

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

| Fiscal Years | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------------------|-------------|-------------|-------------|-------------|-------------|
| Capital Expenditures | -0- | -0- | -0- | -0- | -0- |
| Operating Costs | -0- | -0- | -0- | -0- | -0- |
| External Revenues | -0- | -0- | -0- | -0- | -0- |
| Program Income (County) | -0- | -0- | -0- | -0- | -0- |
| In-Kind Match (County) | -0- | -0- | -0- | -0- | -0- |

NET FISCAL IMPACT

**# ADDITIONAL FTE
POSITIONS (Cumulative) _____**

Is Item Included In Current Budget? Yes X No

Budget Account No.: Fund __ Agency __ Org. __ Object __ Reporting Category

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Approval of this item will not have fiscal impact at this time. The fiscal impact will be determined on a project by project basis.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

OFMB

Contract Dev. and Control

B. Legal Sufficiency:

Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Background und and Policy Issues: (continued from page 1)

The proposed changes are highlighted below:

- The definitions for commercially useful business function and sheltered market program were added (Section I).
- The option for use of a sheltered market program was added to the ordinance for instances where the annual goal is not met (Section II).
- Clarification has been added to the ordinance regarding sanctions for non-compliance with SBE Program requirements. Sanctions may include suspension or debarment as a vendor and breach of contract remedies (Section III and Section V).
- The prompt payment provisions were amended to be consistent with amendments to the Florida Statutes (Section VI).
- A requirement has been added that requires firms to demonstrate one (1) year of business activity or completion of a small business course (Section VIII).
- The “commercially useful business function” criteria has been amended to include consideration of whether a business maintains inventory or whether a supplier maintains a direct relationship with manufacturers (Section IX).
- A provision has been added to the application review procedure to ensure that firms will only be certified for the services or goods they can supply and in accordance with national classification systems (Section XI).
- Currently, certification appeal hearings are conducted by the Director of the Office of Small Business. Some firms have alleged that the Director cannot be impartial when considering recommendations by her staff. Implementation of an appeal system such as the one utilized by The Purchasing Department will address this concern by allowing a Special Master to make the determination. The Director will remain the first level of review so unnecessary appeals will not need to proceed to a Special Master (Section XIV and Section XVII).
- An additional representative has been added to the Small Business Advisory Board for a representative of a black chamber of commerce.

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ORDINANCE NO. 08 -

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING SECTIONS 2-80.21 THROUGH 2-80.34 OF THE PALM BEACH COUNTY CODE, WHICH CODIFIED ORDINANCE NO. 2002-064, AS AMENDED BY ORDINANCE NO. 04-071 AND ORDINANCE NO. 05-048, AND ESTABLISHED THE SMALL BUSINESS ENTERPRISE PROGRAM; PROVIDING FOR DEFINITIONS; PROVIDING FOR METHODS TO ACHIEVE GOALS; PROVIDING FOR CONTRACT COMPLIANCE REQUIREMENTS; PROVIDING FOR RANKING OF RESPONSIVE BIDDERS; PROVIDING FOR SUSPENSION DEBARMENT; PROVIDING FOR PROMPT PAYMENT; PROVIDING FOR PROCUREMENT PROCEDURES; PROVIDING FOR SBE ELIGIBILITY STANDARDS; PROVIDING FOR DETERMINATION OF A COMMERCIALY USEFUL BUSINESS FUNCTION; PROVIDING FOR APPLICATION REVIEW PROCEDURES; PROVIDING FOR DENIAL OF CERTIFICATION; PROVIDING FOR RESOLUTION OF APPEALS; PROVIDING FOR DENIAL OF RECERTIFICATION; PROVIDING FOR DECERTIFICATION; PROVIDING FOR HEARING BEFORE A SPECIAL MASTER; PROVIDING FOR M/WBE CERTIFICATION; PROVIDING FOR SMALL BUSINESS ADVISORY COMMITTEE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR DELETION OF REFERRAL FOR SUSPENSION OR DEBARMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the policy of Palm Beach County that all businesses be afforded an opportunity for full participation in our free enterprise system; and

WHEREAS, in order to implement this policy, Palm Beach County is committed to ensuring full and equitable participation by small business enterprises in the provision of goods and services to Palm Beach County; and

WHEREAS, on October 1, 2002, Palm Beach County implemented a Small Business Enterprise Program; and

WHEREAS, modifications to the Program are appropriate.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Sections 2-80.21 through 2-80.34 of the Palm Beach County Code are hereby amended as follows:

1 **SECTION I. DEFINITIONS:**

2 Section 2-80.21 of the Palm Beach County Code is amended to read as follows:

3 *Acting as a conduit* means, in part, not acting as a regular dealer by making
4 sales of material, goods or supplies from items bought, kept in stock and regularly sold
5 to the public, as opposed to only government agencies, in the usual course of business.
6 Brokers, manufacturer's representatives, sales representatives and non-stocking
7 distributors are considered as conduits that do not perform a commercially useful
8 business function ~~unless normal industry practice dictates.~~

9 *Adjusted gross margin* means total revenue less cost of materials, product and
10 subcontractors, excluding cost of any leased employees.

11 *Board* means the board of county commissioners of Palm Beach County,
12 Florida.

13
14 *Certification* means the process by which the office of small business assistance
15 determines a business meets the criteria for a small, minority or woman business
16 enterprise.

17 *Certified small business enterprise (SBE)* means a business which has been
18 certified by the office of small business assistance (SBA).

19 Code means the Palm Beach County Code.

20 Commercially useful business function means adding value to the goods and
21 services supplied under a contract.

22 *Committee* means the small business advisory committee.

23
24 County means Palm Beach County.

25
26 *Days* means calendar days, unless specified otherwise
27

28 ~~*Debarment* means the exclusion for cause of a vendor or contractor from bidding
29 and/or doing business with the county pursuant to the provisions of the county
30 purchasing ordinance.~~

31 *Domiciled in the county* means the business holds a valid Palm Beach County
32 ~~county occupational license~~ business tax receipt and has a permanent place of
33 business in ~~the county~~ Palm Beach County. In order to establish a permanent place of
34 business in ~~the county~~ Palm Beach County, the business must:

1 (1) Demonstrate business activity in the county and/or document that at least
2 ten (10) of the business' gross receipts during the preceding twelve (12) months were
3 generated from the county at the Palm Beach County location;

4 (2) The county occupational license Palm Beach County business tax receipt
5 bears the county Palm Beach County address;

6 (3) The county Palm Beach County location must be verifiable through
7 documentation such as lease agreement, utility bills, client invoices, payroll records or
8 other appropriate documentation; and

9 (4) The county Palm Beach County location must be identifiable through
10 signage, telephone book listing, or other appropriate means. On-site visits may be
11 conducted prior to and during the certification term to determine continued adherence to
12 the domicile requirements and other requirements of the code. Additional backup
13 documentation may be requested on a case-by-case basis. A county Palm Beach
14 County telephone number or post office box in county Palm Beach County shall not be
15 sufficient to establish domicile in the county Palm Beach County.

16 *Front* shall mean a business which purports to be a small business but which is
17 actually owned and/or controlled in a manner which does not comply with the county's
18 requirements of certification.

19 ~~*Full-time employees* means permanent employees who normally work at least~~
20 ~~thirty (30) hours per week under the control and management of the employer.~~
21

22 *Goals* means annual small business goals expressed as percentages of total
23 dollar volume for participation of small businesses in the county's procurement and the
24 county's procurement of goods, services and construction.

25 *Joint venture* means an association of two (2) or more persons or businesses
26 registered with the State of Florida to carry out a single business enterprise for profit for
27 which purpose they combine their property, capital, efforts, skills and knowledge.

28 *Minority person* means an individual who is a citizen or lawful permanent resident
29 of the United States who is:

30 (1) A "black American," a person having origins in any of the black racial groups
31 of Africa.

32 (2) A "Hispanic American," a person of Spanish or Portuguese culture with

1 origins in Mexico, Central or South America, or the Caribbean, regardless of race.

2 (3) An "Asian American," a person having origins in any of the original peoples
3 of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.

4 (4) A "Native American," a person who is a member of, or is eligible to be a
5 member of, a federally recognized Indian tribe. A "federally recognized Indian tribe"
6 means an Indian tribe, band, nation, rancheria, pueblo, colony or other organized group
7 or community, including any Alaska native village, which was recognized by the
8 secretary of the interior on October 1, 1985, as having special rights and is recognized
9 as eligible for the services provided by the United States to Indians because of their
10 status as Indians, and any tribe that has a pending application for federal recognition on
11 October 1, 1985, as having special rights and is recognized as eligible for the services
12 provided by the United States to Indians because of their status as Indians, and any
13 tribe that has a pending application for federal recognition on October 1, 1985.

14 *MWBE* means a minority-owned business enterprise or a women-owned
15 business enterprise or a combination minority and women-owned business enterprise.
16 A MWBE is any small business concern which is organized to engage in commercial
17 transactions, which is domiciled in Palm Beach County, and which is at least fifty-one
18 (51) percent owned by minority persons and/or women who are members of an insular
19 group that is of a particular racial, ethnic or national origin makeup or gender, which has
20 been subjected historically to disparate treatment due to identification in and with that
21 group resulting in an under-representation of commercial enterprises under the group's
22 control, and whose management and daily operations are controlled by such persons.

23 *Manufacturer* means a firm or business entity that produces an item from raw
24 materials or who substantially alters the form of a product in order to make it suitable for
25 a particular use.

26 *Owned*, for the purpose of determining whether a business is a minority or
27 women business enterprise, shall mean that the minorities or women, as the context
28 requires, shall possess an ownership interest of at least fifty-one (51) percent.

29 *Prime contractor* means any person who has a contract with the county to
30 provide specific construction services, sales, supplies, materials, professional services,

1 labor and/or equipment.

2 *Professional services* means any narrow discipline wherein a known practitioner
3 has through education and experience developed expert advisory and programming
4 skills as a vocation; any service performed primarily by vocational personnel which
5 requires the analysis or certification of a professional before the services are acceptable
6 to the user of the service; or any other advisory study, or programming activity where
7 the director of purchasing determines that the level of skills and/or creativity of the
8 potential or known practitioner(s) warrants a competitive proposal or submittal process.

9 *Project goal* means SBE goals expressed as percentages of total dollar volume
10 for participation of small businesses, on individual county contracts.

11 ~~*Responsive bidder, offeror, quoter or respondent* means an individual or~~
12 ~~business which has submitted a bid, offer, proposal, quotation or response, which~~
13 ~~conforms in all material respects to the solicitation, including, but not limited to,~~
14 ~~compliance with all SBE requirements contained within the solicitation.~~

15 *SBE* means small business enterprise certified by ~~the county~~ Palm Beach
16 County.

17
18 *Sheltered Market Program* means a program under which certain contracting
19 opportunities are made available only to certified SBEs.

20 *Small business* means a business domiciled in ~~the county~~ Palm Beach County
21 and certified by ~~the county~~ Palm Beach County which is an independently owned and
22 operated for profit business concern organized to engage in commercial transactions
23 and whose adjusted gross margin does not exceed the following:

24 (1) For a provider of construction the annual adjusted gross margin may not
25 exceed three million two hundred thousand dollars (\$3,200,000.00) (averaged over the
26 previous three (3) years, or if in business, less than three (3) years, averaged during
27 duration of business).

28 (2) For a A-supplier of commodities the annual adjusted gross margin may not
29 exceed one million six hundred thousand dollars (\$1,600,000.00) (averaged over the
30 previous three (3) years, or if in business, less than three (3) years, averaged during
31 duration of business).

32 (3) For a supplier of professional services the annual adjusted gross margin

1 may not exceed two million seven hundred thousand dollars (\$2,700,000.00) (averaged
2 over the previous three (3) years or if in business, less than three (3) years, averaged
3 during duration of business).

4 On October 1 of each year, starting October 1, 2005, the maximum adjusted
5 gross margin utilized to determine eligibility as a small business will be adjusted by
6 multiplying the current adjusted gross margin by the annual consumer price index and
7 adding that amount to the adjusted gross margin maximum. The office of small business
8 assistance will publish the revised adjusted gross margin maximum annually on ~~the~~
9 ~~office of small business assistance website~~ their web page.

10 A small business must be owned and controlled by an individual who is a citizen
11 or a lawful permanent resident of the United States.

12 *Small and minority/women business directory* means a compilation of certified
13 small businesses and M/WBEs which is maintained electronically by the office of small
14 business assistance and made available to contractor(s) or vendor(s) for use in
15 identifying subcontractors, material suppliers, etc.

16 All terms not specifically defined herein, but defined in the county's purchasing
17 ordinance (~~section 2-52- Chapter 2, Article III, Division 2, Part A~~ of the County Code, as
18 may be amended), shall carry the definition therein described.

19 **SECTION II. PROGRAMS TO ACHIEVE GOALS:**

20 Section 2-80.23(c) shall be added to the Palm Beach County Code and shall read as
21 follows:

22 In the event annual goals are not achieved, the County may implement
23 programs, including, but not limited to a sheltered market program for contracts under
24 \$250,000.00, to achieve goal attainment. Any programs, other than sheltered markets,
25 must be approved by the Board prior to implementation.

26 **SECTION III. CONTRACT COMPLIANCE REQUIREMENTS.**

27 Section 2-80.24 of the Palm Beach County Code is amended to read as follows:

28 The Office of Small Business Assistance will establish procedures for monitoring
29 and evaluating program performance and compliance subject to the County
30 Administrator's approval. In addition to the remedies of suspension or debarment as

1 provided in Section 2-80.26 of the Code, any contractor or firm that falsely represents to
2 the County, pursuant to a County contract, that it is a SBE, or that it will utilize the
3 services or commodities of a SBE and subsequently does not do so without the prior
4 written approval of the County, may be in breach of contract. Upon determination that a
5 breach of contract has occurred, the County shall have all available remedies for breach
6 of contract. In addition, all amounts paid to the contractor or firm under the contract
7 intended for expenditure with SBEs will be forfeited and recoverable by the County.
8 The County, at its sole discretion, may waive the breach and available remedies;
9 however any such waiver shall not constitute a waiver of rights for breach of any other
10 provision of the contract. Failure to comply with the SBE requirements of an awarded
11 contract may result in suspension or debarment of the firms or individuals involved.
12 Debarment of bidders by the county for activity contrary to this program will be carried
13 out according to the debarment procedures contained in the purchasing ordinance
14 (County Code section 2-54(e)), as may be amended. Appeal procedures for the
15 suspension or debarment are established in the county purchasing ordinance (County
16 Code Section 2-54(d) and (e)), as may be amended.

17 **SECTION IV. RANKING OF RESPONSIVE BIDDERS:**

18 Section 2-80.25 of the Palm Beach County Code is amended to read as follows:

19 When evaluating competitive bids/quotes of up to one million dollars
20 (\$1,000,000.00) in which the apparent low bidder is determined to be non-responsive to
21 SBE requirements, the contract shall be awarded to the low bidder responsive to SBE
22 requirements, or in the event there are no bidders responsive to the SBE requirements,
23 to the bidder with the greatest SBE participation in excess of seven (7) percent
24 participation, as long as the bid does not exceed the low bid amount by ten (10)
25 percent.

26 In cases where the low bid exceeds one million dollars (\$1,000,000.00), the
27 contract shall be awarded to the low bidder responsive to the SBE requirements, or in
28 the event there are no bidders responsive to the SBE requirements, to the bidder with
29 the greatest SBE participation in excess of seven (7) percent participation, provided that
30 such bid does not exceed the low bid otherwise responsive to the bid requirements by

1 more than one hundred thousand dollars (\$100,000.00) plus three (3) percent of the
2 total bid in excess of one million dollars (\$1,000,000.00).

3 This section applies only when price is the determining factor.

4 **SECTION V. SUSPENSION/DEBARMENT:**

5 Section 2-80.26(5) shall be retitled as SUSPENSION/DEBARMENT, and is amended to
6 read as follows:

7 The ~~board of eCounty commissioners~~ reserves the right to suspend or debar any
8 vendor ~~reject any proposers or bidders who have~~ previously failed to perform properly
9 and who ~~has~~ done so by commission or omission of an act of such serious and
10 compelling nature ~~that~~ ~~than~~ the act indicates a serious lack of business integrity or
11 honesty. Such acts include, but are not limited to:

12 (1) The violation of any applicable law, regulation or contract provision relating
13 to the performance of obligations incurred pursuant to an agreement with a recipient
14 under a county contract.

15 (2) Making or procuring to make any false statement or use of using ~~deceit~~, ~~for~~
16 ~~the purpose of influencing in any way any action of the county.~~

17 (3) Making false representations as a small business for purposes of qualifying
18 for certification as such a business under a program that is designed to assist SBEs in
19 the receipt of contracts with the county for the provision of goods or services.

20 (4) Representing a SBE as performing a commercially useful function when
21 such business is merely acting as a conduit in order to participate in the county's SBE
22 program or receive a preference or benefit under the SBE program.

23 (5) Repeatedly failing to meet SBE goals when submitting bids when there is
24 documented availability of SBEs as shown by other bidders on the same projects
25 meeting the stated goals.

26 (6) Failing to comply with the SBE requirements of an awarded contract.

27 The Director of the Office of Small Business Assistance may refer a business or firm to
28 the Director of Purchasing for consideration of suspension or debarment. The
29 procedures for suspension or debarment are provided for in the purchasing ordinance.

30 ~~Any contractor or firm which falsely represents to the county, pursuant to a county~~

1 contract, that it is a SBE, or which represents that it will use the services or commodities
2 of a SBE and subsequently does not do so, without prior county approval, may be in
3 breach of contract. Upon determination that a breach of contract has occurred, the
4 county shall have all available remedies for breach of contract.

5 **SECTION VI. PROMPT PAYMENT:**

6 Section 2-80.27 of the Palm Beach County Code is hereby amended to read as follows:

7 Pursuant to the provisions of F.S. § 218.735(6), as may be amended, when a
8 prime contractor receives payment from the county for labor, services or materials
9 furnished by subcontractors or suppliers hired by the prime contractor, the prime
10 contractor shall remit payment due to those subcontractors and suppliers within fifteen
11 ~~(15)~~ ten (10) days after the prime contractor's receipt of payment. When a
12 subcontractor receives payment from a prime contractor for labor, services or materials
13 furnished by sub-subcontractors and suppliers hired by the subcontractor, the
14 subcontractor shall remit payment due to those sub-subcontractors and suppliers within
15 ~~fifteen (15)~~ seven (7) days after the subcontractor's receipt of payment from the prime
16 contractor.

17 Every contract let by the county for the performance of work shall contain a
18 provision requiring the prime contractor to certify in writing that all subcontractors,
19 subconsultants and suppliers have been paid for work and materials from previous
20 progress payments received, less any retainage, by the prime contractor prior to receipt
21 of any further progress payments. During the contract and upon completion of the
22 contract, the County may request documentation to certify payment to subcontractors,
23 subconsultants or suppliers. Nothing herein shall prohibit a prime contractor or
24 subcontractor from disputing, pursuant to the terms of a relevant contract, all or any
25 portion of a payment alleged to be due to another party. In the event of such dispute,
26 the prime contractor or subcontractor may withhold the disputed portion of any such
27 payment if the prime contractor or subcontractor notifies the party whose payment is
28 disputed, in writing, of the amount in dispute and the actions required to cure the
29 dispute. The prime contractor or subcontractor must pay all undisputed amounts due
30 within the time limits imposed by this section. All payments not made within the time

1 periods herein specified shall bear interest at the rate of one (1) percent per month, or
2 the rate specified by the contract, whichever is greater.

3 This provision in no way creates any contractual relationship between any
4 subcontractor, subconsultant or supplier and the county or any liability on the county for
5 the prime contractor's failure to make timely payment to the subcontractor,
6 subconsultant or supplier.

7 **SECTION VII. PROCUREMENT PROCEDURES:**

8 Section 2-80.28 of the Palm Beach County Code is hereby amended to read as follows:

9 The purchasing department shall establish specific purchasing procedures to
10 increase SBE participation, including, but not limited to, purchases under, the
11 mandatory bid or proposal amount set forth in the purchasing code and purchases
12 made by decentralized purchase orders (DPOs) under one thousand dollars
13 (\$1,000.00). The purchasing procedures shall include a provision that every effort will
14 be made by buyers to contact all registered certified SBE within a particular commodity
15 area for purchases under the mandatory bid or proposal amount set forth in the
16 purchasing code. The purchasing procedures shall also include a process so as to allow
17 as many vendors as possible to compete in providing goods and services to Palm
18 Beach County. The purchasing procedures shall also include a provision requiring
19 awards of purchases under the mandatory bid or proposal amount set forth in the
20 purchasing code to be made to the lowest responsive, responsible bidder unless a
21 certified small business is within ten (10) percent of the lowest non-small business bid,
22 in which case the award shall be made to the certified small business bidder submitting
23 the lowest responsive, responsible bid. For purchases of goods and services over the
24 mandatory bid or proposal amount set forth in the purchasing code goals will be
25 established pursuant to the provisions of section 2-80.23. This section shall not apply to
26 procurement of construction.

27 **SECTION VIII. SBE ELIGIBILITY STANDARDS:**

28 Section 2-80.30(a) of the Palm Beach County Code is hereby amended to read as
29 follows:

30 (a) *Eligibility Standards:* An eligible small business is a for profit business

1 ~~concern which whose~~ gross adjusted margin is within the standards as defined in
2 Section 2-80.21 above and who has been in business for at least one (1) year or whose
3 owner has a certificate of small business competency issued by the Small Business
4 Development Center, Palm Beach Resource Center, Palm Beach Community College
5 or other Office of Small Business Assistance approved course. An eligible small
6 business for this program shall be an independent business. Recognition of the
7 business as a separate legal entity for tax or corporate purposes is not necessarily
8 sufficient for recognition as a small business. In determining whether a potential small
9 business is an independent business, the County shall consider all relevant factors,
10 including but not limited to: the date the business was established, the adequacy of its
11 resources for the type of work specified, and the degree to which financial equipment
12 leasing and other relationships with other businesses vary from established industry
13 practices. An eligible small business for this program must perform a commercially
14 useful business function ~~as opposed to only acting as a conduit.~~

15 **SECTION IX. COMMERCIALY USEFUL BUSINESS FUNCTION:**

16 Section 2-80.30(b) of the Palm Beach County Code is hereby amended to read as
17 follows:

18 A small business is considered to perform a commercially useful business
19 function when it is responsible for execution of a distinct element of work of a contract
20 and carrying out its responsibilities by actually performing, managing and supervising
21 the work performed. Businesses who merely act as a conduit do not perform a
22 commercially useful business function and will not be eligible for certification as a SBE.
23 In determining whether a business performs a commercially useful business function,
24 consideration will ~~be~~ included, but not be limited to: whether the business adds a value
25 to the product or service provided; whether the business has a distributorship
26 arrangement with the manufacturer of goods supplied; whether the business takes
27 possession of the product or service provided; whether the business warrants the
28 product or service provided; whether the business maintains sufficient storage space to
29 keep the product in inventory; whether the business maintains sufficient inventory to
30 meet the requirements of its contracts; whether the business provides the product or

1 service to the public or other business other than a governmental agency, and whether
2 the business is operated in accordance with normal industry practice.

3 **SECTION X. APPLICATION PROCEDURES:**

4 Section 2-80.30(c) of the Palm Beach County Code is amended to read as follows:

5 All applicants wishing to be considered as certified businesses for the benefits of
6 this program must apply for small business certification by completing the application
7 and affidavit which can be obtained through the office of small business assistance and
8 pay the applicable fee for certification, modification of certification or recertification.

9 Applicants must submit the documentation listed below as appropriate to their business.
10 The office of small business assistance may request any other documentation
11 necessary to determine eligibility. Documents not in English must be accompanied by a
12 certified translation. In instances where the applicant business has not been in
13 existence three (3) years, it shall provide the documentation for the years the business
14 has been in existence.

15 (1) Corporations:

- 16 a. List of the corporation's current full-time and part-time employees by
17 length of service;
- 18 b. Proof of business location and operation in the county Palm Beach
19 County;
- 20 c. Articles of incorporation, including date approved by the state, and any
21 subsequent amendments;
- 22 d. By-laws;
- 23 e. Prior three (3) years' financial statement prepared by an independent
24 CPA or accountant;
- 25 f. Prior three (3) years' federal corporate tax returns, including all
26 schedules, as signed and filed;
- 27 g. Copies of last three (3) months' corporate payroll;
- 28 h. ~~License to do business in the county, and a~~Any other necessary
29 licenses to perform the work for which certification is sought;
- 30 i. Palm Beach County business tax receipt.

1 (2) Partnerships:

- 2 a. List of the partnership's current full-time and part-time employees by
3 length of service;
- 4 b. Proof of business location and operation in ~~the county~~ Palm Beach
5 County;
- 6 c. Partnership agreement;
- 7 d. Prior three (3) years' financial statements prepared by an independent
8 CPA or accountant;
- 9 e. Prior three (3) years' federal tax returns, including all schedules, as
10 signed and filed;
- 11 f. ~~License to do business in the county, and a~~Any other necessary
12 license to perform the work for which certification is sought;
- 13 g. Copies of last three (3) months' partnership payroll.
- 14 h. Palm Beach County business tax receipt.

15 (3) Sole proprietors:

- 16 a. ~~License to do business in the county, and a~~Any other necessary
17 license to perform the work for which certification is sought;
- 18 b. Verification of fictitious name registration; ~~to do business under an~~
19 ~~assumed name~~;
- 20 c. Prior three (3) years' federal tax returns, including all schedules, as
21 signed and filed;
- 22 d. List of current full-time and part-time employees by length of service;
- 23 e. Proof of business location and operation in ~~the county~~ Palm Beach
24 County.
- 25 f. Palm Beach County business tax receipt.

26 **SECTION XI. APPLICATION REVIEW PROCEDURE:**

27 Section 2-80.30(d)(1) of the Palm Beach County Code is amended to read as follows:

28 Once an applicant has submitted the application and all supporting
29 documentation, certification review will be completed within sixty (60) days and the
30 following procedures will apply: