

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
BOARD APPOINTMENT SUMMARY**

Meeting Date: February 3, 2009
 Submitted By: Office of Small Business Assistance
 Advisory Board Name: Small Business Assistance Advisory Committee

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: reappointment/appointment of four (4) individuals to the Small Business Assistance Advisory Committee, for the terms indicated below.

Reappoint

<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated By</u>
John Elliott	10	Minority Contractor	2/3/09-2/24/2011	Comm. Greene Comm. Koons Comm. Marcus

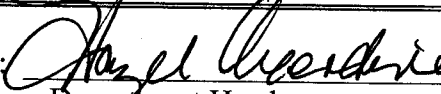
Appoint

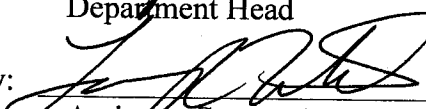
<u>Nominee</u>	<u>Seat</u>	<u>Designation</u>	<u>Term</u>	<u>Nominated By</u>
George Gentile	4	White Male Business Owner	2/3/09 – 6/20/2012	Comm. Greene Comm. Koons Comm. Marcus
Jorge Avellana	7	Hispanic Chamber of Commerce	2/3/09-2/24/2011	Comm. Greene Comm. Koons Comm. Marcus
Bernadette Russell	12	Small Business Dev. Center	2/3/09-6/20/2012	Comm. Greene Comm. Koons Comm. Marcus

Summary: The SBA Advisory Committee was established by Ordinance 2002-064. The committee consists of fourteen (14) members representing one (1) black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County; one (1) business owner domiciled in Palm Beach County; one (1) representative of the Palm Beach County Resource Center; one (1) representative of the Hispanic Chamber of Commerce; one (1) representative of the National Organization of Women in Construction; one (1) representative of a Women's Business Organization; one (1) certified minority contractor; one (1) representative of the Associated General Contractors; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund of the Palm Beaches; and one (1) representative of a black chamber of commerce. (Continued on page 3)

Attachments:

1. Board Appointment Information Forms
2. Ordinance
3. Current List of Members

Recommended By:  1/26/09
 Department Head Date

Legal Sufficiency:  1/26/09
 Assistant County Attorney Date

II. REVIEW COMMENTS

A. Other Department Review:

Department Director

Summary: (Continued from page 1)

Seat No. 10 is available because the incumbent was unable to attend meetings. The representative for seat No. 10 has expressed a desire to continue in the same capacity and the SBA Advisory Committee supports this effort. Seat Numbers 7 and 12 are new appointments because the incumbents were replaced by another organizational staff person. Seat No. 4 is available because the incumbent resigned. Seat No.'s 4 and 12 are being appointed to complete previous member terms through 6/20/09 plus an additional three (3) years. A memo was sent to the Board of County Commissioners on December 11, 2008 which requested nominations to the committee. No other nominations were received. Countywide TKF

Background and Justification: Ordinance No. 2002-064, as amended by 2008-014, provided for appointments to be made from specific organizations and representatives of the small business community. The SBA Advisory Committee consists of fourteen (14) members and the terms of the seats are for three (3) years. The SBA Advisory Committee review and evaluate the effectiveness of small business programs within County Government.

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 _____ No X

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:

FISCAL IMPACT INDETERMINABLE AT THIS TIME

Atwillhite 5/2/08
OFMB
5/2/08

Jan J. [Signature]
Contract Dev. and Control
June 3/9/08

B. Legal Sufficiency:

[Signature] 5/12/08
Assistant County Attorney

C. Other Department Review:

Department Director

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

Background 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.

Document Type



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ORDINANCE NO. 2008-014

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 *M/WBE* means a minority-owned business enterprise or a women-owned
15 business enterprise or a combination minority and women-owned business enterprise.
16 A *M/WBE* 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 have 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:

1 (1) The small business certification application and all supporting documents
2 will be logged in as appropriate. ~~Applications will not be processed until all documents~~
3 ~~are received.~~ The application will be reviewed for completeness and accuracy. The
4 office of small business assistance will inform the applicant of any missing
5 documentation. Any applicant failing to submit the requested documentation within thirty
6 (30) days of the notice shall be deemed to have abandoned its application.

7 (2) ~~The application will be reviewed for completeness and accuracy.~~ References
8 will be called and information verified by third parties, when appropriate. The Office of
9 Small Business Assistance will review the goods or services provided by the applicant
10 to determine the appropriate North American Industrial Classification System (NAICS)
11 and/or National Institute of Government Procurement (NIGP) classification codes.
12 Businesses will only be certified in the areas where they provide a commercially useful
13 business function. In those instances when the NAICS and/or NIGP codes are broader
14 than the goods or services provided by the applicant, the Office of Small Business
15 Assistance will appropriately limit the certification to those goods or services for which
16 the application performs a commercially useful business function.

17 (3) When deemed appropriate by the office of small business assistance, a
18 personal interview or site visit will be scheduled with the principal(s) to discuss the
19 documentation submitted and determine if the applicant meets the established criteria.

20 (4) Applicants approved for certification will be notified immediately by mail.

21 **SECTION XII. DENIAL OF CERTIFICATION:**

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

23 Applicants denied certification shall be notified by certified mail and informed of
24 their right to appeal the denial. An applicant denied certification may not reapply for
25 certification for one ~~(1) year hundred twenty (120) days~~ from the denial of the
26 certification.

27 **SECTION XIII. APPEAL OF CERTIFICATION DENIAL:**

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

29 Any firm that believes it has been wrongly denied certification as a small
30 business may file an appeal in writing, signed and dated, with the Office of Small

1 Business Assistance. The appeal shall be filed no later than fifteen (15) days from the
2 date of receipt of notice of denial of certification. The request for appeal shall state the
3 specific reasons why the firm believes the denial of certification is erroneous. The
4 Office of Small Business Assistance may extend the time for filing or waive the time limit
5 for filing in the interest of justice, specifying in writing the reason for doing so.

6 **SECTION XIV. RESOLUTION OF APPEALS:**

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

8 If an appeal is filed, an administrative hearing review will be conducted with by
9 the director of the Office of Small Business Assistance. Acting as the hearing officer.
10 The hearing review will be scheduled conducted within thirty (30) forty-five (45) days of
11 the filing of the request for appeal. The director of the Office of Small Business
12 Assistance shall may grant a written request for extension of this hearing by an
13 applicant if in the interest of justice. take one of the following actions on the request for
14 appeal:

15 1. Uphold the appeal. If a determination is made that certification was denied,
16 contrary to the provisions of the code, the director may uphold the appeal. If the appeal
17 is upheld, a certification certificate shall be issued.

18 2. Deny the appeal. If the appeal is denied, the applicant has the right to
19 request the appeal be referred to a special master in accordance with Subsection 2-
20 80.30(j) below.

21 3. Refer the appeal directly to a Special Master with no determination made by
22 the director of the Office of Small Business, in accordance with Subsection 2-80.30(j)
23 below.

24 ~~At the hearing, the director may not consider any new information which was not~~
25 ~~available at the time of the application. This hearing is the final step available in the~~
26 ~~county administrative process for the denial of a certification application.~~

27 ~~The director of the Office of Small Business Assistance will provide written notice~~
28 ~~as to the outcome of the hearing within ten (10) working days of the date of the hearing.~~

29 **SECTION XV. APPEAL OF DENIAL OF RECERTIFICATION:**

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

1 Certified SBEs are required to submit an affidavit of their continued eligibility as a
2 SBE every three (3) years along with an application for recertification. The office of
3 small business assistance may conduct site visits or review documents to ensure
4 continued compliance as a small business. If there has been a change in operation,
5 ownership, control, activities, domicile or adjusted gross margin the SBE must notify the
6 office of small business assistance within thirty (30) days of the change. Supporting
7 documentation may be required for continued certification. A company that fails to
8 submit its application for recertification and affidavit of continued eligibility or fails to
9 submit documentation requested by the office of small business assistance or allow a
10 site visit will no longer be deemed certified for purposes of participation in the small
11 business program.

12 The criteria for recertification shall be the same as for certification. An applicant
13 may request an appeal of denial of recertification within fifteen (15) days of receipt of
14 notice of denial. The resolution of the appeal hearing shall be conducted in the manner
15 described in section 2-80.30(g).

16 An applicant denied recertification may not reapply for certification for one
17 ~~hundred twenty days (120) year~~ from the denial of recertification.

18 **SECTION XVI. DECERTIFICATION:**

19 Section 2-80.30(i) of the Palm Beach County Code is hereby amended to read as
20 follows:

21 If during the period of certification, the county has reason to believe ~~or receives~~
22 ~~written information that~~ the SBE received certification improperly, or that there has been
23 a substantial change in circumstances in the operation, ownership, control, activities,
24 domicile, or adjusted gross margin that continued certification would be contrary to the
25 county's small business policy, then the Office of Small Business Assistance ~~shall~~ may
26 conduct an investigation of the allegations.

27 The Office of Small Business Assistance ~~shall~~ may decertify the SBE if the
28 investigation indicates that:

- 29 1. The small business cannot be contacted at the last known ~~county~~ address in
30 Palm Beach County;

- 1 2. The small business is no longer in business;
- 2 3. The small business is no longer licensed to do the type of business for which
- 3 it was certified;
- 4 4. The small business obtained its original certification and/or recertification
- 5 through false representation or deceit;
- 6 5. The small business has been disbarred or suspended as a vendor by the
- 7 county purchasing department. At the expiration of any suspension, the firm may
- 8 reapply for certification;
- 9 6. Site visits have revealed no business being conducted at the county location;
- 10 or
- 11 7. The small business does not meet the current eligibility standards for
- 12 certification as a small business. Certification under a previous ordinance does not
- 13 guarantee that the small business continues to be eligible for their entire certification
- 14 period.
- 15 8. The small business does not perform a commercially useful business function.
- 16 9. The small business refuses to allow an on-site inspection.
- 17 10. The small business has failed to notify the Office of Small Business of any
- 18 change in the ownership, location, structure or any other aspect of the small business
- 19 which would affect its small business certification.

20 The Office of Small Business Assistance shall notify the small business by
21 certified mail that it has been decertified. ~~decertification is recommended.~~ The small
22 business may request an appeal hearing of the decertification within fifteen (15) days of
23 receipt of the notice. The resolution of the appeal ~~hearing~~ shall be conducted in the
24 manner described in Subsection 2-80.30(g). Nothing in this section shall prevent the
25 Office of Small Business Assistance from commencing an investigation regarding the
26 legitimacy of a small business certification. ~~based upon information received~~
27 ~~independent of a third party written request.~~ A business decertified pursuant to this
28 section may not re-apply for certification for ~~one hundred twenty (120) days~~ one (1) year
29 from the date of decertification.

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1 **SECTION XVII. HEARING BEFORE A SPECIAL MASTER:**

2 Section 2-80.30(j) is hereby added to the Palm Beach County Code and shall read as
3 follows:

4 1. Upon receipt of a denial of appeal for certification, recertification, or
5 decertification, an applicant may request a hearing before a Special Master. The
6 request for a hearing shall be in writing to the director of the Office of Small Business
7 Assistance, and shall be made within five (5) business days of issuance of the director
8 of the Office of Small Business' determination. The request for a hearing shall be
9 accompanied by an appeal bond of one thousand dollars (\$1,000.00) which shall be
10 remitted in the form of a money order, a certified check, a cashier's check or a bank
11 check payable to the county.

12 2. At no time shall the applicant or any other person contact a Special Master
13 regarding any issue pertaining to, or involving the appeal. Contact between the county
14 and the Special Master shall be limited to scheduling and other administrative issues;
15 including the provision and copying of public records pertinent to the appeal.

16 3. The Office of Small Business Assistance shall establish rules and regulations
17 by separate policy and procedure detailing the selection of Special Masters, the appeals
18 process, and the conduct governing appeal hearings. Such rules shall provide that the
19 Special Master may not consider any evidence which was not available at the time of
20 the application or recommendation for decertification or recommendation for denial of
21 certification or recertification. Such rules shall also provide that the Special Master shall
22 render a written decision within ten (10) working days of the hearing.

23 4. Special Masters shall have the jurisdiction and authority to hear and decide
24 appeals. The Special Master shall make a recommendation as to whether the appeal
25 should be upheld as denied.

26 a. If the Special Master upholds the appeal, the Special Master shall
27 recommend the director of the Office of Small Business Assistance issue a certification
28 certificate. In these instances, the Office of Small Business Assistance shall return the
29 appeal bond to the applicant.

30 b. If the Special Master denies the appeal, the Special Master shall

1. recommend that certification be withheld. In these instances, the applicant's bond shall
2. be forfeited.

3. c. The director of the Office of Small Business Assistance may accept the
4. Special Master's recommendation or, if the director of the Office of Small Business
5. Assistance determines the Special Master's recommendation is not in the county's best
6. interest, the original recommendation of the office may be referred to the Board for
7. approval. At that time, the Board may accept or reject the recommendation of the
8. Special Master.

9. d. If a Special Master is unable to provide a fair hearing for any reason,
10. the Special Master shall not accept the appeal and shall immediately notify the director
11. of the Office of Small Business Assistance. The director of the Office of Small Business
12. Assistance shall reassign the appeal to a Special Master who does not have a conflict.

13. **SECTION XVIII. MWBE CERTIFICATION:**

14. Section 2-80.31 of the Palm Beach County code is amended as follows:

15. (a) Eligibility standards: Although preferences to certified MWBEs will not be
16. extended under this part, unless otherwise provided by law, businesses eligible for
17. certification as a MWBE are encouraged to maintain their certification in order to assist
18. in the tracking of MWBE availability and awards of contracts to MWBEs. This
19. information is vital to determining whether race and gender neutral programs assist
20. MWBE firms or whether race and gender preferences are necessary in order to
21. address any continued discrimination in the market.

22. An eligible MBE or WBE is a small business concern domiciled in the county which is
23. both owned and controlled by minorities or by women. This means that minorities and/
24. or women who must own at least fifty-one (51) percent of the business and that the
25. management and daily business operations are controlled by the minorities and/or
26. women who own it. An eligible MWBE for this program shall be an independent
27. business. The ownership and control by minorities and/or women shall be real,
28. substantial and continuing, and shall continue beyond the pro forma ownership of the
29. firm as reflected in its ownership documents. The minority and/or women owners shall
30. enjoy the customary incident of ownership and shall share in the risks and profits

1 commensurate with their ownership interest, as demonstrated by an examination of the
2 substance rather than form or arrangements. Recognition of the business as a separate
3 legal entity for tax or corporate purposes is not necessarily sufficient for recognition as
4 an MWBE. In determining whether a potential MWBE is an independent business, the
5 county shall consider all relevant factors, including but not limited to the date the
6 business was established, the adequacy of its resources for the type of work specified,
7 and the degree to which financial, equipment leasing and other relationships with
8 nonminority firms vary from established industry practices.

9 An eligible MWBE must perform a commercially useful business function as opposed to
10 only acting as a conduit.

11 (1) Ownership: In determining ownership of the business, the contribution of
12 capital or expertise by the minority and/or women owners to acquire their interest in the
13 firm shall be real and substantial. Examples of insufficient contributions include, but are
14 not limited to, a promise to contribute capital, a note payable to the firm or its owners
15 who are not minorities or women, or the mere participation as an employee, rather than
16 as a manager/owner.

17 (2) Control: The minority and/or woman owner(s) must have operational and
18 managerial control of the business.

19 a. The primary consideration determining operational control and the
20 extent to which the minority person and/or woman actually operates the business
21 will rest upon the peculiarities of the industry of which the business is a part.
22 Accordingly, in order to clarify the level of operational involvement of the minority
23 person or woman in the business to be deemed as an MWBE, the following
24 examples are put forth and are not to be all-inclusive.

25 1. The minority person and/or woman should have some
26 experience in the industry for which certification is sought.

27 2. The minority person and/or woman should be able to
28 demonstrate that basic decisions pertaining to the daily operation of the
29 business are independently made.

30 3. The minority person and/or woman should have some technical

1 competence in the industry for which certification is sought. The minority
2 person and/or woman should have a working knowledge of the technical
3 requirements of the business needed to operate in the industry.

4 b. Managerial control means that the minority and/or woman has the
5 demonstrable ability to make independent and unilateral business decisions
6 needed to guide the future and destiny of the business. For a minority and/or
7 woman to demonstrate the extent of his/her control, the following examples are
8 put forth and are not intended to be all-inclusive:

9 1. Corporate bylaws or partnership agreements or other
10 agreements should be free of restrictive language which dilutes the
11 minority's or women's control, thus preventing him/her from making those
12 decisions which affect the destiny of the business.

13 2. The minority person and/or woman should be able to clearly
14 show, through production of documents, the areas of control such as, but
15 not limited to:

16 i. Authority and responsibility to sign payroll checks and
17 letters of credit.

18 ii. Authority for negotiations and signature responsibility
19 for insurance and/or bonds.

20 iii. Authority for negotiations and/or signature services.

21 If the owners of the firm who are not minorities or women are disproportionately
22 responsible for the operation of the firm, then the firm is not to be considered an MWBE
23 within the meaning of this program. Where the actual management of the firm is
24 contracted out to individuals other than the owner, those persons will be considered as
25 controlling the business.

26 (3) *Commercially useful business function.* A MWBE is considered to perform
27 a commercially useful business function when it is responsible for execution of a distinct
28 element of work of a contract and carrying out its responsibilities by actually performing,
29 managing and supervising the work performed. Businesses who merely act as a conduit
30 do not perform a commercially useful business function and will not be eligible for

1 certification as a MWBE. In determining whether a business performs a commercially
2 useful business function, consideration will be included, but not be limited to, whether
3 the business adds a value to the product or service provided; whether the business
4 takes possession of the product or service provided; whether the business has a
5 distributorship arrangement with the manufacturer of goods supplied; whether the
6 business warrants the product or service provided; whether the business maintains
7 sufficient storage space to keep the product in inventory; whether the business
8 maintains sufficient inventory to meet the requirements of its contracts; whether the
9 business provides the product or service to the public or other business other than a
10 governmental agency, ~~and whether the business is operated in accordance with normal~~
11 ~~industry practice.~~

12 (b) Application procedures: All applicants wishing to be considered as certified
13 businesses must apply for MWBE certification by completing an MWBE disclosure
14 affidavit which can be obtained through the office of small business assistance.
15 Applicants must submit the documentation listed below, as appropriate to their
16 business. The office of small business assistance may request any other documentation
17 necessary to determine eligibility. Documents not in English must be accompanied by a
18 certified translation. In instances where the applicant business has not been in
19 existence three (3) years, it shall provide the documentation for the years the business
20 has been in existence.

21 (1) Corporations.

22 a. List of the corporation's current full-time and part-time employees
23 by length of service;

24 b. ~~Reserved~~;

25 be. Articles of incorporation, including date approved by the state, and
26 any subsequent amendments;

27 cd. By-laws;

28 de. Prior three (3) years' financial statement prepared by an
29 independent CPA or accountant;

30 ef. Prior three (3) years' federal corporate tax returns, including all

- 1 schedules, as signed and filed;
- 2 fg. Resumes of principals and management personnel of business
- 3 showing education, training and employment with dates;
- 4 gh. Stock transfer agreement(s);
- 5 hi. ~~License to do business in the county, and a~~Any other necessary
- 6 licenses to perform the work for which certification is sought;
- 7 ij. Copies of last three (3) months' corporate payroll;
- 8 jk. Stock ledger;
- 9 kl. Copies of the corporation's distribution of profits for the previous
- 10 year;
- 11 lm. Copies of third party agreements such as rental and lease
- 12 agreements, management agreements, or purchase agreements;
- 13 mn. Copies of stock certificates issued;
- 14 ne. Proof of stock purchase;
- 15 o. Palm Beach County business tax receipt.
- 16 (2) Partnerships.
- 17 a. List of the partnership's current full-time and part-time employees
- 18 by length of service;
- 19 ~~b. Reserved.~~
- 20 ~~b.e.~~ Partnership agreements;
- 21 ~~cd.~~ Prior three (3) years' financial statements prepared by an
- 22 independent CPA or accountant;
- 23 ~~de.~~ Prior three (3) years' federal tax returns, including all schedules, as
- 24 signed and filed;
- 25 ~~ef.~~ Resumes of all partners and management personnel showing
- 26 education, training and employment with dates;
- 27 ~~fg.~~ ~~License to do business in the county, and a~~Any other necessary
- 28 licenses to perform the work for which certification is sought;
- 29 gh. Buy-out rights agreement;
- 30 hi. Profit-sharing agreement;

- 1 | j. Copies of last three (3) months' partnership payroll;
- 2 | jk. Proof of capital invested;
- 3 | kl. Copies of the partnership's distribution of profits for the previous
- 4 | year;
- 5 | lm. Copies of third party agreements such as rental and lease
- 6 | agreements, management agreements or purchase agreements;
- 7 | m. Palm Beach County business tax receipt.
- 8 | (3) Sole proprietors:
- 9 | a. ~~License to do business in the county, and a~~Any other necessary
- 10 | licenses to perform the work for which certification is sought;
- 11 | b. ~~Reserved~~
- 12 | **eb.** Verification to do business under an assumed name;
- 13 | **cd.** Owner and management personnel resumes;
- 14 | **de.** Prior two (2) years' federal tax returns, including all schedules as
- 15 | signed and filed;
- 16 | **ef.** List of current full-time and part-time employees by length of
- 17 | service;
- 18 | f. Palm Beach County business tax receipt.

19 | **(bc)** Application review and appeal procedures: The procedures for application
 20 | review, recertification, decertification and appeals provided in section 2-80.30(d)-(i)(i)
 21 | shall apply equally for M/WBE certification.

22 | **SECTION XIX . SMALL BUSINESS ADVISORY COMMITTEE.**

23 | Section 2-80.32 of the Palm Beach County Code is amended to read as follows:

24 | There is hereby created and established an advisory committee to be known as
 25 | the small business assistance (SBA) advisory committee.

26 | (1) Membership: The SBA advisory committee shall consist of the following
 27 | members:

- 28 | a. One (1) black business owner certified as a small business by the
- 29 | county;

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- 1 b. One (1) Hispanic business owner certified as a small business by
- 2 the county;
- 3 c. One (1) women business owner certified as a small business by the
- 4 county;
- 5 d. One (1) white male business owner certified as a small business by
- 6 the county;
- 7 e. One (1) business owner domiciled in the county;
- 8 f. One (1) representative of the ~~county resource center~~ Palm Beach
- 9 County Resource Center;
- 10 g. One (1) representative of the Hispanic Chamber of Commerce of
- 11 Palm Beach County;
- 12 h. One (1) representative of the National Association of Women in
- 13 Construction;
- 14 i. One (1) representative of a women's business organization;
- 15 j. One (1) minority contractor; ~~representative of a black contractors or~~
- 16 ~~black business organization~~;
- 17 k. One (1) representative of the Associated General Contractors
- 18 Association;
- 19 l. One (1) representative of the Small Business Development Center;
- 20 m. One (1) representative of the ~~business loan fund~~ Business Loan
- 21 Fund of the Palm Beaches;
- 22 n. One (1) representative of a black Chamber of Commerce.

23 Members shall be appointed at large by the board of county commissioners and

24 shall serve for staggered terms of three (3) years. Initially five (5) members shall be

25 appointed for a term of three (3) years, four (4) members shall be appointed for a term

26 of two (2) years, and four (4) members shall be appointed for a term of one (1) year.

27 Vacancies shall be filled in the same manner as the original appointments for the

28 remainder of the vacant term. Each member shall serve without compensation and may

29 be removed without cause by the board of county commissioners at any time. Travel

30 reimbursement is limited to expenses incurred only for travel outside the county

1 necessary to fulfill board member responsibilities when sufficient funds are budgeted
2 and available, and upon prior approval of the board of county commissioners.

3 (2) Duties and functions. The committee shall have the following duties and
4 functions:

5 a. Review and evaluate the effectiveness of small business programs
6 within county government;

7 b. Monitor and evaluate the effectiveness of the county's small
8 business policies and procedures, resolutions and ordinances, including their
9 implementation by the various county departments;

10 c. Study and evaluate the necessity for further county regulations and
11 procedures regarding small business participation;

12 d. Receive and, where necessary, analyze information concerning the
13 presence of discrimination in the bidding and contracting process and
14 recommend to the board of county commissioners further steps to alleviate such
15 discrimination;

16 e. Prepare, adopt and present an annual report to the board of county
17 commissioners;

18 f. Research and review other jurisdictions' small business programs;

19 g. ~~Act Acts~~ as a conduit between the county and the community,
20 industry; organizations, trade associations, chambers of commerce and small
21 and minority/women businesses;

22 h. Plan and participate in education and training for small businesses;
23 and

24 i. Research and recommend to the board of county commissioners
25 race- and gender-neutral mechanisms which will assist small businesses.

26 j. Monitor and report on level of minority/women business enterprise
27 participation.

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2 k. Monitor legislative initiatives and other issues and activities which
3 impact small and MWBE businesses and advise the board of county
4 commissioners concerning same.

5 (3) Meetings and organization: The committee shall meet on a regular basis.
6 A majority of members appointed shall constitute a quorum. In the presence of a
7 quorum, committee business shall be conducted by a vote of a majority present. The
8 meetings shall be governed by the Robert's Rules of Order. Reasonable public notice of
9 all committee meetings shall be provided, and all such meetings shall be open to the
10 public at all times.

11 (4) Assistance to the committee. The committee may ~~call upon~~ request
12 information from any department or agency of the county, local, regional, state, or
13 federal government for information or advice in the performance of its work.

14 (5) Chair and vice-chair. A chair and vice-chair shall be elected by a majority
15 of the committee and shall serve for a term of one (1) year. The duties of the chair shall
16 be to:

- 17 a. Call committee meetings and set the agenda for the same;
18 b. Preside at committee meetings;
19 c. Establish subcommittees, appoint subcommittee chairs, and charge
20 subcommittees with specific tasks;
21 d. Perform other functions as the committee may assign by rule or
22 order.

23 The vice-chair shall perform the duties of the chair in the chair's absence, and
24 such other duties as the chair may assign.

25 If a vacancy occurs in the office of the chair, the vice-chair shall become the chair
26 for the unexpired term. If a vacancy occurs in the office of the vice-chair, the committee
27 will elect another member to fill the unexpired term of the vice-chair.

28 (6) Advisory only. The actions, decisions and recommendations of the
29 committee shall not be final or binding on the board of county commissioners but shall
30 be advisory only.

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(7) Attendance. Members shall be automatically removed for lack of attendance. Lack of attendance is defined as failure to attend three (3) consecutive meetings or failure to attend more than two-thirds (2/3) of the meetings scheduled during a calendar year. Participation for less than three-fourths (3/4) of a meeting shall constitute lack of attendance. Members removed under this section shall not continue to serve until a new appointment is made and removal shall create a vacancy.

(8) Conflict of interest. Committee members shall be governed by the applicable provisions of the Palm Beach County Ethics Resolution R-94-693, as may be amended.

SECTION XX. DELETION OF REFERRAL FOR SUSPENSION OR DEBARMENT:

Section 2-80-35 of the Palm Beach County Code is hereby deleted as this information is contained elsewhere in the Code revisions.

SECTION XXI. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION XXII. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION XXIII. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or other appropriate word.

1 **SECTION XXIV. EFFECTIVE DATE:**

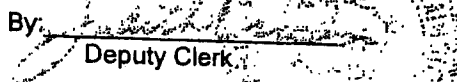
2 The provisions of this Ordinance shall become effective upon filing with the
3 Department of State.

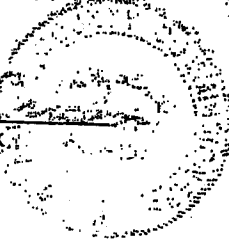
4 APPROVED and ADOPTED by the Board of County Commissioners of Palm
5 Beach County, Florida, on this the 20th day of
6 May, 2008.

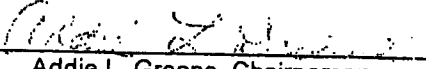
7 SHARON R. BOCK,
8 CLERK & COMPTROLLER
9 PALM BEACH COUNTY

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

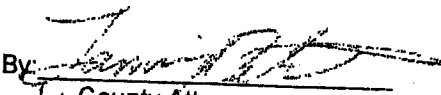
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By: 
Deputy Clerk



By: 
Addie L. Greene, Chairperson

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

26 EFFECTIVE DATE: Filed with the Department of State on the 29th day of May,
27 2008.



**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
SMALL BUSINESS ASSISTANCE ADVISORY COMMITTEE**

I. AUTHORITY :

Ordinance No. 2002-064, adopted on October 1, 2002; amended Ordinance No. 2008-014, adopted May 20, 2008.

II. APPOINTING BODY :

Board of County Commissioners

III. COMPOSITION, QUALIFICATIONS, TERMS & REMOVAL :

The committee consists of fourteen (14) members representing the following: one (1) Black business owner certified as a small business by the County; one (1) Hispanic business owner certified as a small business by the County; one (1) woman business owner certified as a small business by the County; one (1) white male business owner certified as a small business by the County ; one (1) business owner domiciled in PBC; one (1) representative of the PBC Resource Center; one (1) representative of the Hispanic Chamber of Commerce of PBC; one (1) representative of the National Association of Women in Construction; one (1) representative of a Women's Business Organization; one (1) minority contractor; one (1) representative of the Associated General Contractors Association; one (1) representative of the Small Business Development Center; one (1) representative of the Business Loan Fund; and one (1) representative of a black chamber of commerce. Members will be appointed at-large by the BCC and will serve three (3) year terms. Vacancies shall be filled in the same manner as the original appointments for the remainder of the vacant term.

IV. MEETINGS :

Meetings are held at 301 N. Olive Avenue, West Palm Beach, 12th Floor at 8:15 a.m. the third Wednesday of each month; except for months of July and August, when the Committee does not meet.

V. FUNCTIONS :

Review and evaluate the effectiveness of small business programs within County government; monitor and evaluate the effectiveness of the County's small business policies and procedures, resolutions and ordinances, including their implementation by the various County departments; study and evaluate the necessity for further County regulations and procedures regarding small business participation; receive and, where necessary, analyze information concerning the presence of discrimination in the bidding and contracting process and recommend to the BCC further steps to alleviate such discrimination; prepare, adopt and present an annual report to the BCC; research and review other jurisdictions small business programs; act as a conduit between the County and the community, industry, organizations, trade associations, chambers of commerce and small and minority/women businesses; plan and participate in education and training for small businesses; research and recommend to the BCC race-and gender-neutral mechanism which will assist small businesses; monitor and report on level of minority/women business enterprise participation; and monitor legislative initiatives and other issues and activities which impact small and M/WBE businesses and advise the BCC concerning same.

VI. LIAISON INFORMATION :

LIAISON DEPARTMENT

Small Business Assistance

CONTACT PERSON

Pamela Hart

ADDRESS

50 S Military Trl Ste 209
West Palm Beach FL 33415
Phone # 561-616-6854



SMALL BUSINESS ASSISTANCE ADVISORY COMMITTEE

SEAT ID	CURRENT MEMBER	ROLE TYPE	RACE CODE	BUSINESS / HOME PHONE	SEAT REQUIREMENT	APPOINT DATE	RE-APPOINT DATE	EXPIRE DATE
Appointed By : AT Large								
1	Yvonne Peterman 415 Northwood Rd West Palm Beach FL 33407	Member	AA	561-833-3377	Certified Black Business Owner	07/13/2004	07/14/2007	07/13/2010
NOMINATED BY :								
2	Evelyn Parkes 420 Clematis St 2nd Fl 2nd West Palm Beach FL 33401	Member	HA	561-366-9250	Certified Hispanic Business Owner	02/25/2003	02/25/2007	02/24/2010
NOMINATED BY :								
3	Lou Ella Jordan 1676 W 10th St Riviera Beach FL 33404	Member	AA	561-842-8976	Certified Woman Business Owner	07/10/2007		02/24/2009
NOMINATED BY :								
4	Ronald Snyder 802 Old Dixie Hwy Ste 2 Lake Park FL 33403	Member	EA	561-848-1990	Certified White Male Business Owner	06/17/2008		06/20/2009
NOMINATED BY :								

Appointed By : AT Large

5	Athena Yannitsas 3589 S Ocean Blvd 809 South Palm Beach FL 33480	Member	HA	561-585-1740	Business Owner Domiciled In Pbc	10/16/2007		10/15/2010
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NOMINATED BY :

6	Paul Skyers 2001 Broadway Ste 210 Riviera Beach FL 33404	Member	AA	561-863-0895	PBC Resource Center	02/25/2003	06/20/2006	06/20/2009
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NOMINATED BY :

7	Laura Corry 3301 Gun Club Rd West Palm Beach FL 33406	Member	HA	561-686-8800 X601	Hispanic Chamber Of Commerce	02/25/2003	02/25/2008	02/24/2011
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NOMINATED BY :

8	Laurie Rogers 421 S H St Lake Worth FL 33460	Member	EA	561-585-7515	Nat. Org. Of Women In Construction	02/25/2003	06/20/2006	06/20/2009
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NOMINATED BY :

9	Elaine Taule' 2901 S Congress Ave Palm Springs FL 33461	Member	EA	561-266-9010	Nat. Assoc. Of Women Business Owners	02/25/2003	06/20/2006	06/20/2009
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NOMINATED BY :

Appointed By : AT Large

10	John Elliott 13309 41st N Ln Royal Palm Beach FL 33411	Member	AA	561-793-0460	Minority Contractor	02/25/2003	02/25/2008	02/24/2011
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NOMINATED BY :

11	Scott Johnson 604 Hillbrath Dr Lantana FL 33462	Member	EA	561-588-1170	Associated General Contractors	02/25/2003	06/20/2006	06/20/2009
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NOMINATED BY :

12	Nancy Young 777 Glades Rd Flemming W Boca Raton FL 33431	Member	EA	561-297-1149	Small Business Development Center	02/25/2003	06/20/2006	06/20/2009
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NOMINATED BY :

13	Laurence Davenport, Jr. 2110 N Florida Mango Rd Fl 2 Ft Pierce FL 33409	Member	AA	561-478-2337	Business Loan Fund Of The Pb, Inc.	06/17/2008		07/13/2010
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NOMINATED BY :

14	Bryan Boysaw 771 Village Blvd Ste 202 West Palm Beach FL 33409	Member	AA	561-242-5223	Black Chamber of Commerce	12/02/2008		12/01/2011
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NOMINATED BY :