that organizationally reside below the classification of SBD Section Chief, presently they appear to be properly classified.

Should this recommendation be approved, the proper documentation for the reclassification will be prepared by HR. Please feel free to contact me, should you have any questions.

A handwritten signature in blue ink, appearing to read "Daniella Levine Cava", written over a horizontal line.

August 31, 2023

Approved
Daniella Levine Cava, Mayor

Date

C: Office of the Mayor Senior Staff
Alex Munoz, ISD Director
Melanie McLean, Interim Director, Human Resources
Gary Hartfield, SBD Division Director
Eneldo Hernandez, Chief, Office of Compensation and Job Analysis

**SMALL BUSINESS DEVELOPMENT
Functional Table of Organization**

Director's Office Gary Hartfield The Division Director accomplishes the mission of the Division and ensures all roles and responsibilities are carried out within each Section.	
<u>FY 23-23</u> 2	<u>FY 23-24</u> 2

Business Outreach & Education (BOE) Lawanda Wright Develop and attend outreach events to recruit local small businesses to become certified. Inform the businesses of the small business programs, the requirements for certification and possible contract opportunities. Provide Technical assistance to over 1,800 SBE firms by assisting SBE firms as prime contractors and or sub-contractors through the pre-award and post award processes, assist with staying in compliance on county contracts and with payment and contract issues on county contracts. BOE participates on several economic committees to keep SBE firms abreast of community resources.			
<u>FY 23-23</u> 8	<u>FY 23-24</u> 8	Contract Certification (CERT) Jeanise Cummings Administer and enforce Miami-Dade County's Business Certification process for the Small Business Programs and the Federal Disadvantaged Business Enterprise and Airport Concessionaires Disadvantaged Business Enterprise Programs.	<u>FY 22-23</u> 13 <u>FY 23-24</u> 13
<u>FY 22-23</u> 36	<u>FY 23-24</u> 36	Contract Monitoring & Compliance (CMC) Alice Hidalgo-Gato Administer and enforce the County's small business, wage and workforce program requirements applicable to County contracts and privately funded construction on County owned land to ensure Small Business Enterprise participation requirements are achieved, local residents are given employment and training opportunities provided by the Community Workforce, Residents First Training and Employment, and Employ Miami-Dade Programs, and workers receive a Responsible or Living Wage.	<u>FY 22-23</u> 36 <u>FY 23-24</u> 36
<u>FY 22-23</u> 14	<u>FY 23-24</u> 14	Policy & Operations Management (POM) Rossi Siewnaine Administer and enforce the County's small business, wage and workforce program requirements applicable to County contracts and privately funded construction on County owned land to ensure Small Business Enterprise participation requirements are achieved, local residents are given employment and training opportunities provided by the Community Workforce, Residents First Training and Employment, and Employ Miami-Dade Programs, and workers receive a Responsible or Living Wage.	<u>FY 22-23</u> 14 <u>FY 23-24</u> 14
<u>FY 22-23</u> 27	<u>FY 23-24</u> 27	Project Review & Analysis Laurie Johnson Administer the review and assignment of small business measures for applicable County and Public Private Partnership contracts; establish and maintain a pool of architects, landscape architects and engineers for professional services on miscellaneous type capital projects and administer the selection process.	<u>FY 22-23</u> 27 <u>FY 23-24</u> 27

SBE Business Outreach and Education

Internal Services Department
Small Business Development (SBD)
Small Business Enterprise – Architect & Engineers
Business Outreach and Education Section
June 1, 2023 to July 31, 2023

		Total for Period	YTD Total
Activity	Assistance Provided to Small Business Enterprise- Architecture & Engineering Program		
1	Certification Assistance	120	304
2	Needs Assessment Meetings (NAMS)	3	20
3	Technical Assistance	44	185
4	Payment Issues	3	6
4.1	Payment Issues Related Dollars	\$251,619	\$283,378
5	Prompt Payment Issues	0	0
5.1	Prompt Payment Related Dollars	0	0
6	Contract Issues (Non-dollar related)	1	2
7	Contact with SBE-Architecture & Engineering Firms (emails highlighting contract opportunities)	876	6,223

		Total for Period	YTD Total
Activity	Training, Education and Outreach Activities		
1	Small Business Development (sponsored) Workshops and Forums	2	10
1.1	Number of Attendants	68	204
2	Partnership Workshops & Forums	2	13
2.1	Number of Firms (with whom contact was made)	18	340
Activity	Technical Training & Development Workshops		
3	SE Tier and Preference Training	0	1
3.1	n/a		

SBE A&E Certification Report

Certification Type: SBE-A&E
PERIOD: June 1, 2023 to July 31, 2023

				Total Amount	African American	Caucasian	Hispanic	Asian	Native American	Other	Female	Male	Total Amount
	Total Certified SBE-A&E as of 7/31/23			241	17	33	177	9	0	5	57	184	241
		New	3 year Recert										
1	Approved Applications (New & Recertification)	1	6	7									
2	Graduated			0									
3	Denied			0									

**This is a race and gender neutral program.
This report is for informational purposes only.**

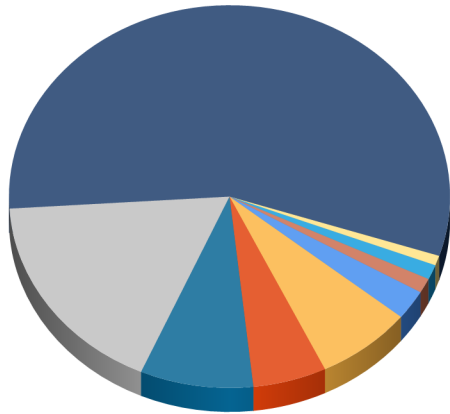
Note: The SBE program is race and gender neutral. This report is for informational purposes only.

Certified Directory - Ethnicity & Gender Summary

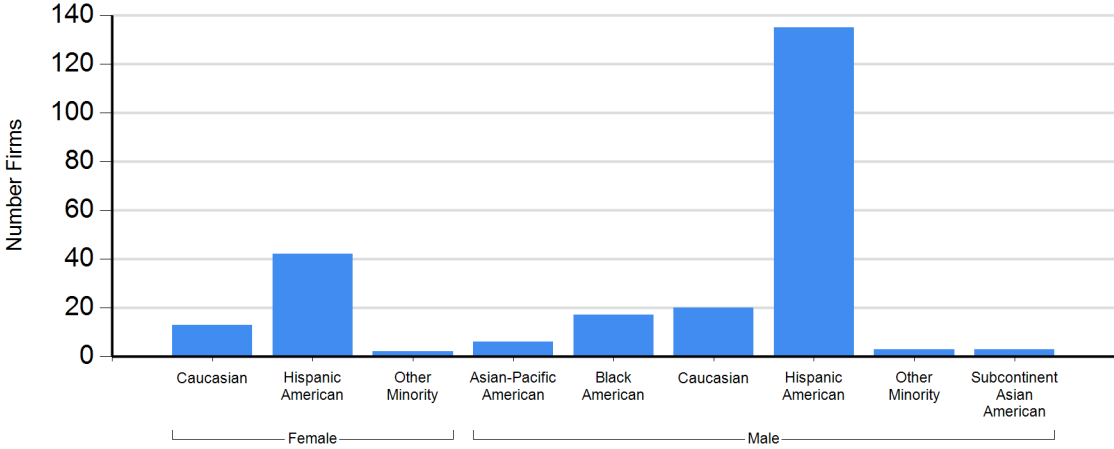
Ethnicity & Gender Summary

Ethnicity	Gender	Number Firms	Percent of Total
Asian-Pacific American	Male	6	2.49%
Black American	Male	17	7.05%
Caucasian	Female	13	5.39%
Caucasian	Male	20	8.30%
Hispanic American	Female	42	17.43%
Hispanic American	Male	135	56.02%
Other Minority	Female	2	0.83%
Other Minority	Male	3	1.24%
Subcontinent Asian American	Male	3	1.24%
Total Firms		241	

Certified Directory - Ethnicity & Gender Summary



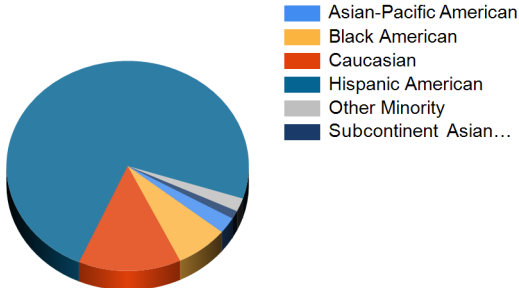
- Asian-Pacific American - Male
- Black American - Male
- Caucasian - Female
- Caucasian - Male
- Hispanic American - Female
- Hispanic American - Male
- Other Minority - Female
- Other Minority - Male
- Subcontinent Asian American - Male



Certified Directory - Ethnicity & Gender Summary

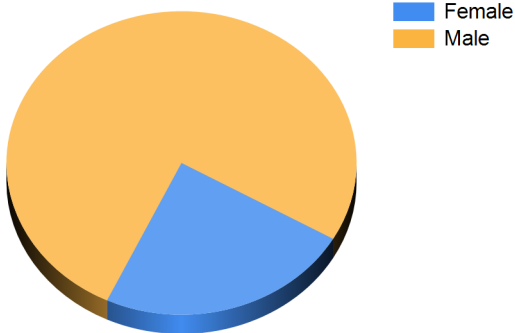
Ethnicity Summary

Ethnicity	Number Firms	Percent of Total
Asian-Pacific American	6	2.49%
Black American	17	7.05%
Caucasian	33	13.69%
Hispanic American	177	73.44%
Other Minority	5	2.07%
Subcontinent Asian American	3	1.24%
Total Firms	241	

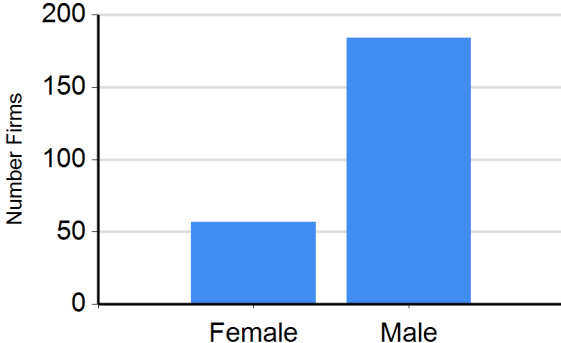
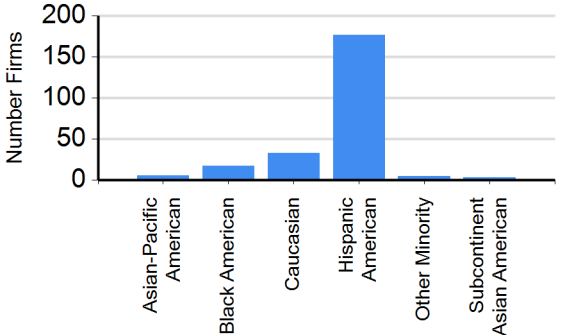


Gender Summary

Gender	Number Firms	Percent of Total
Female	57	23.65%
Male	184	76.35%
Total Firms	241	



Certified Directory - Ethnicity & Gender Summary



SBE A&E Utilization Report

Miami-Dade County Small Business Enterprise (SBE) Architectural & Engineering Program

CONTRACTS AWARDED																			
Reporting Period: 6/1/23 to 7/31/23																			
Contract Type	SBE GOALS/MEASURES						NO SBE GOALS/MEASURES						TOTAL (SBE + NO SBE GOALS/MEASURES)						
	SBE		NON-SBE		TOTAL		SBE		NON-SBE		TOTAL		SBE		NON-SBE		TOTAL		
1. Architectural					-	0%					-	0%	-		-		-	0%	
2. Design					-	0%					-	0%	-		-		-	0%	
3. EDP					-	0%	0%	790,000	100%	790,000	100%	-	0%	790,000	100%	790,000	100%	790,000	100%
4. Engineering					-	0%					-	0%	-		-		-	0%	
TOTAL					-	0%	-	0%	790,000	100%	790,000	100%	-	0%	790,000	100%	790,000	100%	

CONTRACTS PAID																		
Reporting Period: 6/1/23 to 7/31/23																		
Contract Type	SBE GOALS/MEASURES						NO SBE GOALS/MEASURES						TOTAL (SBE + NO SBE GOALS/MEASURES)					
	SBE		NON-SBE		TOTAL		SBE		NON-SBE		TOTAL		SBE		NON-SBE		TOTAL	
1. Architectural	248,819	38%	414,605	62%	663,424	13%	379,980	28%	981,669	72%	1,361,649	19%	628,799	31%	1,396,274	69%	2,025,073	16%
2. Design					-	0%					-	0%	-		-		-	0%
3. EDP					-	0%	653,833	31%	1,442,713	69%	2,096,546	29%	653,833	31%	1,442,713	69%	2,096,546	17%
4. Engineering	1,385,006	30%	3,199,172	70%	4,584,178	87%	647,587	18%	3,026,203	82%	3,673,790	52%	2,032,593	25%	6,225,375	75%	8,257,968	67%
TOTAL	1,633,825	31%	3,613,777	69%	5,247,602	100%	1,681,400	24%	5,450,585	76%	7,131,985	100%	3,315,225	27%	9,064,362	73%	12,379,587	100%

CONTRACTS AWARDED DEMOGRAPHICS																							
Reporting Period: 6/1/23 to 7/31/23																							
Ethnicity Type	SBE GOALS/MEASURES						NO SBE GOALS/MEASURES						TOTAL (SBE + NO SBE GOALS/MEASURES)										
	Male		Female		Unknown		TOTAL		Male		Female		Unknown		TOTAL		Male		Female		Unknown		TOTAL
1. Asian Pacific American						-	0%							-	0%	-		-		-		-	0%
2. Black American						-	0%							-	0%	-		-		-		-	0%
3. Caucasian						-	0%							-	0%	-		-		-		-	0%
4. Hispanic American						-	0%	300,000	100%		0%		0%	300,000	38%	300,000	100%		0%		0%	300,000	38%
5. Native American						-	0%							-	0%	-		-		-		-	0%
6. Other Minority						-	0%	490,000	100%		0%		0%	490,000	62%	490,000	100%		0%		0%	490,000	62%
7. Subcontinent Asian American						-	0%							-	0%	-		-		-		-	0%
8. Unknown						-	0%							-	0%	-		-		-		-	0%
TOTAL						-	0%	790,000	100%		0%		0%	790,000	100%	790,000	100%		0%		0%	790,000	100%

CONTRACTS PAID DEMOGRAPHICS																								
Reporting Period: 6/1/23 to 7/31/23																								
Ethnicity Type	SBE GOALS/MEASURES						NO SBE GOALS/MEASURES						TOTAL (SBE + NO SBE GOALS/MEASURES)											
	Male		Female		Unknown		TOTAL		Male		Female		Unknown		TOTAL		Male		Female		Unknown		TOTAL	
1. Asian Pacific American	8,183	87%	1,227	13%		0%	9,410	0%	58,690	100%		0%		0%	58,690	1%	66,873	98%	1,227	2%		0%	68,100	1%
2. Black American	244,174	89%	28,879	11%		0%	273,053	5%	244,561	70%	103,278	30%		0%	347,839	5%	488,735	79%	132,157	21%		0%	620,892	5%
3. Caucasian	1,322,395	67%	652,576	33%		0%	1,974,971	38%	4,325,186	98%	102,975	2%		0%	4,428,161	62%	5,647,581	88%	755,551	12%		0%	6,403,132	52%
4. Hispanic American	2,593,977	81%	599,988	19%		0%	3,193,965	61%	1,281,475	69%	573,483	31%		0%	1,854,958	26%	3,875,452	77%	1,173,471	23%		0%	5,048,923	41%
5. Native American						0%		0%						0%		0%								0%
6. Other Minority	11,835	-2%		0%	(747,600)	102%	(735,765)	-14%	87,623	46%		0%	104,129	54%	191,752	3%	99,458	-18%		0%	(643,471)	118%	(544,013)	-4%
7. Subcontinent Asian American						0%		0%	14,642	100%		0%		0%	14,642	0%	14,642	100%		0%		0%	14,642	0%
8. Unknown	479,027	90%		0%	52,941	10%	531,968	10%	35,613	15%		0%	200,330	85%	235,943	3%	514,640	67%		0%	253,271	33%	767,911	6%
TOTAL	4,659,591	89%	1,282,670	24%	(694,659)	-13%	5,247,602	100%	6,047,790	85%	779,736	11%	304,459	4%	7,131,985	100%	10,707,381	86%	2,062,406	17%	(390,200)	-3%	12,379,587	100%

NOTES

¹As a result of two landmark cases (Engineering Contractors Association v. Metropolitan Dade County and Hershell Gill Consulting Engineers, Inc. v. Miami-Dade County) Miami-Dade County's three Small Business Enterprise (SBE) programs in Construction, A&E, and Goods and Services are race and gender neutral.

²The capturing of demographic data is based on voluntary information provided and or entered by prime and sub-contractors.

³Payments reported may be from contracts awarded outside the reporting period.

Miami-Dade County Small Business Enterprise (SBE) Architectural & Engineering Program

Contract Type	CONTRACTS AWARDED ANNUAL REPORTING: 2019						CONTRACTS AWARDED ANNUAL REPORTING: 2020						CONTRACTS AWARDED ANNUAL REPORTING: 2021						CONTRACTS AWARDED ANNUAL REPORTING: 2022					
	TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)					
	SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL						
1. Architectural	11,244,153	60%	7,643,259	40%	18,887,412	18%	6,713,516	55%	5,456,540	45%	12,170,056	18%	15,551,463	19%	67,709,087	81%	83,260,550	26%	9,857,048	43%	13,032,967	57%	22,890,015	19%
2. Design					-	0%					-	0%	1,823,789	14%	11,203,361	86%	13,027,150	4%	827,063	15%	4,686,687	85%	5,513,750	4%
3. EDP	14,180,884	46%	16,466,283	54%	30,647,167	29%	12,190,641	31%	27,336,267	69%	39,526,908	57%	20,112,797	37%	33,780,613	63%	53,893,410	17%	14,936,431	39%	23,251,668	61%	38,188,099	31%
4. Engineering	14,555,296	26%	41,429,289	74%	55,984,585	53%	3,537,979	20%	14,070,265	80%	17,608,244	25%	26,564,147	16%	140,355,763	84%	166,919,910	53%	6,327,812	11%	50,633,055	89%	56,960,867	46%
TOTAL	39,980,333	38%	65,538,831	62%	105,519,164	100%	22,442,136	32%	46,863,072	68%	69,305,208	100%	64,052,196	20%	253,048,824	80%	317,101,020	100%	31,948,354	26%	91,604,377	74%	123,552,731	100%

Contract Type	CONTRACTS PAID ANNUAL REPORTING: 2019						CONTRACTS PAID ANNUAL REPORTING: 2020						CONTRACTS PAID ANNUAL REPORTING: 2021						CONTRACTS PAID ANNUAL REPORTING: 2022					
	TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)						TOTAL (SBE + NO SBE GOALS/MEASURES)					
	SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL			SBE	NON-SBE	TOTAL						
1. Architectural	4,023,457	22%	14,277,955	78%	18,301,412	14%	7,580,609	50%	7,585,725	50%	15,166,334	12%	3,695,951	49%	3,918,248	51%	7,614,199	7%	3,616,785	33%	7,203,551	67%	10,820,336	9%
2. Design					-	0%			20,145	100%	20,145	0%	17,098	14%	104,970	86%	122,068	0%	18,183	12%	139,687	88%	157,870	0%
3. EDP	3,066,598	46%	3,550,427	54%	6,617,025	5%	4,449,260	57%	3,328,693	43%	7,777,953	6%	4,727,067	36%	8,290,185	64%	13,017,252	12%	7,114,275	36%	12,639,296	64%	19,753,571	16%
4. Engineering	22,926,640	21%	87,173,998	79%	110,100,638	82%	2,035,613	21%	80,865,739	79%	102,901,352	82%	18,433,852	21%	71,241,038	79%	89,674,890	81%	18,979,331	21%	72,665,833	79%	91,645,164	75%
TOTAL	30,016,695	22%	105,002,380	78%	135,019,075	100%	34,065,482	27%	91,800,302	73%	125,865,784	100%	26,873,968	24%	83,554,441	76%	110,428,409	100%	29,728,574	24%	92,648,367	76%	122,376,941	100%

Ethnicity Type	CONTRACTS AWARDED DEMOGRAPHICS ANNUAL REPORTING: 2019								CONTRACTS AWARDED DEMOGRAPHICS ANNUAL REPORTING: 2020								CONTRACTS AWARDED DEMOGRAPHICS ANNUAL REPORTING: 2021								CONTRACTS AWARDED DEMOGRAPHICS ANNUAL REPORTING: 2022							
	TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)							
	Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL				
1. Asian Pacific American	2,867,966	100%		0%		0%	2,867,966	3%	712,153	100%		0%		0%	712,153	1%	2,567,652	100%		0%		0%	2,567,652	1%	950,000	100%		0%		0%	950,000	0%
2. Black American	4,407,913	98%	104,248	2%		0%	4,512,161	4%	1,853,777	100%		0%		0%	1,853,777	3%	19,204,298	100%	15,210	0%		0%	19,219,508	6%	5,934,043	100%	1,000	0%		0%	5,935,043	2%
3. Caucasian	38,624,283	88%	5,254,406	12%		0%	43,878,689	42%	23,858,889	77%	7,175,959	23%		0%	31,034,848	45%	112,864,207	86%	18,975,621	14%		0%	131,839,828	42%	36,482,181	72%	14,131,749	28%		0%	50,613,930	16%
4. Hispanic American	35,599,294	75%	12,062,163	25%		0%	47,661,457	45%	19,149,559	70%	8,173,052	30%		0%	27,322,611	39%	37,795,088	64%	19,743,741	34%	2%		58,614,010	18%	27,261,877	81%	6,583,329	19%		0%	33,845,206	11%
5. Native American						0%	-	0%				0%		0%	-	0%						0%	-	0%						0%	-	0%
6. Other Minority	559,719	69%		0%	254,641	31%	814,360	1%	15,000	2%		0%	768,686	98%	783,686	1%	2,811,466	63%		0%	1,628,426	37%	4,439,892	1%	400,000	36%	565,441	51%	150,000	13%	1,115,441	0%
7. Subcontinent Asian American	130,000	100%		0%		0%	130,000	0%	500,028	100%		0%		0%	500,028	1%	1,029,118	100%		0%		0%	1,029,118	0%	811,650	100%		0%		0%	811,650	0%
8. Unknown	588,531	10%		0%	5,066,000	90%	5,654,531	5%	2,448,105	34%		0%	4,650,000	66%	7,098,105	10%	8,842,547	9%		0%	90,548,465	91%	99,391,012	31%	4,686,687	15%		0%	25,594,774	85%	30,281,461	10%
TOTAL	82,777,706	78%	17,420,817	17%	5,320,641	5%	105,519,164	100%	48,537,511	70%	15,349,011	22%	5,418,686	8%	69,305,208	100%	185,114,376	58%	38,734,572	12%	93,252,072	29%	317,101,020	100%	76,526,438	62%	21,281,519	17%	25,744,774	21%	123,552,731	39%

Ethnicity Type	CONTRACTS PAID DEMOGRAPHICS ANNUAL REPORTING: 2019								CONTRACTS PAID DEMOGRAPHICS ANNUAL REPORTING: 2020								CONTRACTS PAID DEMOGRAPHICS ANNUAL REPORTING: 2021								CONTRACTS PAID DEMOGRAPHICS ANNUAL REPORTING: 2022							
	TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)								TOTAL (SBE + NO SBE GOALS/MEASURES)							
	Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL					Male	Female	Unknown	TOTAL				
1. Asian Pacific American	5,244,138	100%		0%		0%	5,244,138	4%	4,521,872	100%		0%		0%	4,521,872	4%	4,205,688	100%		0%		0%	4,205,688	4%	3,273,676	97%	100,159	3%		0%	3,373,835	3%
2. Black American	10,681,342	92%	890,759	8%		0%	11,572,101	9%	8,167,138	87%	1,249,472	13%		0%	9,416,610	7%	6,403,845	89%	817,285	11%		0%	7,221,130	7%	6,612,969	93%	521,190	7%		0%	7,134,159	6%
3. Caucasian	41,736,481	71%	16,798,140	29%	21,556	0%	58,556,177	43%	41,295,715	77%	12,603,994	23%	7,550	0%	53,907,259	43%	32,494,533	71%	13,077,518	29%	2,671	0%	45,574,722	41%	38,619,729	75%	12,942,102	25%		0%	51,561,831	42%
4. Hispanic American	27,915,967	76%	8,918,071	24%		0%	36,834,038	27%	32,568,351	78%	9,394,653	22%		0%	41,963,004	33%	30,572,769	78%	8,811,448	22%		0%	39,384,217	36%	33,211,575	76%	10,410,061	24%		0%	43,621,636	36%
5. Native American						0%	-	0%				0%		0%	-	0%						0%	-	0%						0%	-	0%
6. Other Minority	2,048,604	20%		0%	8,176,002	80%	10,224,606	8%	1,985,037	28%		0%	5,040,994	72%	7,026,031	6%	2,044,749	29%		0%	5,060,468	71%	7,105,217	6%	1,472,020	23%		0%	4,797,186	77%	6,269,206	5%
7. Subcontinent Asian American	156,820	77%	47,414	23%		0%	204,234	0%	67,336	87%	10,480	13%		0%	77,816	0%	4,611	38%	7,400	62%		0%	12,011	0%	206,689	100%		0%		0%	206,689	0%
8. Unknown	4,329,354	35%		0%	8,054,427	65%	12,383,781	9%	6,173,892	69%		0%	2,779,300	31%	8,953,192	7%	3,720,344	54%		0%	3,205,080	46%	6,925,424	6%	5,112,606	50%	55,040	1%	5,041,939	49%	10,209,585	8%
TOTAL	92,112,706	68%	26,654,384	20%	16,251,985	12%	135,019,075	100%	94,779,341	75%	23,258,599	18%	7,827,844	6%	125,865,784	100%	79,446,539	72%	22,713,651	21%	8,268,219	7%	110,428,409	100%	88,509,264	72%	24,028,552	20%	9,839,125	8%	122,376,941	100%

NOTES

¹As a result of two landmark cases (Engineering Contractors Association v. Metropolitan Dade County and Hershell Gill Consulting Engineers, Inc. v. Miami-Dade County) Miami-Dade County's three Small Business Enterprise (SBE) programs in Construction, A&E, and Goods and Services are race and gender neutral.

²The capturing of demographic data is based on voluntary information provided and or entered by prime and sub-contractors.

³Payments reported may be from contracts awarded outside the reporting period.

Jackson Health System Report

Jackson Health System A/E Awards June - July 2023

Miami-Dade County EDP / Continuing Term Contracts / RFQs

SBE Part.	Total Award	SBE Prime?	Firm	SBE Part.	Project Title	
\$12,000.00	\$12,000.00	Y	Red Design Group	100.00%	A/E Services CO#1 for Boiler Replacement at Perdue Medical Center	
\$12,716.68	\$12,716.68	Y	EBS Engineering	100.00%	North Wing Asbestos Abatement Consulting Services	
\$0.00	\$23,920.41	N	Gresham, Smith & Partners	0.00%	A/E Services CO#17 for Project A, Freestanding Emergency Department - Galiano	
\$42,416.34	\$42,416.34	Y	HCS Engineers	100.00%	A/E Services CO#3 for JMMC Pneumatic Tube Modernization Addt'l Services	
\$0.00	\$12,000.00	N	HKS Architects	0.00%	A/E Services CO#4 for JMMC ED Expansion Project Addt'l Services	
\$15,317.24	\$15,317.24	Y	EBS Engineering	100.00%	West Wing IT Expansion Asbestos Abatement Consulting Services	
\$188,000.00	\$188,000.00	Y	Ferguson Glasgow Schuster Soto	100.00%	A/E Services Jackson South Cath Lab Project	
\$10,000.00	\$10,000.00	Y	Ferguson Glasgow Schuster Soto	100.00%	A/E Services CO#1 for Jackson South CT Scanner Replacement	
\$12,500.00	\$12,500.00	Y	Ferguson Glasgow Schuster Soto	100.00%	A/E Programming Services for Jackson South Deering MOB 290 Expansion Project	
\$1,950.00	\$1,950.00	Y	Red Design Group	100.00%	A/E Services CO#2 for Boiler Replacement at Perdue Medical Center	
\$0.00	\$10,500.00	N	Gresham, Smith & Partners	0.00%	A/E Services CO#13 for JNMC Signature Project A - Addt'l Services	
\$33,882.07	\$42,824.78	N	O'Donnell & Nacarrato (formerly Douglas Wood Associates)	79.12%	SEoR Services for Ryder Trauma Center 40-Year Project	
\$45,821.42	\$69,343.10	N	O'Donnell & Nacarrato (formerly Douglas Wood Associates)	66.08%	SEoR Services for JMMC East Tower 40-Year Project	
\$374,603.75	\$453,488.55	8 of 13 projects to SBE primes		82.60%	Overall SBE A/E Participation	June-July 2023 (Current Period)
\$449,998.25	\$1,149,326.76	8 of 12 projects to SBE primes		39.15%	Overall SBE A/E Participation	April-May 2023
\$170,637.39	\$177,837.39	3 of 4 projects to SBE primes		95.95%	Overall SBE A/E Participation	Feb.-March 2023
\$22,229.72	\$56,298.21	2 of 3 projects to SBE primes		39.49%	Overall SBE A/E Participation	Jan. 2023
\$1,017,469.11	\$1,836,950.91	21 of 32 projects to SBE primes		55.39%	Overall SBE A/E Participation	Running Year to Date

Selection Committee Legislation

MEMORANDUM

Agenda Item No. 11(A)(6)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution amending Implementing Order 3-34, formation and performance of competitive selection committees, and Implementing Order 2-13, guidelines and procedures regarding legal opinions with respect to County competitive processes; requiring selection committees to be composed of five voting members, including an assistant or deputy director from the relevant user department, for contract awards for professional services or with an estimated value equal to or exceeding 10,000,000.00 and composed of three voting members for all other contract awards below \$10,000,000.00; providing applicable deadlines and timeframes for relevant events in the process of forming selection committees and evaluating proposals; providing that composition of selection committees shall be primarily determined based on the appropriate expertise required for each procurement; providing that selection committees shall include three alternate members; providing that County employees shall only be entitled to receive any applicable administrative leave for service as a voting member of a selection committee upon completion of all selection committee responsibilities; and authorizing County Mayor to exercise any and all rights conferred therein

This item was amended at the 6-15-23 County Infrastructure, Operations and Innovations Committee to include the following language in the amendments to Implementing Order 2-13 and Implementing Order 3-34:

>>In addition, if any of the deadlines established in this Implementing Order are missed, then the County Mayor shall disclose the missed deadlines and the department that missed the relevant deadline in the County Mayor's memorandum contained in the agenda package where the related matter is presented to the Board for consideration.<<

The accompanying resolution was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Kevin Marino Cabrera and Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/uw


MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

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

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(6)
7-6-23

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER 3-34, FORMATION AND PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES, AND IMPLEMENTING ORDER 2-13, GUIDELINES AND PROCEDURES REGARDING LEGAL OPINIONS WITH RESPECT TO COUNTY COMPETITIVE PROCESSES; REQUIRING SELECTION COMMITTEES TO BE COMPOSED OF FIVE VOTING MEMBERS, INCLUDING AN ASSISTANT OR DEPUTY DIRECTOR FROM THE RELEVANT USER DEPARTMENT, FOR CONTRACT AWARDS FOR PROFESSIONAL SERVICES OR WITH AN ESTIMATED VALUE EQUAL TO OR EXCEEDING 10,000,000.00 AND COMPOSED OF THREE VOTING MEMBERS FOR ALL OTHER CONTRACT AWARDS BELOW \$10,000,000.00; PROVIDING APPLICABLE DEADLINES AND TIMEFRAMES FOR RELEVANT EVENTS IN THE PROCESS OF FORMING SELECTION COMMITTEES AND EVALUATING PROPOSALS; PROVIDING THAT COMPOSITION OF SELECTION COMMITTEES SHALL BE PRIMARILY DETERMINED BASED ON THE APPROPRIATE EXPERTISE REQUIRED FOR EACH PROCUREMENT; PROVIDING THAT SELECTION COMMITTEES SHALL INCLUDE THREE ALTERNATE MEMBERS; PROVIDING THAT COUNTY EMPLOYEES SHALL ONLY BE ENTITLED TO RECEIVE ANY APPLICABLE ADMINISTRATIVE LEAVE FOR SERVICE AS A VOTING MEMBER OF A SELECTION COMMITTEE UPON COMPLETION OF ALL SELECTION COMMITTEE RESPONSIBILITIES; AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

WHEREAS, Miami-Dade County utilizes selection committees in its competitive procurement processes to evaluate and rank proposers and provide recommendations to the County Mayor and to this Board; and

WHEREAS, in furtherance of that policy, this Board has approved Implementing Order (“IO”) 3-34 establishing directions for the formation and performance of competitive selection committees and IO 2-13 establishing procedures for administrative requests for and opinions rendered by the County Attorney’s Office in connection with any competitive process of the County, its agencies, and administrative boards; and

WHEREAS, IO 3-34 specifically directs how the County Mayor shall establish the composition of a competitive selection committee; and

WHEREAS, in competitive contract awards, the County Mayor and the Board typically follow the recommendations and rankings of competitive selection committees; and

WHEREAS, especially in large contract awards, it is crucial that a competitive selection committee is comprised of members who have a thorough understanding of the needs of the County departments that are the primary subject and user of the contract; and

WHEREAS, it is also imperative that selection committees are able to be formed quickly and that the evaluation of proposals not be unduly delayed; and

WHEREAS, smaller contract awards may not have the same need for large selection committees as larger contract awards; and

WHEREAS, the current version of IO 3-34 provides that: (a) the composition of selection committees may be based on the appropriate expertise requires for each procurement; (b) selection committees should be balanced in its representation of the Miami-Dade County community with regard to ethnicity and gender; and (c) selection committees shall have two alternate members; and

WHEREAS, this Board wishes to amend IO 3-34 to now require that selection committees for contract awards for professional services or with an estimated value equal to or exceeding \$10,000,000.00 be composed of five voting members, and that selection committees for all other contract awards with an estimated value under \$10,000,000.00 be composed of three voting members; and

WHEREAS, this Board wishes to further amend IO 3-34 to now require that: (a) the composition of competitive selection committees shall be based on appointing members with appropriate experience and knowledge; (b) the balancing of representation on selection committees with regard to ethnicity and gender shall only be to the maximum extent practicable among those who hold the appropriate experience and knowledge; and (c) selection committees include three alternate members; and

WHEREAS, this Board also wishes to amend IO 3-34 and IO 2-13 to now provide relevant deadlines and time frames for events in the process of forming selection committees and evaluating proposals and to specify that County employees shall only be entitled to any applicable administrative leave for their work on a selection committee if they serve as a scoring member and have completed all committee-related duties,

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

Section 1. Implementing Order 3-34, entitled “Formation and Performance of Competitive Selection Committees,” is hereby amended in substantially the form attached hereto and incorporated herein as Attachment 1.

Section 2. Implementing Order 2-13, entitled “Guidelines and Procedures Regarding Legal Opinions with Respect to County Competitive Processes,” is hereby amended in substantially the form attached hereto and incorporated herein as Attachment 2.

Section 3. The County Mayor or County Mayor’s designee is authorized to exercise any and all rights conferred therein.

The Co-Prime Sponsors of the foregoing resolution are Commissioner Kevin Marino Cabrera and Commissioner Danielle Cohen Higgins. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

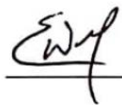
The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Eduardo W. Gonzalez
Michael B. Valdes

Implementing Order

**Implementing Order No.:** 3-34**Title:** FORMATION AND PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES**Ordered:** ~~[[4/4/2023]]~~ >> <<¹ **Effective:** ~~[[4/14/2023]]~~ >> <<**AUTHORITY:**

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous I.O. 3-34 ordered ~~[[January 19, 2022]]~~ >> April 4, 2023<< and effective ~~[[January 29, 2022]]~~ >> April 14, 2023<<.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order (A.O.) or Implementing Order, this Implementing Order establishes procedures for the formation and performance of competitive selection committees (Committees or Committee) in Miami-Dade County's competitive procurement process, including Committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

The County shall utilize Committees that are comprised of fair, impartial, objective and qualified individuals capable of evaluating the subject matter area in a competitive procurement process for the evaluation of offers, proposals, and qualifications submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action >> or to create any rights for any participant in a bid contest or other proceeding<<. This Implementing Order governs all County procurement processes involving such Committees.

All Committee proceedings shall be audiotaped by the County Mayor's designee.

FORMATION OF COMPETITIVE SELECTION COMMITTEES:*Competitive Selection Committee Pool*

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.

A pool consisting of potential County Committee members shall be established and administered by the Small Business Development (SBD) division of the Internal Services Department or such other County Mayor designee. The pool shall consist of the County's executives, professionals, and subject matter experts within the County or from the private or non-profit sectors, other governmental/quasi-governmental organizations, and retired executives.

Pool members, including members who are not County employees, as well as the non-voting technical advisor shall be required to attend a workshop prior to serving on any Committee facilitated by the ~~[[Internal Services]]~~ >>Strategic Procurement<< Department or a County Mayor designee. The workshop shall train pool members on the Committee's role and responsibilities, the pertinent legislation (including Florida's Government in the Sunshine laws, the County's Conflict of Interest and Code of Ethics Ordinance, and County procurement rules and regulations), and provide a forum for discussion regarding membership on a Committee.

>>For contract awards for the purchase of professional architectural, engineering, landscape architectural, or land surveying and mapping services, or for any other contract awards with an estimated value equal to or exceeding ten-million dollars (\$10,000,000.00), the Committee shall be composed of five voting members and shall include an assistant or deputy director from the affected County user department. For all other contract awards with an estimated value under ten-million dollars (\$10,000,000.00), the Committee shall be composed of three voting members.<< A simple majority of the voting members of a Committee shall constitute a quorum necessary to hold meetings and take any action. Unless an exception is made in writing by the County Mayor or County Mayor's designee, all voting members of a Committee shall attend all meetings at which vendor presentations are made and proposals are evaluated. Attendance at Committee meetings through the use of remote media technology, where otherwise permitted by State and County law, shall be permitted provided a physical quorum of voting members of a Committee are present.

Competitive Selection Committee Formation and Appointment

Committees shall be formed as follows:

- A. The County Mayor or County Mayor's designee ~~[[may]]~~ >>shall<< determine the composition of each Committee based on the appropriate expertise required for each acquisition. Committee members ~~[[may]]~~ >>shall<< be subject matter experts from within the County or from the private or non-profit sectors, other governmental organizations, or retired executives. In forming a Committee to replace an established contract, the County should, when practicable and in the best interest of the County, appoint the County employee charged with managing the existing contract, as a non-voting technical advisor to the Committee. In forming the Committee<<, primary>> consideration ~~[[should]]~~ >>shall<< be given to appointing County and non-County members with appropriate experience>>.<< [[and]] knowledge>>, and subject matter expertise. To the maximum extent practicable, the appointment of Committee members among those who hold the appropriate experience, knowledge, subject matter expertise should be<< ~~[[and that the Committee membership is]]~~ balanced in its representation of the Miami-Dade County community with regard to ethnicity and

gender. >>Except in the case of an assistant or deputy director serving on a five-member Selection Committee, where<< ~~[[Where]]~~ possible, County employee Committee members should not be appointed who are in the same department and are direct reports to other members of the Committee.

- B. The Selection Committee Coordinator shall be a non-voting procurement professional employee of the department or agency issuing the solicitation. The Selection Committee Coordinator shall administer the process and shall not be a member of the Committee.
- C. The County Mayor or County Mayor's designee may appoint non-voting technical advisors to supplement the technical expertise of selection committees. Technical advisors are official members of the Committee but may not cast a vote and are not counted for purposes of quorum.
- D. The County Mayor or County Mayor's designee shall appoint ~~[[two]]~~ >>three<< alternate voting members at the time the Committee is appointed>>. The Selection Committee Coordinator may convert alternate voting members to<< ~~[[; and will become]]~~ voting members in the event that substitution of a voting member is required. If the alternate voting member has not attended all prior meetings of the Committee, the substitution will only be allowed before any scoring meeting has occurred.

>>Upon notice,<< SBD or such other administrator designated by the County Mayor shall >>consult with the issuing department or agency and<< recommend Committee appointments to the County Mayor or County Mayor's designee >>within seven (7) calendar days<< ~~[[after consulting with the issuing department or agency]]~~.

PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES:

>>Within ten (10) calendar days following the deadline for submitting proposals, the Selection Committee Coordinator shall prepare a list of respondents and subcontractors and transmit that list with an accompanying affidavit to Competitive Selection Committee members for completion.<< Each individual, including any non-voting technical advisors, appointed to a Committee shall sign ~~[[an]]~~ >>the accompanying<< affidavit attesting to his/her neutrality in performing the duties of a Committee member >>("Neutrality Affidavit")<< and acknowledge that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1) >>and submit it to the Selection Committee Coordinator within three (3) business days<<. An individual who provides false information may be subject to investigation and prosecution under Florida law. County employees providing false information shall also be subject to disciplinary action up to and including dismissal from County employment. All Committee members shall affirm and acknowledge that service on the Committee is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law.

Moreover, and in accordance with the Resolution No. R-449-14, individuals appointed to the Committee must submit their updated resume, through the Selection Committee Coordinator, to the Commission Auditor >>at the same time as they submit their Neutrality Affidavit<<. >>Within five (5) business days following receipt of resumes by the Selection Committee Coordinator, the<< ~~[[The]]~~ Commission Auditor shall conduct

background checks for all Committee members verifying no family control, financial interest, and/or employment (past or present), with any vendor or proposed subcontractor under consideration by the Committee.

The Committee Auditor shall submit the results of the background check to the issuing department overseeing the competitive process. The Commission Auditor will also submit the results of the background checks to the Commission on Ethics and Public Trust for further review of the findings. >>The Commission on Ethics and Public Trust shall endeavor to provide any response within fourteen (14) calendar days.<<

Any request by County staff to be excused from Committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or County Mayor's designee through Small Business Development or other administrator. In the event that a Committee member is excused from service, an identified alternate shall assume the responsibilities of a voting Committee member.

>>SMALL BUSINESS ENTERPRISE COMPLIANCE REVIEW

Within ten (10) calendar days following the deadline for submitting proposals, the County Mayor or County Mayor's designee or such other authorized person shall review all proposals and, if necessary, request SBD or such other County Mayor designee to review any applicable proposal materials for compliance with or applicability of any relevant Small Business Enterprise Program goals, measures, or preferences. SBD or such other County Mayor designee shall conduct its review and provide any applicable response within ten (10) calendar days after receiving a request from the County Mayor or County Mayor's designee.

For the avoidance of doubt, the timelines provided here shall govern in the absence of any applicable deadlines provided elsewhere in the County Code, other County administrative/implementing orders, or other applicable law. In the event of a conflict between this implementing order and any deadlines provided elsewhere for review of Small Business Enterprise Program goals, measures, or preferences, the earlier deadline shall prevail.<<

SCORING GUIDELINES:

Except for Committees procuring "Professional Services" as defined by Section 2-10.4 of the Code of Miami-Dade County, Committee members shall be provided written guidelines and shall use the guidelines in preparing their scores for the evaluation of each criteria identified in the solicitation.

The guidelines shall be in substantially the form provided below:

Rating	Score as a Percentage of Total Available Points for Criteria	Guidelines
--------	--	------------

Excellent	90-100%	The proposal's response to the criteria is complete and well defined, providing relevant supporting details and examples. The response to this criteria indicates a high prospect for outstanding performance on the resulting contract. All or a majority of the expectations for this criteria are clearly met or exceeded.
Good	70-89%	The proposal's response to the criteria is generally complete and well defined, providing reasonably well developed responses with a good amount of relevant supporting details and examples. The response to this criteria indicates a moderate to high prospect for good performance on the resulting contract. Most of the expectations are met for this criteria.
Fair	50-69%	The proposal's response to the criteria is fairly complete, but lacking some definition or clarity. The response is not well developed to address the criteria and provides limited supporting details and examples. The response to this criteria indicates a prospect of achieving satisfactory performance on the resulting contract, but there may also be some risk. Few of the expectations are demonstrated to be met for this criteria.
Poor	49% or below	The proposal's response to the criteria is not complete or provides minimal information, lacking sufficient details and examples. The response to this criteria indicates a moderate to high risk of not achieving satisfactory performance on the resulting contract. Does not demonstrate ability to meet expectations for this criteria.

>>The Selection Committee Coordinator shall schedule an initial scoring meeting to occur within thirty (30) calendar days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations. However, if the Selection Committee Coordinator reasonably determines a solicitation to be complex by virtue of its technical subject matter, contract award amount, or other relevant factors, then the initial scoring meeting shall be scheduled no later than sixty (60) days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations to provide Committee members sufficient time to review all proposal materials. If the Selection Committee determines that any additional meetings are required to, for example, receive oral presentations from prospective bidders or provide additional time to review proposals prior to scoring, then such meetings shall occur no later than fifteen (15) calendar days after the initial scoring meeting of the Selection Committee.<<

During the scoring meeting, the Selection Committee Coordinator shall monitor the points awarded to each vendor by each Committee members. In the event that a Committee members score for a criteria varies in excess of thirty-three percent (33%) of the average score award by all Committee members by criteria, the Selection Committee Coordinator shall request that such Committee member provide a verbal justification in

the meeting for the score. The Selection Committee Coordinator should encourage Committee members to discuss this criteria including the justification provided. The Committee members may change their scores based on the specific discussion. Should the variation remain, the Selection Committee Coordinator shall confirm and state on the record the justification provided by the Committee member. This justification shall be included in the Selection Committee Coordinator's report to the County Mayor or County Mayor's designee. Upon review of the such score and the justification, the County Mayor or County Mayor's designee may accept or reject that selection Committee member's score and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. >>In addition, if any of the deadlines established in this Implementing Order are missed, then the County Mayor shall disclose the missed deadlines and the department that missed the relevant deadline in the County Mayor's memorandum contained in the agenda package where the related matter is presented to the Board for consideration.<<

SCORING OF SELECTION COMMITTEES FOR PURCHASE OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING AND MAPPING SERVICES:

For selection committees procuring "Professional Services" as defined in Section 2-10.4 of the Code of Miami-Dade County, the highest and lowest final score for each firm in the first evaluation tier shall be discarded and not used to compute the final total score of such firm.

SELECTION COMMITTEE CONSIDERATION OF REPORTS AND FINDINGS OF THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL OR MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST:

The County Mayor or County Mayor's Designee shall provide to the Committee all reports and findings of the Miami-Dade Office of the Inspector General ("OIG") or the Miami-Dade County Commission on Ethics and Public Trust ("COE") which find substantiated allegations or adverse findings, conclusions, or recommendations regarding any vendor or proposed subcontractor under consideration by the Committee within seven years of the submittal date of the proposals being evaluated (collectively, "Reports") for consideration in accordance with the evaluation of each applicable criteria identified in the solicitation. In the event the OIG or COE issues a Report after the Committee has scored and ranked the vendors the County Mayor or County Mayor's designee may re-empanel the Committee to consider if such Report would change the previous rankings of the vendors. If the Committee determines that the Report would change the previous rankings of the vendor identified in the Report, then the Committee shall re-score the vendor identified in the Report solely based on the impact the information identified in the Report would have on the scoring of the vendor in accordance with the applicable criteria identified in the solicitation, re-rank the vendors, and submit a written justification for the revised rankings to the County Mayor or County Mayor's designee. Upon review of ~~[[the]]~~ such re-ranking and the justification, the County Mayor or County Mayor's designee may accept or reject the new rankings and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. The County Mayor shall, in any recommendation to the Board of County Commissioners, either attach all reports and findings issued by the OIG or the COE and considered by the ~~[[selection]]~~

[[e]]>>C<<ommittee or provide a description of such reports and findings and a link to where such reports and findings may be viewed.

>>ADMINISTRATIVE LEAVE FOR SELECTION COMMITTEE MEMBERS

County employees shall only be entitled to receive any applicable administrative leave for their work on Competitive Selection Committees if they serve as a scoring member and have timely completed all committee-related duties, and such administrative leave must be used within one year from the date that the employee completes his or her service as a scoring member of a Competitive Selection Committee.<<

EFFECTIVE DATE:

This Implementing Order shall become effective after approval by the Board of County Commissioners.

Implementing Order



Implementing Order No.: IO 2-13

Title: GUIDELINES AND PROCEDURES REGARDING LEGAL OPINIONS WITH RESPECT TO COUNTY COMPETITIVE PROCESSES

Ordered: ~~[[10/4/2014]]~~ >> <<¹ **Effective:** ~~[[10/14/2014]]~~ >> <<

AUTHORITY:

Section 1.01 and 5.03(D) of the Miami-Dade County Home Rule Charter and Section 2-8.4 of the Code of Miami-Dade County.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, it is the policy of the Board that the procedures expressed in this Implementing Order shall be applicable to and shall govern administrative requests for and opinions rendered by the County Attorney's Office in connection with any competitive process of the County, its agencies and administrative boards, including the Public Health Trust. The opinions covered shall include any relating to the responsiveness of any bidder or proposer where the determination may affect the outcome of the solicitation. This Implementing Order is directory in nature only, designed to guide the administration and the County Attorney's Office in the rendering of such opinions, and is not intended to create any rights for any participant in a bid contest or other proceeding.

DEFINITIONS:

Responsiveness: Responsiveness deals with a bidder or proposer's unequivocal promise, as shown on the face of the response to the solicitation, to provide the items or services called for by the material terms of the solicitation. Responsiveness typically involves matters of form; a responsive bid or proposal means one submitted at the correct time and place, in the correct forms, containing all required information and signatures. Responsiveness deals with whether the effect of a deviation from a solicitation would deprive the County of its assurance that a contract will be entered into, performed and guaranteed according to the County's specified requirements and whether a deviation would adversely affect the competitive process by placing a bidder or proposer in a position of advantage over other bidders or proposers or by otherwise undermining the necessary common standard of competition. Examples of issues involving responsiveness include whether a bid or proposal was signed, whether a bid or proposal bond was posted, and whether a bidder or proposer qualified a response by stating that it would provide something less than what was called for. Responsiveness issues are generally not curable after bid or proposal submission as the bidder or proposer could opt in or out of the process at its will, depriving the County of a valid offer and placing that bidder or proposer at a material advantage over other responders who have made firm offers.

Section 2-8.4(a) of Code of Miami-Dade County provides that before the Board or any committee hears any protests of a competitive bid or request for proposal, or request for qualifications, administrative staff shall request the County Attorney to determine whether the bid or proposal in

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.

question is responsive. Sec. 2-8.4(a) further provides that the Board and any committee shall be bound by the determination of the County Attorney with regard to the issue of responsiveness.

Responsibility: Responsibility deals with whether the bidder or proposer can perform as provided in the solicitation. In general, solicitation requirements for information relating to a bidder or proposer's financial condition, capability, experience and past performance pertain to responsibility. The term responsible is not limited in its meaning to financial resources and capabilities but include a bidder or proposer's honesty and integrity, skill and business judgment, experience and capacity for carrying out the proposed work, previous conduct under other contracts and the quality of previous work performed. The terms of a solicitation document cannot ordinarily change an issue of responsibility into one of responsiveness. A bidder or proposer need not demonstrate compliance with solicitation requirements pertaining to its responsibility in order for its bid or proposal to be deemed responsive and evaluated. Information regarding a bidder or proposer's responsibility may be furnished up to the time of award.

Determinations of bidder or proposal responsibility are ultimately made by the Board of County Commissioners, or in those instances of delegated authority, by the County Mayor or Mayor's designee, with the advice of the County's professional staff and/or selection and negotiation committees. Issues of responsibility are fundamentally ones of business judgment and policy and should not be covered in responsiveness determinations of the County Attorney's Office.

POLICY:

The County Mayor or Mayor's designee or other person authorized by the Public Health Trust or an agency or administrative board of the County may issue a written request for a Responsiveness Opinion to the County Attorney's Office when an issue of responsiveness is identified in response to a solicitation that will affect the ultimate award of the solicitation. For any contract in an amount which exceed the threshold for award by the Board of County Commissioners set forth in Section 2-8.1 of the Code of Miami-Dade County, or any contract matter which will be considered by the Board of County Commissioners or the Public Health Trust the County Attorney's Opinion shall be in writing and submitted to the Board, the Public Health Trust or other body along with the award recommendation. Informal opinions in contract matters that do not exceed the threshold amount or that may be awarded pursuant to delegated authority may be issued by the County Attorney's Office.

Questions relating the Conflict of interest and Code of Ethics Ordinance, including any concerning the application of the Cone of Silence, shall be referred to the Executive Director or legal staff of the Miami-Dade County Commission on Ethics & Public Trust.

PROCEDURES FOR REQUESTING RESPONSIVENESS OPINIONS:

The County Mayor or Mayor's designee or other authorized person, shall prepare a written request for opinion. At a minimum, the request shall describe the specific issue raising the question of responsiveness, identify the relevant provisions of the specification documents which bear on the issue, and be accompanied by all relevant documentation including the solicitation and the responses under investigation. Staff shall meet with the County Attorney's Office as necessary to understand and address the issue. In the event that the County Mayor or Mayor's designee or other person authorized to request a Responsiveness Opinion cannot deliver a written request of opinion with sufficient time for the County Attorney's Office to issue an opinion on a timely basis, the Responsiveness Opinion shall so state and shall identify the factual basis for the opinion.

TIMING AND SCOPE OF REQUESTS FOR RESPONSIVENESS OPINIONS:

For Requests for Proposals and other solicitation processes utilizing selection committees, negotiating committees or similar selection processes, the County Mayor or County Mayor's designee or such other authorized person shall review all proposals upon receipt to identify potential responsiveness issues and submit >>in writing<< any identified questions to the County Attorney's Office for a Responsiveness Opinion >>within ten (10) calendar days following the deadline for submitting proposals or bids.<< [[prior to such proposal being submitted for oral presentations or final ranking, whichever comes first.]] >>The County Attorney's Office shall provide any applicable Responsiveness Opinion within thirty (30) calendar days after receiving the written request for an opinion accompanied by all pertinent documentation from the County Mayor or County Mayor's designee.<<

For Invitations to Bid and other solicitation processes relying exclusively on price that do not utilize a selection committee as the selection criteria, Responsiveness Opinions shall be requested of the top bidder recommended for award where the administrative staff has identified a potential responsiveness issue.

The County Mayor or County Mayor's designee shall not submit responsiveness inquiries when the issue of responsiveness is irrelevant to the proposed action or to the type of solicitation involved. Ordinarily, for example, the County Mayor or Mayor's designee need not request responsiveness determinations in connection with a recommendation of rejection of all bids because the low bid exceeds the project budget, or in instances where the County seeks to establish open pools based on qualifications alone.

The failure to submit such inquiries to the County Attorney's Office in accordance with this Implementing Order shall not constitute a waiver of any non-conformity. In the event the County Mayor or County Mayor's designee fails to timely submit a responsiveness inquiry as provided herein, the County Mayor shall include a written explanation of such failure and the causes in the Mayor's recommendation to the Board on the solicitation. >>The deadlines in this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action or to create any rights for any participant in a bid contest or other proceeding.<<

PRESENTATION OF RESPONSIVENESS OPINION TO THE BOARD

Written Responsiveness Opinions shall be contained in the agenda package where the related matter is presented to the Board for consideration. >>In addition, if any of the deadlines established in this Implementing Order are missed, then the County Mayor shall disclose the missed deadlines and the department that missed the relevant deadline in the County Mayor's memorandum contained in the agenda package where the related matter is presented to the Board for consideration.<< If new facts are discovered or a mistake is made, or any other change is made to an opinion, the County Attorney's Office shall issue a revised opinion, stating expressly that the prior opinion has been revised and superseded and the latest opinion shall be made available to the County Mayor and Board of County Commissioners.

The County Attorney's Office shall maintain a record of all written Responsiveness Opinions rendered.

EFFECTIVE DATE:

This Implementing Order shall be effective after approval by the Board of County Commissioners.

**THANK YOU FOR ATTENDING THE
SBE/A&E
ADVISORY BOARD MEETING**

THE NEXT MEETING IS SCHEDULED FOR:

November 29, 2023