

# COMMUNITY BUSINESS ENTERPRISE (CBE)

## New Amendments

### Summary

#### Definitions

**To eliminate ambiguity, the CBE-A/E definition is being amended to clarify the contracting participation levels for first and second tier CBE-A/Es:**

- CBE-A/E means a firm providing architectural, landscape architectural, engineering, or surveying and mapping professional services, including a design-build firm, whose three year average annual gross revenues do not exceed two million dollars (\$2,000,000) for all first tier CBE-A/Es, four million five hundred thousand (\$4,500,000.00) for second tier CBE-A/Es in the case of architectural services, or six million (\$6,000,000.00) for second tier CBE-A/Es in the case of landscape architectural services, engineering, and surveying and mapping services.
  - a. 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 \$2,000,000
  - b. Tier 2 CBE-A/Es in the case of architectural services – 3 year average annual gross revenues of \$2,000,001 to \$4,500,000
  - c. Tier 2 CBE-A/Es in the case of landscape architectural, engineering, or surveying and mapping services – 3 year average annual gross revenues of \$2,000,001 to \$6,000,000 (Ordinance and IO)

#### CBE-A/E Size Limit Changes

**Clarify language to denote that size limits may be adjusted (up or down)**

- The County Mayor or designee shall be authorized to adjust the CBE-A/E size limits every five (5) years based on the **local Consumer Price Index for All Urban Consumers (CPI-U) or other appropriate inflation measures as may be applied across all industries** calculated by the U.S. Department of Commerce as applied to Miami-Dade County for the preceding five (5) years and shall advise the Board of such adjustment. (Ordinance and IO)
- *The language is in the Ordinance and is being added to the I.O.*

#### Review Committee

**Modify RC process to mirrors ESP**

- Amends definition of Review Committee or RC - the committee established by the County Mayor or designee to review proposed contracts for the application of contract measures where SBD and the contracting department have not established consensus. (Ordinance and I.O.)
- Amends the existing Review Committee process to model the Expedited Review Committee process established to review projects under the Economic Stimulus Plan (ESP). The proposed process will establish a standing Review Committee that will only meet to review contracts where disagreements exist regarding the appropriate contract measure between SBD and the contracting departments. (I.O.)

#### CBE-A/E Set Asides

**Establishes first and second tier CBE-A/E set-asides.**

- Tier 1 set-asides shall be reserved for competition solely among Tier 1 CBE-A/E prime consultants and Tier 1 and 2 CBE-A/E subconsultants on a prime county agreement for architectural, landscape architectural, engineering, or serving mapping services where the estimated cost of professional service fees are \$1,000,000 or less.
- Tier 2 tier set-asides shall be reserved for competition solely among Tier 1 and 2 tier CBE-A/E prime consultants and first and/or second tier CBE-A/E subconsultants on a prime county agreement for architectural, landscape architectural, engineering, or surveying and mapping services where the estimated cost of professional service fees are \$1,000,001 or greater. (Ordinance and I.O.)

#### Adds language regarding Graduation

- Upon review, any CBE-A/E that exceeds the Tier 2 CBE-A/E size limits established by this section shall be immediately graduated from the CBE-A/E program. These firms shall be allowed to complete any currently awarded agreements and remain eligible to be awarded agreements as primes or sub-

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consultants for proposal(s) submitted prior to notice of graduation. However, the graduated firm will not be eligible to receive any new agreements under the CBE-A/E program. (Ordinance)

#### **Program Components/Sub-consulting Goals**

- Amends language to allow all CBE-A/E firms to perform up to 100% of CBE sub-consultant goal with its own forces

#### **Certification**

##### **Modifies period of certification & clarifies Certification language and requirements**

- The County Mayor or designee shall establish the frequency and administrative procedures for certification renewal by Implementing Order approved by the Board of County Commissioners. (Ordinance)
  - Adds 3 Year Certification with yearly submittal of affidavit and minimal documents (I.O.)
- Simplifies and clarifies the definition of affiliated businesses. (I.O.)

##### **Addition of all Technical Categories to Certification when applicable**

- Allows CBE-A/E firms to be certified in other technical categories for which it has received Technical Certification pursuant to Section 2-10.4 of the Code of Miami-Dade County and State of Florida registration requirements through a non-owner qualifier. Currently, the applicant qualifier of a certified CBE-A/E firm must own at least 25% of the certified firm's issued stock or have at least a 25% ownership interest in the certified firm. The proposed amendment will allow CBE-A/Es to be certified in all technical categories approved with Miami-Dade County and also registered with the State of Florida. Please note, applicant/qualifier for the primary discipline must be at least 25% owner of firm. (Ordinance and I.O.)

#### **Appeals**

##### **Appeals to be heard by Administrative Hearing Officer**

All appeals of certification denial, decertification or non-compliance determinations shall be heard by administrative hearing officers that include retired judges who are licensed and admitted to practice law in the State of Florida, or arbitrators or mediators certified by the Eleventh Judicial Circuit or State Bar Association. (Ordinance and I.O.)

**The Appeals section has been changed to provide for a Hearing Officer to make findings and recommendations, and the Mayor to make a final decision, which is appealable to Circuit Court. This change makes the appellate remedy the same, irrespective of the party appealing the final decision.**