

TO: ALL COUNTY PERSONNEL

**FROM: VERDENIA C. BAKER
COUNTY ADMINISTRATOR**

PREPARED BY: OFFICE OF EQUAL BUSINESS OPPORTUNITY

**SUBJECT: SMALL/MINORITY/WOMEN BUSINESS ENTERPRISE
(S/M/WBE) UTILIZATION FOR THE PROCUREMENT OF
GOODS AND SERVICES, INCLUDING CONSTRUCTION
RELATED GOODS AND PROFESSIONAL SERVICES**

PPM: CW-O-043

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ISSUE DATE:
January 14, 2025

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EFFECTIVE DATE:
November 16, 2024

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PURPOSE:

The Equal Business Opportunity (EBO) Ordinance and this Policy and Procedure Manual (PPM) established pursuant to the EBO Ordinance, shall serve as the County’s compelling interest to remedy the various ongoing effects of marketplace discrimination against small, local, minority and women-owned businesses enterprises (S/M/WBEs) that are ready, willing, and able to sell goods and services, including construction- related goods and services and professional services (collectively “goods and services”) to the County.

The Office of EBO shall have primary oversight responsibility with the full support and cooperation of all other County offices and departments in the administration of the program, as well as in the administration of other economic inclusion policies contained in this PPM.

UPDATES:

Future updates to this PPM will be the responsibility of the Director of the Office of EBO.

AUTHORITY:

- Palm Beach County (“County”) Code Sections 2-80.20 – 2-80.40, (“Equal Business Opportunity Ordinance”), as may be amended
- Palm Beach County (“County”) Code Sections 2-51 – 2-63, (“Procurement Code”), as may be amended

DEFINITIONS:

See Attachment A.

POLICY:

In accordance with the EBO Ordinance, the Board of County Commissioners of Palm Beach County, Florida (BCC) has directed staff to use its best efforts to ensure that all segments of its business population, including, but not limited to, small, local, minority, and women-owned businesses, have an equitable opportunity to participate in the County's procurement process, prime contract, and subcontract opportunities, and that no business shall be excluded from participation, denied benefits of, or otherwise discriminated against, in connection with the award and performance of any contracts with the County on the grounds of race, color, national origin, religion, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity or expression, disability or genetic information.

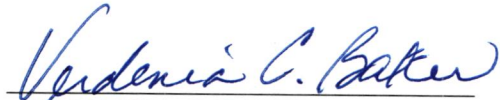
COUNTY ADMINISTRATOR'S COMMITMENT AND DEPARTMENTAL DIRECTIVE:

The County adopted the EBO Ordinance in support of its policy to ensure the full and equitable participation of local S/M/WBES in the provision of goods and services to Palm Beach County.

The BCC desires to ensure that all businesses be afforded the opportunity for full participation in our free enterprise system while providing assistance and encouragement to County S/M/WBES, which represent a significant portion of our local business community.

It is the County Administrator's intent to administer and enforce these pertinent provisions of the Palm Beach County Code to the fullest extent provided by law, and it is therefore directed that each County department and employee has the responsibility for administering and implementing this important S/M/WBE Program to commit all necessary resources, talent and cooperation to make this EBO Program a success.

In order to obtain full compliance with this EBO PPM, all County Departments are further directed to amend all applicable internal Departmental PPMs to ensure consistency with the provisions and requirements herein.


VERDENIA C. BAKER
COUNTY ADMINISTRATOR

Supersession History:

1. PPM# CW-O-043, effective 10/01/1991
2. PPM# CW-O-043, effective 07/17/1997
3. PPM# CW-O-043, effective 07/06/1998
4. PPM# CW-O-043, effective 08/27/2001
5. PPM# CW-O-043, effective 03/11/2003
6. PPM# CW-O-043, effective 12/15/2003
7. PPM# CW-O-043, effective 07/02/2004
8. PPM# CW-O-043, effective 08/05/2009
9. PPM# CW-O-043, effective 01/01/2011
10. PPM# CW-O-043, effective 03/01/2014
11. PPM# CW-O-043, effective 02/22/2019
12. PPM# CW-O-043, effective 01/14/2021

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THE FOLLOWING FORMS ARE AVAILABLE ON THE COUNTY'S [INTERNET PAGE](#) UNDER DOCUMENTS FOR THE OFFICE OF EQUAL BUSINESS OPPORTUNITY: APPLICATIONS.

- Certification Application
- Modification of Certification Application
- Recertification Application

OTHER DOCUMENTS

- Prime Contractor/consultant Good Faith Effort Form
- Prime Contractor/consultant Good Faith Effort Table
- Qualification Questionnaire – Prime Consultant
- Qualification Questionnaire – Subconsultant
- Request for S/M/WBE Substitution/Modification/Removal
- Instructions on Completing Schedules 1-4
- Sample Schedules 1-4 How to complete
- Schedule 1 – List of Proposed subcontractors/subconsultants
- Schedule 2 – Letter of Intent to Perform as an S/M/WBE
- Schedule 3 – S/M/WBE Activity Form
- Schedule 3(A) – Professional Services Activity Report
- Schedule 4 – Payment Certification Form
- S/M/WBE Vendor Performance Report
- Subcontracting Waiver Request
- Online S/M/WBE Application Process Instructions

THE FOLLOWING FORMS ARE AVAILABLE ON THE COUNTY'S [INTRANET PAGE](#) UNDER DOCUMENTS FOR THE OFFICE OF EQUAL BUSINESS OPPORTUNITY.

- Goal Setting Project Summary Availability Template
- EBO Training Presentation
- Goal Setting Committee Project Summary Worksheet
- Prime Contractor/consultant Good Faith Effort Form
- Prime Contractor/consultant Good Faith Effort Table
- Qualification Questionnaire – Prime Consultant
- Qualification Questionnaire – Subconsultant
- Request for S/M/WBE Substitution/Modification/Removal
- Instructions on Completing Schedules 1-4
- Schedule 1 – List of Proposed subcontractors/subconsultants
- Schedule 2 – Letter of Intent to Perform as an S/M/WBE
- Schedule 3 – S/M/WBE Activity Form
- Schedule 3(A) – Professional Services Activity Report
- Schedule 4 – Payment Certification Form
- S/M/WBE Vendor Performance Report
- Solicitation Review and API Recommendation
- Solicitation Review and API Signature Page
- Subcontracting Waiver Request

1. SCOPE AND EXCLUSIONS

This Part shall apply to the solicitation of all goods, services and construction by the County which are governed by the County Procurement Code (Sections 2-51—2-63 of the County Code, as may be amended), including, but not limited to, every contract or other agreement between the County and any governmental agency, quasi-governmental agency, corporation, or vendor, or contractor, under which the agency, corporation, vendor, or contractor directly or indirectly receives any fiscal assistance or remuneration from the County for the purpose of contracting with businesses to perform construction, professional services, goods, or other services contracts, or for the purpose of directly or indirectly purchasing goods or services for use by the County. Notwithstanding the preceding, the categories of procurements set forth in **ATTACHMENT 2** of this PPM are excluded from the scope and application of the program unless otherwise noted.

2. OFFICE OF EBO

The program is administered and managed by the Director of the Office of EBO. The Director of the Office of EBO is managed by, and reports directly to, the County Administrator or designee. The Director of the Office of EBO or designee shall attend all BCC meetings to address any EBO issues that are on the BCC's meeting agenda. The Office of EBO shall also be primarily responsible for the application of Affirmative Procurement Initiatives (APIs) under the program preferences, making recommendations to the Procurement Department and the County Attorney's Office (CAO) regarding imposition of corrective actions and sanctions for non-compliance with EBO Policies, Programs, and Procedures, and other administrative reforms that serve the objectives of this PPM.

A representative of the Office of EBO shall serve as a voting member on all selection committees established for all RFP solicitations. The role of the Office of EBO representative on such committees is to promote the fairness in scoring of S/M/WBE firms and Primes utilizing S/M/WBE subcontractors/subconsultants.

In addition, all prospective solicitations with value equal to or in excess of the \$150,000 Mandatory Bid or Proposal Amount as set forth in Section 2-54(a) of the County's Procurement Code, as may be amended, shall be reviewed in advance by the Office of EBO for the purpose of recommending elimination of unnecessarily restrictive contract terms, conditions, contract bundling features or selection criteria that may serve as barriers or impediments to S/M/WBE participation. The Office of EBO shall, when appropriate, recommend de-bundling of large contracts to the Procurement Department and the Originating Department when such de-bundling may substantially increase S/M/WBE contract opportunities and participation without imposing an undue burden on the County in terms of contract management or cost.

3. GOAL SETTING COMMITTEE (GSC)

The GSC shall be appointed and chaired as set forth in the EBO Ordinance. The GSC establishes S/M/WBE goals and APIs for the program (e.g., Annual Aspirational Goals and contract-by-contract subcontracting goals, and determining which M/WBE segments are eligible for Segmented Subcontracting Goals annually) based upon Industry Categories, vendor availability, project-specific characteristics, and historical M/WBE utilization. The GSC also makes determinations about which APIs are to be applied to specific contracts based upon various criteria. Rather than review each solicitation, the GSC may determine that a particular API is appropriate for a category of contracts or a group of contracts.

The GSC shall determine which, if any, API shall be applied to each County solicitation and contracts in an efficient and effective manner (a general description of APIs are **ATTACHMENT 1** hereto; for more details see Section 2-80.27 of the EBO Ordinance). The County Administrator or designee shall make the final determination whenever consensus cannot be reached between the Office of EBO, the Procurement Department, and the Originating Department regarding proposed contract specifications and modifications to same.

At a minimum, the GSC shall:

- a. Meet as often as it deems necessary to accomplish its duties as outlined in the EBO Ordinance, but not less than once monthly;
- b. Formulate and recommend to the County Administrator or designee any additional rules and procedures for goal setting other aspects of its duties in selecting and applying specific APIs to County solicitations and contracts in an efficient and effective manner; and,
- c. Monitor and support the program.

The Office of EBO shall provide staff support and logistical support for the GSC and the Equal Business Opportunity Advisory Committee (EBOAC) as necessary. Such support shall include, but not be limited to scheduling, facilitating data requests, analysis, communications, and meeting logistics.

3.1 WORK GROUP PILOT PROGRAMS

The EBO Ordinance established a variety of methods to ensure cycles of continuous feedback and improvement to program policies, procedures and APIs based on on-going evaluation of program effectiveness, work group recommendations, advisory committee recommendations, and input from County departments responsible for ensuring program effectiveness. Additionally the Office of EBO and the County Administrator are given broad authority to implement policy and procedure adjustments and API modifications. Pilot programs are intended to test and verify program improvements and adjustments over a limited period of time in furtherance of EBO Program objectives.

4. ADMINISTRATIVE/PROGRAM REFORMS APPLICABLE TO ALL SOLICITATIONS

Administrative/Program reforms applicable to all solicitations include:

- a. Vendor Self Service System (VSS) Registration

Registration in VSS is mandatory for every vendor or contractor that wants to do business with the County by participating on County contracts as a Prime or subcontractor/subconsultant and/or that wants to have an invoice processed and paid by the County for goods and services it has provided to or on behalf of the County.

- b. Subcontract Remedies (Mobilization/to Capital/Direct Payments)

Access to loans, bonding and working capital dollars is available through the Palm Beach County Black Business Investment Corp (BBIC) and Pathway Capital Funding, Inc. for certified Small/Minority/Women Business Enterprises (S/M/WBEs).

- c. Debriefings for Unsuccessful Respondents or Bidders

For any contract in which the S/M/WBE has submitted a proposal or bid in response to a solicitation and subsequent evaluation of responses in accordance with a Request for Proposal method of procurement, the Office of EBO and/or Originating Department shall provide a de-briefing to any non-recommended respondent or bidder, upon request. At a minimum, debriefings shall include disclosures of scoring criteria and scores from the evaluation panel responsible for making the selection for each response that was evaluated. To the extent possible, the de-briefing should also identify for each non-recommended respondent or bidder those areas where its submittal was not as competitive as others, with an explanation as to why. Bid solicitation language and the Office of EBO shall encourage unsuccessful respondents or bidders to avail themselves of such debriefing opportunities.

Upon request, the Originating Department or the Procurement Department, as applicable, shall provide copies of scoring criteria and scores from the evaluation panel to the Office of EBO within three (3) days.

d. Expedited Payment Program

There are various payment options available to vendors; checks, credit card or ACH. Receiving payments via credit card or ACH typically reduces payment delivery time. Vendors interested in receiving payments electronically, must contact the PBC Clerk & Comptroller's Finance Department.

e. Disputed Invoices – Ten (10) Day Notice Requirement

Within ten (10) days of the County's receipt of any payment request or invoice from a vendor, the Originating Department shall notify such contractor or vendor in writing regarding any and all deficiencies in its payment request or invoice that will prevent prompt processing and issuance of payment. To the extent there is an undisputed portion of the invoice that can be paid, the County shall proceed with prompt payment of that portion of the invoice.

f. Prior Approval of S/M/WBE subcontractor/subconsultant Substitutions

A Prime may not substitute any other subcontractor/subconsultants (S/M/WBE and Non-SBE) for performance without obtaining prior written approval for cause for such substitution from the Office of EBO.

g. Staff Training re: EBO Policies and Procedures

The Office of EBO shall coordinate and provide mandatory staff training of all identified key County personnel regarding the EBO Ordinance and this PPM, including, but not limited to, instruction on the purpose and objectives of the program, reporting requirements, and staff responsibilities.

5. PROGRAM ADMINISTRATION

5.1 ORIGINATING DEPARTMENT RESPONSIBILITIES

It shall be the responsibility of the Procurement Department to ensure that Formal Solicitations processed by the department adhere to the procedures and provisions set forth within this PPM. Once the contract is awarded, the Originating Department, as contract administrator is responsible for assuring contractor compliance as stated within this PPM, the EBO Ordinance, and the pertinent solicitation and contract documents.

For Formal Solicitations that are processed by the Originating Department, it is the responsibility of the Originating Department to ensure that its Formal Solicitations adhere to the procedures and provisions set forth in this PPM.

The Originating Department shall review, on a continuing basis, all aspects of the Program's operations and make adjustments to its efforts, as necessary, to assure that the EBO Ordinance's purpose is being achieved. The Originating Department, in collaboration with Procurement if applicable, and the Office of EBO, shall follow the actions below to ensure that S/M/WBEs have the maximum practicable opportunity to participate on County contracts:

a. Originating Department Preparation of Solicitation:

When preparing a Formal Solicitation, the Originating Department is responsible for the following:

- i. Ensure that key department personnel receive training from the Office of EBO;
- ii. Research the relative availability of S/M/WBEs in the S/M/WBE Directory for the particular good or service;
- iii. Review and evaluate all Formal Solicitations in an effort to de-bundle the total requirements of a contract into smaller units to promote maximum and reasonable opportunities for S/M/WBE participation; the Originating Department may also

consider repackaging in a way that promotes opportunities for S/M/WBEs to bid on larger projects where the available S/M/WBEs have the capacity; evaluate all Formal Solicitations for restrictive specification or unreasonable experience requirements that might adversely impact S/M/WBE participation;

- iv. Discuss with department management which APIs will create maximum opportunity for S/M/WBEs for the specific solicitation or, if necessary, discuss with management whether the department should request a waiver from the Office of EBO for the specific solicitation, (see Section 11 “Exceptions, Waivers and Good Faith Efforts”);
- v. Ensure that the bid/proposal response page includes a commercial non-discrimination certification;
- vi. Ensure that the IFB/RFP clearly notifies the bidder/proposer that the inclusion of all properly executed Schedules 1 and 2 is part of responsiveness when a minimum mandatory API goal applies. Bidder/proposer must include on Schedule 1 and Schedule 2, the S/M/WBE and Non-SBE commitment as part of the bid/proposal response page.
- vii. For RFPs, include language regarding an unsuccessful proposer’s right to request a debriefing.

- b. Office of EBO Review of Formal Solicitations:** Each Formal Solicitation issued by the County shall be referred to the Office of EBO and the Director of Procurement thirty (30) calendar days in advance of submitting a request in the Advantage Financial System (Advantage) or otherwise initiating a procurement request in order to determine whether it contains any terms, conditions, contract bundling features, or selection criteria that may unnecessarily restrict competition or adversely impact the ability of S/M/WBE firms to respond or to participate as subcontractors/subconsultants. Such review shall also consider whether it is feasible to de-bundle the contract by reducing the size of the procurement or contract to maximize participation opportunities for S/M/WBE Primes and subcontractors/subconsultants without imposing undue cost or administrative burdens upon the County. Similarly, such review shall also consider whether smaller contracts should be aggregated into somewhat larger contract opportunities that will render such contracts more feasible and profitable for available S/M/WBE firms to undertake. If such objectionable terms, conditions, contract bundling features, or selection criteria (including, but not limited to, brand name specifications, onerous and lengthy experience requirements, etc.) are identified through this review process, the Director of Procurement or designee, the Director of the Office of EBO or designee, and the Project Manager for the Originating Department shall seek consensus in developing an acceptable modification to the solicitation. In the event consensus cannot be reached, the County Administrator or designee shall make a final determination regarding the proposed modifications to the solicitation. The technical specifications are the responsibility of the Originating Department.

The Office of EBO recommends the use of a two-step review process where the Office of EBO is consulted by the Originating Department early in the solicitation development process as soon as requirements and schedule are known. The first step, the early review, is voluntary. The second step, the mandatory review, is required for all Formal Solicitations (unless the GSC has previously determined that a particular API applies to that category of contracts or group of contracts, in such a case no review by the Office of EBO is required).

- i. For Formal Solicitations processed by the Procurement Department:

Step 1 Early Review –

Prior to entering a procurement request Centralized Master Agreement Requisition (CRQM) in Advantage, the Originating Department shall send to the Office of EBO the

special conditions, requirements, schedule and specifications, along with suggested APIs and relative availability of S/M/WBEs on the forms provided by the Office of EBO. If the Office of EBO recommends revisions, the Originating Department will revise its requirements before entering the procurement request in Advantage within five (5) days.

Step 2 Mandatory Review –

After the solicitation documents are finalized by the Procurement Department, the Procurement Department will send each Formal Solicitation to the Office of EBO for review at least 30 calendar days in advance of the proposed advertisement date. In its submission, the Procurement Department will include a copy of the draft solicitation documents, recommended APIs and the relative availability of S/M/WBEs for the type of solicitation, on the forms provided by the Office of EBO for this purpose. If the Office of EBO recommends revisions to the solicitation, the Originating Department shall work with the Office of EBO and the Procurement Department to revise the solicitation requirements prior to GSC review.

ii. For Formal Solicitations Processed by the Originating Department:

Step 1 Early Review –

As soon as requirements and schedule are known, the Originating Department shall send to the Office of EBO the requirements, schedule and specifications, along with suggested APIs and relative availability of S/M/WBEs on the forms provided by the Office of EBO. If the Office of EBO recommends revisions, the Originating Department will revise its requirements within five (5) days.

Step 2 Mandatory Review –

After the solicitation documents are finalized by the Originating Department, the Originating Department will send each Formal Solicitation to the Office of EBO for review at least 30 days in advance of the proposed advertisement date. In its submission, the Originating Department shall include a copy of the draft solicitation documents, suggested APIs and the relative availability of S/M/WBEs for the type of solicitation, on the forms provided by the Office of EBO for this purpose. If the Office of EBO recommends revisions to the solicitation, the Originating Department will work with the Office of EBO to revise the solicitation documents prior to GSC review.

- c. GSC Review of Solicitations:** The GSC shall have the responsibility of evaluating solicitation documents at least fourteen (14) calendar days in advance of scheduled posting an advertisement or release of the solicitation to the public to determine which of the following industry-specific Affirmative Procurement Initiatives (APIs) shall be applied to a given contract within a particular industry. After the GSC makes a decision regarding the application of an API, the Director of Procurement, in collaboration with the Director of the Office of EBO, and the Office of the County Attorney shall then be responsible for inserting the appropriate language in each solicitation to effectuate the application of the selected API to that solicitation in advance of its publication and release.
- d. Office of EBO Sheltering Recommendations for Informal Solicitations:** For Informal small prime construction contracts (single or multi-trade), solicitations valued at or below \$150,000, it is the Originating Department's responsibility, when appropriate, to make recommendations to the Office of EBO for sheltering. The Office of EBO may also suggest or require that certain Informal small prime construction contracts solicitations be sheltered.

- e. **Contract Preparation:** The Originating Department (or Procurement Department, as applicable) in coordination with the CAO is responsible for including contract language addressing the EBO requirements including:
- i. APIs applicable to the contract and waiver request process (contract language for race conscious APIs must include an explanation of why the GSC is applying a race conscious API to the contract);
 - ii. If an S/M/WBE goal applies, the contract must include the specific committed participation percentages;
 - iii. All required EBO forms must be part of the contract documents;
 - iv. Clause requiring Primes to ensure that all subcontractors/subconsultants, S/M/WBE and Non-SBE are registered in VSS and the requirement that the Prime includes a VSS registration requirement in all subcontracts;
 - v. Clause requiring Primes to report all subcontractor/subconsultant payment information on EBO forms and, when the EBO portal is available, input Subcontractor/subconsultant payment information directly into the County's Enterprise Contract Management System (eCMS).
 - vi. Commercial non-discrimination clause and the requirement that the vendor include the County's commercial non-discrimination language in all subcontracts;
 - vii. Clause requiring Primes to pay S/M/WBE and Non-SBE subcontractors/subconsultants undisputed amounts within 10 days after County pays the Prime and requiring the Primes to send subcontractors/subconsultants and the Originating Department a written notice of disputed invoice within five (5) days of receipt of invoice which clearly states the reasons for the disputed invoice;
 - viii. Clause covering EBO compliance - must comply with EBO requirements; non-compliance must be corrected within fifteen (15) days of notice of non-compliance; contractor must notify the Office of EBO of changes in S/M/WBE utilization and get prior approval for substitutions; Office of EBO has the right to review contractor/consultant records and interview contractor/consultants and subcontractors/subconsultants; contractor/consultant must retain books and records for four (4) years and the County has the right to inspect such records; and,
 - ix. Clause covering enforcement of EBO requirements and penalties for non-compliance.
- f. **Advertisement:** After the Office of EBO and GSC review the solicitations, the Procurement Department, or Originating Department, as applicable must:
- i. Post all solicitations on the County's VSS website at least thirty (30) days in advance of bid or proposal due date where practical or for a longer time if required by state law or if advisable due to the complexity of the procurement. VSS will automatically send e-mail alerts to all vendors that have registered with the appropriate commodity codes. When practical and reasonable informal solicitations between \$10,000 and \$149,999, shall also be advertised on VSS and shall have an advertisement period of fourteen (14) days or longer to maximize participation by S/M/WBEs;
 - ii. Encourage all prospective Primes to post their subcontract opportunities on the County webpage developed for such purposes once a contract management system is fully activated;
 - iii. If circumstances prevent the Procurement Department or the Originating Department, as applicable from meeting notification requirements contained in (i) above, the Originating Department shall engage in direct and extensive outreach to S/M/WBE associations or

other relevant organizations to inform them of the contracting opportunity, unless the circumstances are exigent and an emergency exists that requires immediate action to protect the public health, safety or welfare;

- iv. If a respondent or bidder requests a waiver from an S/M/WBE goal from the Office of EBO at least seven (7) days prior to the bid or proposal due date (see Section 11 “Exceptions, Waivers and Good Faith Efforts”), then the Procurement Department or the Originating Department, as applicable, shall extend the bid or proposal due date pending the outcome of the waiver request. If the Office of EBO grants the request, then the Procurement Department or Originating Department, as applicable shall modify the solicitation and extend the bid or proposal due date if necessary.
- g. Award:** Before award, the Procurement Department or Originating Department, as applicable is responsible for the following:
- i. **Responsiveness Review:** When an S/M/WBE goal applies, if a submitted bid or proposal does not contain properly executed Schedules 1 and 2 that meet the goals set forth in the solicitation, then such bid/proposal must be rejected as non-responsive to the solicitation.
 - ii. **EBO Forms:** The applicable EBO forms (Schedules 1 and 2), as referenced in Section 6.4 herein, must be submitted in accordance with the solicitation documents. All subcontractors/subconsultants and suppliers, S/M/WBE and Non-SBE must be identified including all S/M/WBE Subcontractors/subconsultants:
 - a) Primes must include properly executed Schedules 1 and 2 with each bid submitted in response to a solicitation for ALL subcontractors/subconsultants and suppliers, S/M/WBE and Non-SBE;
 - b) Primes must include properly executed Schedules 1 and 2 with each proposal submitted in response to a solicitation; however, for Construction Management (CM) contracts, Schedules 1 and 2 shall be provided prior to the Guaranteed Maximum Price (GMP) Amendment; or
 - c) For CCNA RFP’s, the submission of an executed Prime Consultant and Subconsultant Questionnaire form will be accepted in lieu of Schedules 1 and 2.
 - iii. **VSS Registration:** Before award, the Procurement Department or Originating Department, as applicable, must confirm that the Prime and ALL subcontractors/subconsultants are registered in VSS.
 - iv. **Subcontractor/Subconsultant Contracts:** The Originating Department may not allow a Subcontractor/subconsultant to begin work until it has received from the Prime all properly executed Schedules 1 and 2 for ALL S/M/WBE and Non-SBE Subcontractors/subconsultants. (For CM contracts, properly executed Schedules 1 and 2 must be provided prior to the GMP Amendment.)
- h. Contract Administration:** The Originating Department, as contract administrator, must monitor a contractor’s/consultant’s compliance with the EBO requirements throughout the term of the contract, including:
- i. Establish procedures to ensure that contractors/consultants are paid promptly in accordance with the Local Government Prompt Payment Act, including prompt payment of undisputed amounts;
 - ii. Within ten (10) days of receipt of invoice/payment application, notify the vendor in writing of any deficiencies in the invoice/pay application that will prevent prompt payment. To the extent there is an undisputed portion of the invoice that can be paid, the County shall proceed with prompt payment of that portion of the invoice.

- iii. Ensure that the Primes provide payment information on ALL the subcontractors/subconsultants and suppliers.
- iv. Ensure that Primes request written prior approval for S/M/WBE and Non-SBE subcontractor/subconsultant substitutions from the Office of EBO.
- v. Ensure that all required statistics and documentation regarding bid, proposal contract, invoice, and payment information are submitted to the Office of EBO as requested; and,
- vi. Notify the Office of EBO of all change orders and amendments to contracts that are subject to the EBO Ordinance and take necessary steps to ensure that APIs applied to the contract by the GSC are also extended and enforced, to the maximum practical extent, with regard to any modified scope of work under the terms of such change orders and contract amendments.

5.2 PROGRAM MONITORING, TRACKING, AND MEASUREMENT

The OEBO Admin. System and eCMS will capture three levels of participation that meet the following categories: 1) Direct payment to S/M/WBE and Non-SBE Primes; 2) S/M/WBE and Non-SBE subcontractor/subconsultant participation; 3) Exempt purchases/contracts that report subsequent participation of S/M/WBEs and Non-SBEs. In order to capture S/M/WBE and Non-SBE participation, the following steps in Advantage and eCMS are required:

- a. County Departments must use eCMS to track contract payments to all Primes, and suppliers to monitor S/M/WBE participation and utilization. eCMS will be populated with data created in the Advantage Financial System (Advantage) in order to properly identify the awarded vendor(s); contract number and description; department(s) and Business Industry along with any other required information. WUD will utilize its Capital Improvement Program (CIP) to track construction and professional services CCNA projects. This information is required for all new and existing Central Purchasing Master Agreements (CMA), Contract Master Agreements (KMA), Central Purchase Orders (CPO), Contract Delivery Orders (KDO), Central Purchasing Delivery Orders (DO), Contract Notices (KPO), Direct Purchase Delivery Orders (DPO), and any other related document(s) in Advantage.
- b. Each Originating Department shall enter the appropriate Procurement Type Code for new procurement documents in Advantage. For Procurements that are Grant and Federally Funded, the appropriate Federal Procurement Type codes must be used. It is critical that the Procurement Type Code is identified correctly at the time of entry as; 1) the Procurement Type Code will be the sole determining factor in tracking contracts that are subject to the EBO Ordinance and sorting the dollars spent into the correct reporting categories, and 2) the Procurement Type Code cannot be modified in the system after the first payment is made.

For procurements made pursuant to the Sales Tax Recovery Program, the Department must; 1) include the words "Sales Tax Recovery" in the project description after the Project Number and Project Name, and 2) use the Sales Tax Recovery Program Procurement Type Code.

- c. The Document Description field on the Header Section of CPO, KPO, CMA and KMA documents must include the contract name or description, and the contract and/or project number.
- d. On KDO and DO documents, the Document Description field will include the work order, job, task or project number and the name or description that would be meaningful to the vendor.
- e. All new and open CMA, KMA, CPO and KPO, documents shall include the contract and/or project number in the External Solicitation field located in the Award Detail Section of the document.

- f. For all new and open CMA, KMA, CPO and KPO documents, the original Resolution Number and date shall be entered in the Internal Award Number and Internal Award Date fields, except for those that are Grant or Federally Funded. These fields are located under the Reference Tab in the Header Section of the document. For encumbrances issued for work or task orders, the resolution number from the original BCC approved agenda item shall be entered in the Reference Tab under the Header Section of the document. The encumbrance date shall be the date that each work or task order is issued. The resolution number shall follow the input format of (RXXXX-XXXX).
- g. It is the responsibility of the Department Director or their designee of each Originating/Lead Departments to ensure that required reporting data which includes Schedules 1, 2, 3, 3a, 4, and Form J, is entered into eCMS in a timely manner as this information affects S/M/WBE participation reports. The OEBO Contract Analyst shall submit eCMS Integrity Reports to the departments as it relates to the missing data on a bi-monthly basis. Upon receipt of notice, the departments shall make the corrections to the data listed on the Integrity Reports within five (5) days.
- h. An Integrity Report check should be performed by the Originating Departments on a weekly basis to ensure data compliance is current and accurate. Attachment 5 to this PPM provides (2) helpful guides from ISS, with explicit details on how to upload the required documentation and make the necessary adjustments in eCMS for S/M/WBE participation reporting.
- i. All required forms as mandated by this PPM, (CW-O-043), shall be made part of the contract document.
- j. The County's minimum mandatory S/M/WBE goal is twenty percent (20%). However the Office of EBO shall reduce or waive this goal when there is insufficient availability of an S/M/WBE Prime and/or Subcontractor/subconsultant firms. Any party or entity entering into a contract covered by this policy shall have specific committed participation percentages incorporated into the body of the contract. If a respondent or bidder for a County contract covered by this PPM exceeds the goal set by the County in its bid or proposal, the higher level of participation must be reflected in the body of the contract. It is understood that for annual, non-project specific contracts, the proposed goal is an estimate and actual participation may vary depending on several factors. Nevertheless, all respondents or bidders shall attain the established goal unless approval to the contrary has been received from the County.
- k. From the term of the procurement, S/M/WBE participation shall be monitored through the recordation of actual payments made to S/M/WBEs. It is acknowledged that the percentage of S/M/WBE participation at any time throughout the term of the contract may not be equivalent to the percentage completed or paid to date. Originating Departments are required to enter and upload the S/M/WBE Activity form (Schedule 3); or Professional Services Activity Report (Schedule 3A), and the payment certification form (Schedule 4) into eCMS for tracking purposes.
- l. The Office of EBO shall prepare quarterly performance reports on the level of S/M/WBE participation achieved on completed contracts as a means of reporting performance. Semiannual and annual reports will be presented to the BCC.
- m. The Office of EBO shall track the participation of S/M/WBEs to determine overall program effectiveness while taking into consideration businesses that maintain their certification.
- n. The Office of EBO shall also track other programmatic areas to determine overall program effectiveness. These programmatic areas include participation, technical assistance (financing and business development), training, and outreach
- o. The Office of EBO shall review the size standards, industry indexes, the Consumer Price Index (CPI) and best practices triennially to satisfy and better serve the purposes and objectives of

the EBO Ordinance and submit findings in the annual report to the BCC for recommendations and direction.

5.3 VENDOR RESPONSIBILITIES

To facilitate the Office of EBO completing its responsibilities in administering the elements within this PPM, a vendor shall:

- a. Ensure that **ALL** proposed subcontractors/subconsultants register in VSS before contract award. It is the vendor's responsibility to ensure VSS registration includes **ALL** commodity codes for goods and/or services vendor provides. If vendor fails to register commodity codes for the goods and/or services in which vendor provides, vendor **WILL NOT** receive solicitation email alerts;
- b. Ensure that all proposed Subcontractors/subconsultants or suppliers, S/M/WBE and Non-SBE are included on properly executed Schedules 1 and 2 when a minimum mandatory API goal is applied. Failure to submit properly executed Schedules 1 and 2, will result in a determination of non-responsiveness to the solicitation;
- c. Permit the Office of EBO to inspect any relevant matter, including records and the jobsite, and to conduct compliance field interviews of subcontractors/subconsultants and workers;
- d. Report all subcontractor/subconsultant payment information on EBO forms and, when the contract management system is available, input subcontractor/subconsultant payment information directly into same;
- e. If performing a County Construction contract, ensure that all subcontractors/ subconsultants are paid any undisputed amount to which the subcontractor/subconsultant is entitled within ten (10) days of receiving a progress or final payment from the County and otherwise comply with the County's contract terms and conditions which set forth the obligations of the Prime and subcontractors/subconsultants and the remedies for delinquency or nonpayment of undisputed amounts;
- f. Submit a request for an S/M/WBE Substitution/Modification/Removal Form for any changes to the Prime's S/M/WBE utilization and/or subcontracting plan. All changes (substitutions and/or terminations) must be approved in advance and in writing by the Office of EBO;
- g. Amendment for unforeseen circumstances: If at any time after submission of a solicitation response and before execution of a contract, the apparent successful respondent or bidder determines that a certified S/M/WBE listed on the participation schedule has become or will become unavailable, then the apparent successful respondent or bidder shall immediately notify the Office of EBO. Any desired change in the S/M/WBE participation schedule shall be approved in advance by the Office of EBO and shall indicate the Prime's GFE to substitute another certified S/M/WBE subcontractor/subconsultant (as appropriate) to perform the work. Any desired changes (including substitutions or termination and self-performance) must be approved in writing in advance by the Office of EBO;
- h. Notify the Originating Department and Office of EBO regarding any transfer or assignment of a contract with the County; and,
- i. Retain records of all subcontractor/subconsultant payments for a minimum of four (4) years following project termination date.

5.4 REQUIRED SCHEDULES

a. Schedule 1 - List of Proposed Subcontractors/Subconsultants

A completed Schedule 1 submitted by the prime must list the names of **ALL subcontractors/subconsultants and suppliers**, S/M/WBE and Non-SBE, intended to be used

in performance of the contract, if awarded. The total proposed percentage of S/M/WBE participation must also be included on this form. This schedule must also be used if an S/M/WBE Prime is performing all or any portion of this contract with their work force.

When a minimum mandatory API goal is applied, failure to submit a properly executed Schedule 1 will result in a determination of non-responsiveness to the solicitation.

b. Schedule 2 - Letter of Intent

A completed Schedule 2 is a binding document between the Prime, S/M/WBE and Non-SBE subcontractor/subconsultant (and any tier) or supplier and must be treated as such. The Schedule 2 must contain bolded language indicating that by signing the Schedule 2, both parties recognize this Schedule as a binding document. Each Schedule 2 must be properly executed by the Prime and by the proposed S/M/WBE and Non-SBE or supplier. If the Prime is an S/M/WBE, a Schedule 2 must be submitted to document work to be performed by its workforce. All S/M/WBE(s) and Non-SBEs must specify, in detail, the type of work they will perform along with the dollar amount they will be compensated and/or percentage of work they will perform. If any S/M/WBE and Non-SBE intends to subcontract any portion of their work, they are required to list the dollar amount and the name of the S/M/WBE and Non-SBE on this form. All named S/M/WBE and Non-SBE on this form must also complete and submit a separate Schedule 2. The Prime may count toward its SBE or M/WBE goal second and third tiered certified S/M/WBE(s); provided that the Prime submits a completed Schedule 2 form for each S/M/WBE.

(For Consultant's Competitive Negotiation Act (CCNA) RFP's, the submission of an executed Prime Consultant and Subconsultant Questionnaire form will be accepted in lieu of Schedules 1 and 2 and shall be recognized as a binding document.)

When a minimum mandatory API goal is applied, failure to submit a properly executed Schedule 2 will result in a determination of non-responsiveness to the solicitation.

In the event of a **conflict** between Schedules 1 and 2 when calculating S/M/WBE participation, the information provided on Schedule 2 shall have precedence.

In the event of **mathematical** error(s), the unit price, if available, shall prevail and the vendor's **total** offer shall be **corrected** accordingly.

c. Schedule 3 – S/M/WBE Activity Form

The Prime must submit a completed Activity Report form (Schedule 3) with each invoice, or payment application when any Subcontractor/subconsultant has provided services during the period in which the Prime is requesting payment. This form shall contain the names of all Subcontractors/subconsultants, and specify the contracted dollar amount; approved change orders; revised contract amount; amount drawn this period; amount drawn to date; and payments to date issued to all Subcontractors/subconsultants with their starting date.

g. Schedule 3(A) – Professional Services Activity Report

The Prime must submit a completed Professional Services Activity Report form (Schedule 3A) with each invoice or payment application when a Subcontractor/subconsultant has provided services during the period in which the Prime is requesting payment. This form must contain the names of the Prime and Subcontractor(s)/subconsultant(s) on the project specifying the contract amount; start date; amount paid to date and percentage of work completed by the Prime and Subcontractor(s)/subconsultant(s). This form is intended to be utilized on all professional services contracts

e. Schedule 4 – Payment Certification Form

A fully executed Schedule 4 must be submitted for each subcontractor/subconsultant or supplier after receipt of payment from the Prime. The Prime shall submit this form with each payment application or invoice submitted to the County when the County has paid the Prime on the previous payment application for services provided by a Subcontractor/subconsultant or supplier. If any Subcontractor/subconsultant intends to disburse funds associated with this payment to another Subcontractor/subconsultant for labor provided on this contract, the amount and name of the Subcontractor/subconsultant must be listed on this form. All named Subcontractors/subconsultants or suppliers on this form must also complete and submit a separate Schedule 4 after receipt of payment.

6. COMPLIANCE RESPONSIBILITIES

The Office of EBO, along with contracting staff of each Originating Department, shall monitor compliance with the requirements listed in this PPM, the EBO Ordinance and the contract provision throughout the term of the contract. If it is determined that there is cause to believe that a Prime or subcontractor/subconsultant has failed (or will likely fail) to comply with any of the requirements of this PPM, the EBO Ordinance, or the contract provisions pertaining to S/M/WBE utilization, the Director of the Office of EBO or designee shall notify the Originating Department and the contractor/consultant. The Director of the Office of EBO or designee may require such reports, information, and documentation from contractors/consultants, respondents or bidders and the head of any County department, division, or office as are reasonably necessary to determine compliance with the EBO Ordinance requirements, within fifteen (15) calendar days after the notice of noncompliance is issued. If the requested materials are not received within fifteen (15) calendar days, then a finding of noncompliance is determined and appropriate penalties and sanctions will apply as stated in the EBO Ordinance and this PPM.

Joint responsibility is shared by the Director of the Office of EBO or designee and the Originating Department or designee to attempt to resolve a contractor's/consultant's, or subcontractor's/subconsultant's, noncompliance with the requirements of the EBO Ordinance, including any noncompliance with contract provisions pertaining to S/M/WBE utilization, within fifteen (15) calendar days after the apparent noncompliance is discovered. A written notice of the noncompliance should immediately be sent by the Office of EBO or designee to those Contractors/consultants or subcontractors /subconsultants that are in noncompliance, and to the Director or Manager of the Originating Department or designee. If noncompliance cannot be resolved within fifteen (15) calendar days after notice is sent, the Director of the Office of EBO or designee and the Director or Manager of the Originating Department or designee shall submit written recommendations to the County Administrator or designee, and if the County Administrator or designee concurs with the finding, such sanctions as stated in the EBO Ordinance and this PPM shall be imposed.

Whenever the Director of the Office of EBO or designee finds, after investigation, that an Originating Department has failed to comply with the provisions of the EBO Ordinance or the contract provisions pertaining to S/M/WBE utilization, a written finding specifying the nature of the noncompliance shall be transmitted to the Originating Department, and the Director of the Office of EBO or designee shall attempt to resolve any noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director of the Office of EBO or designee shall transmit a copy of the finding of noncompliance, with a statement that conciliation was attempted and failed, to the County Administrator or designee who shall take appropriate action under the EBO Ordinance to secure compliance.

7. COUNTING S/M/WBE PARTICIPATION

7.1 S/M/WBE PARTICIPATION

- a. Participation by a certified S/M/WBE Prime or Subcontractor/subconsultant that has graduated from the program, as described in this PPM, as amended, may be used to comply

with the approved API(s) until the contract concludes.

- b. Once a business is determined to be an eligible S/M/WBE according to the Palm Beach County certification process, the Prime may count toward the API only that portion of the total dollar value of a contract performed by the S/M/WBE. Prior to issue, total dollar value of a contract will be determined by the Originating Department
- c. Only those firms certified by Palm Beach County at the time of bid or proposal due date will be counted toward the established API. Upon certification, the Prime may count toward its goals only that portion of the total dollar value of a contract performed by the S/M/WBE. Firms must continue to recertify during the life of the contract as the County may only count toward the approved API, work performed by an S/M/WBE during the time their certification dates are valid, unless the S/M/WBE exceeds the size standards and graduates from the program as described in this PPM, as amended, during the life of the contract.

7.2 PRIME CONTRACTOR/CONSULTANT

- a. The Prime may count toward the established goal a portion of the total dollar value of a contract with a joint venture, based on the clearly defined portion of the work to be performed by the certified S/M/WBE of the joint venture.

The Prime may count toward the established goal the entire expenditures for materials and equipment purchased by an S/M/WBE subcontractor/subconsultant, provided that the S/M/WBE subcontractor/subconsultant has the responsibility for the installation of the purchased materials and equipment.

- b. The Prime may count the entire expenditure to an S/M/WBE manufacturer toward the established goal (i.e., a supplier/distributor that produces goods from raw materials or substantially alters the goods before resale).
- c. The Prime may count sixty percent (60%) of its expenditure to S/M/WBE suppliers/distributors that are not manufacturers toward the established API.
- d. The Prime may count toward the established goal, second and third tiered certified S/M/WBEs, provided that the Prime submits a completed Schedule 2 form for each S/M/WBE.
- e. The Prime may only count towards the established goal the goods and services in which the S/M/WBE subcontractor/subconsultant is certified and performs with their work force.
- f. A certified S/M/WBE Prime may count toward the established API the goods and services for which they perform with their own work force. The Prime shall submit completed Schedules 1 and 2.

8. CERTIFICATION

8.1 SMALL BUSINESS (S/M/WBE) CERTIFICATION

- a. Eligibility Standards: An eligible Small Business Enterprise (S/M/WBE) is a business that satisfies the criteria set forth in the definition of Small Business Enterprise in Section 2-80.21 of the EBO Ordinance and that satisfies the following gross revenue standards:
- b. For a provider of Construction Services, the annual gross revenue shall not exceed thirteen million dollars (\$13,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).
- c. For a provider of Goods, the annual gross revenue shall not exceed seven million dollars (\$7,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).

- d. For a provider of Professional Services procured pursuant to the CCNA statute, the average annual gross revenues shall not exceed seven million dollars (\$7,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of provider's existence).
- e. For a provider of other Non-CCNA Professional Services, the average annual gross revenue shall not exceed five million, seven hundred thousand dollars (\$5,700,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).
- f. For a provider of Other Services, the average annual gross revenue shall not exceed five million, seven hundred thousand dollars (\$5,700,000.00) (averaged over the previous three (3) most recent years, or if in business less than three years, averaged over the duration of the provider's existence).

8.2 APPLICATION PROCEDURES

All applicants wishing to apply for certification can log into their VSS account and select the “EBO Vendor Portal” icon. Paper applications can be obtained through the Office of EBO. There is no fee for standard (90 day processing) certification, recertification or modification; however, there is a fee for an expedited review. Expedited reviews will only be considered for an applicant with a pending solicitation as a prime. .

The cost for an expedited review is \$300.00 and must be paid by credit card if applying online; or in the form of a cashier’s check or money order payable to the “PBC Board of County Commissioners” submitted with a paper application. The payment is non-refundable and the request will not be processed without payment. Failure to timely submit a completed request for expedited review form with all supporting documents will result in denial of the request. The expedited review form must be submitted a minimum of twenty (20) business days prior to the RFQ/IFB/RFP bid or proposal due date. The solicitation number for which the expedited review is being requested must be identified on the form and proof of publication of the solicitation must be attached to the request.

8.3 APPLICATION REVIEW PROCEDURES

Once an applicant has submitted the application and all supporting documentation, certification review will commence and the following procedures will apply:

- a. The application and all supporting documents will be logged in as appropriate. The application will be reviewed for completeness and accuracy. The Office of EBO will inform the applicant of any missing documentation. Any applicant failing to submit the requested documentation within thirty (30) days of the notice shall be deemed to have abandoned its application.
- b. References may be called and information verified by third parties, when appropriate. The Office of EBO will review the goods or services provided by the applicant to determine the appropriate National Institute of Government Procurement (NIGP) classification codes. Businesses will only be certified in the areas where they provide a Commercially Useful Function. In those instances when the NIGP codes are broader than the goods or services provided by the applicant, the Office of EBO will appropriately limit the certification to those goods or services for which the application performs a Commercially Useful Function.
- c. A personal interview or site visit may be scheduled to determine if the applicant meets the established criteria, when applicable.
- d. Applicants shall receive certification decisions via the OEBO Admin. System. If an applicant is denied certification, such denial letter shall inform the applicant of their right to appeal. The appeals process and requirements are set forth in the EBO Ordinance.

8.4 DECERTIFICATION

If during the period of certification, the County has reason to believe that a business received certification improperly or that there has been a change in circumstances where one of the requirements for certification are no longer met, the Office of EBO may conduct an investigation. If it is determined that the business no longer meets the eligibility requirements for certification, a firm shall be decertified and shall not be eligible to reapply for one year from the date of the final adverse decision. If the business has been debarred or suspended as a vendor by the County Procurement Department, the business may reapply for certification at the expiration of the suspension. See EBO Ordinance Section 2-80.28(b)(2)(n).

8.5 S/M/WBE SUBSTITUTIONS, MODIFICATIONS, OR REMOVAL

After contract award, the Prime will only be permitted to substitute a certified S/M/WBE that is unwilling or unable to perform. Substitutions shall be done with like certified S/M/WBEs in order to maintain the participation percentages submitted with the bid or proposal. In such cases, the Prime must submit a "Request for S/M/WBE Substitution/Modification/Removal Form" to the Office of EBO for review and approval in advance of any such substitution of a designated SBE subcontractor/subconsultant, or reduction in subcontract scope, unless such reduction in scope is the direct and immediate result of a County-mandated change order or contract amendment, or the County has mandated the decertification, suspension, debarment or termination of a designated SBE Subcontractor/subconsultant. However, under such circumstances, the Prime shall undertake Good Faith Efforts to replace the decertified, suspended, debarred, or terminated S/M/WBEs subcontractors/subconsultants with one or more other certified S/M/WBE Subcontractors/subconsultants and shall submit a waiver request to the Office of EBO in the event such Good Faith Efforts are unsuccessful.

In the case of CCNA proposals where points are awarded during the selection process for S/M/WBE participation, S/M/WBEs will be substituted with like S/M/WBEs. All requests for modifications or substitutions shall be submitted to the Originating Department and the Office of EBO on the EBO Request for S/M/WBE Substitution Modification Removal Form for review. Upon receiving an approval for substitution, the Prime must submit a completed and signed Schedule 2 for the new S/M/WBE; the new S/M/WBE must specify the type of work to be performed, and the dollar amount and/or percentage shall also be specified upon receiving approval for modification or substitution.

The Prime must submit a new properly executed Schedule 2 that specifies the revised scope of work to be performed by the S/M/WBE, along with the revised dollar amount and/or percentage. A detailed quote or proposal may be attached with a properly executed Schedule 2.

9. EXCEPTIONS, WAIVERS AND GOOD FAITH EFFORTS

9.1 PRE-BID WAIVER

If a respondent or bidder is unable to comply with the API requirements imposed by the GSC under the terms of the EBO Ordinance, such respondent or bidder must submit, as required in the solicitation, a request for a waiver or partial waiver at the time specifically set forth in the solicitation. Such waiver or partial waiver request must include specified documentation that demonstrates satisfactory GFEs were undertaken by the respondent or bidder to comply with the requirements as described under the selected API. The GFE waiver request must be submitted to the County at least seven (7) days prior to the bid or proposal due date as stated in the solicitation, and must be reviewed, evaluated, and scored in the first instance by the Office of EBO within seven (7) days of receipt. If the Office of EBO determines that adequate GFEs have been demonstrated by the respondent or bidder to warrant a partial or total waiver of the applied API, the solicitation shall be amended accordingly to reflect the partial or total waiver, and any proposals or bids received in the interim must be returned unopened in accordance with the return policy of the Procurement Department or the Originating Department. The amended solicitation must then be advertised to all prospective respondents or bidders, including, but not limited to the respondent or bidder that requested the waiver. However, if the Office of EBO determines that the respondent or bidder failed to submit documentation sufficient to demonstrate that GFEs were undertaken by the respondent or bidder to support its waiver or partial waiver request, the request for waiver or partial waiver will be denied, and the solicitation shall remain unchanged. Any proposal or bid that fails to comply with API requirements stated in the solicitation after the period allowed for waiver requests has lapsed will be deemed non-responsive to the entire solicitation. In the event of an adverse waiver or partial waiver request decision, the respondent or bidder will have the right to request reconsideration of the adverse decision by the Director of the Office of EBO, and if still aggrieved, shall be subsequently entitled to appeal to a Special Master as referenced in EBO Ordinance Section 2.-80.28 (b). The solicitation due date will only be extended until the Director of the Office of EBO's reconsideration and/or Special Master Appeal processes have concluded. Any proposal or bid that fails to comply with the API requirements stated in the solicitation after the period allowed for waiver requests has lapsed will be deemed non-responsive to the entire solicitation.

9.2 POST BID/POST AWARD WAIVER.

If, after the bid or proposal due date, a Prime is unable, through no fault of its own, to meet the participation requirements for S/M/WBEs specified at response submittal, the Prime must immediately notify the Office of EBO and seek substitute S/M/WBEs to fulfill the requirements. The requested substitution must be approved by the Director of the Office of EBO or designee and the Originating Department Director or designee. If, after reasonable GFEs, the Prime is unable to find an acceptable substitute S/M/WBE, a post-bid opening waiver or post-award waiver may be requested. The request must document the reasons for the Prime inability to meet the goal requirement. In the event the Prime is found not to have performed GFEs in its attempt to find a suitable substitute for the initial S/M/WBE proposed utilization, one or more of the penalties and sanctions of the EBO ordinance may be imposed. If at closeout the contract does not meet the goal prior to submission to the Contract Review Committee, the Department must document the reasons for the Prime inability to meet the goal requirement.

9.3 ORIGINATING DEPARTMENT WAIVER REQUEST

Upon submission of a prospective draft Formal Solicitation to the Office of EBO, and prior to the public release of any Formal Solicitations, an Originating Department or the Procurement Department may request the Director of the Office of EBO or designee to waive or modify the

application of API requirements for S/M/WBE participation by submitting its reasons in writing. In the event consensus cannot be reached regarding the request, the request for exception of the solicitation shall be resolved by the County Administrator or designee. The County Administrator or designee may grant such an exception or modification of application of an API upon a determination that:

- a. The extraordinary and necessary requirements of the contract render application of the APIs infeasible or impractical;
- b. The nature of the goods or services being procured are excluded from the scope of the EBO Ordinance; or,
- c. Sufficient qualified S/M/WBEs providing the goods or services required by the contract are unavailable in Palm Beach County despite every reasonable attempt to locate them.

Otherwise, such Formal Solicitations shall be forwarded to the Director of the Office of EBO for review and also to the GSC for possible application of APIs. Any further requests from an Originating Department or the Procurement Department, as applicable, for modification of Goal amounts or other APIs as established by the GSC shall be presented to the County Administrator or designee, whose decisions on such requests shall be final.

9.4 OTHER WAIVERS

The Director of the Office of EBO may waive the application of APIs to enhance S/M/WBE utilization for a specific contract in accordance with the procedures set forth in the EBO Ordinance Sec. 2-80.22 (Scope and Exclusions) The Originating Department or Procurement Department, as applicable, certifies to the Director of the Office of EBO and County Administrator or designee:

- a. That an emergency exists which requires goods or supplies to be provided with such immediacy that it is unable to comply with the requirements of the EBO Ordinance or this PPM;
- b. That the prospective Prime is an S/M/WBE or, if not, that the prospective Prime will make a GFE to utilize S/M/WBEs; and,
- c. The conditions imposed by law, or the external source of funding for the contract or grant effectively prohibits the application of the EBO Ordinance and this PPM.

10. PENALTIES AND SANCTIONS

The Director of the Office of EBO or designee in consultation with the Originating Department regarding the failure of a vendor, respondent or bidder or other business representative to comply with any portion of the EBO Ordinance, shall recommend any or all of the following penalties on the non-complying party any or all of the following penalties to be imposed by the Procurement Director:

- a. Suspension of contract.
- b. Withholding of funds.
- c. Termination of contract based upon a material breach of contract pertaining to compliance.
- d. Refusal to accept a response or proposal.
- e. Suspension or Debarment of a respondent or bidder, Prime or other business entity from eligibility for providing goods or services to the County for a period not to exceed three (3) years.
- f. Liquidated damages equal to the difference in dollar value of S/M/WBE participation as committed to in the contract, and the dollar value of S/M/WBE participation as actually achieved.
- g. Reduction of preference points in future selections.

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ATTACHMENT A

DEFINITIONS

Active Vendor Directory: a compilation of all vendors which are maintained electronically in the Vendor Self Service System (VSS) and posted on the County's website and made available to the general public for use in identifying Subcontractors/subconsultants, material suppliers, etc.

Affirmative Procurement Initiatives (API): various program tools and solicitation incentives that are used to encourage greater prime and subcontract participation by Small Business Enterprise (SBE) firms or Minority/Women Business Enterprise (M/WBE) firms, including, but not limited to, bonding assistance, evaluation preferences, subcontracting goals, vendor rotations, and joint venture incentives.

Best Value Contracting or Request for Proposal: any competitive method of procurement where price is only one factor of several selection criteria factors, and where price is not the determining factor in the award of a contract.

Certified Small/Minority/Women Business Enterprise (S/M/WBE): a business which has been certified by the Office of EBO as having satisfied all of the eligibility requirements for participation as either a small, minority, and/or woman business enterprise.

Criteria for Graduation: an S/M/WBE exceeding the gross revenue standards, or size standard, reflected in this PPM, as amended. Once graduated, the entity is no longer considered a certified S/M/WBE for future solicitations.

Construction Department(s): the County Departments of Airports (DOA), Engineering and Public Works (EPW), Environmental Resources Management (ERM), Facilities Development & Operations (FDO), and Water Utilities (WUD) each of which has been delegated construction authority under Section 2-53(f) of the Procurement Code.

Contract: as defined in the Procurement Code, including but not limited to all types of agreements, regardless of what they may be called (purchase orders, decentralized purchase orders ("DPOs"), agreements, etc.), for the procurement of goods and services.

County's Procurement Code: Sections 2-51 through 2- 63 of the Palm Beach County Code, as may be amended.

Days: business days, unless specified otherwise.

Enterprise Contract Management System (eCMS): the system used to track contracts issued and payments received from the County. The system will track utilization of S/M/WBEs and all other firms at the prime and subcontract levels by industry and contract-by-contract subcontracting goals. The details regarding fields of information captured and the functionalities of eCMS shall be reflected in Attachment 5 of this PPM.

Evaluation Preference: an API that may be applied by the Goal Setting Committee (GSC) to Requests for Proposals for Construction, Professional Services, Other services and Goods contracts that are to be awarded on a basis that includes factors other than lowest price and wherein responses that are submitted to the County by S/M/WBE firms or firms that have teamed with S/M/WBE firms may be awarded additional points in the evaluation process in the scoring and ranking of their proposals against those submitted by other prime respondents or bidders.

Goals: the level of S/M/WBE participation projected to be obtained either annually within a business category, or in the performance of a specific contract, and is expressed as a percentage of the total dollar volume of participation of all businesses in the County's procurement of goods and services either annually within a given business category, or within a specific contract. In the absence of a waiver or exclusion to a goal, the standard S/M/WBE contract-specific subcontracting goals are twenty percent (20%) regardless of industry segment. M/WBE contract-specific subcontracting goals are set on a case-by-case basis by the GSC, and are subject to waiver requests from Originating Departments and prospective respondents and/or bidders.

Such contract-specific S/M/WBE subcontracting goals are set based upon various criteria, including the relative availability of qualified S/M/WBE subcontractors/subconsultants to perform the scope of work required for performance of a particular contract.

Goal Setting Committee (GSC): a committee, or series of committees, appointed and chaired by the County Administrator or designee that includes, at a minimum, the Director of the Office of EBO or designee, the Director of Contract Development and Control or designee, the Director of Procurement, and Director of Facilities Development and Operations (FDO) or their designees, the Director of Public Safety or designee and the Director or designee of the Originating Department (if the Originating Department is neither the Procurement Department nor FDO) all without duplication of designees. The GSC establishes S/M/WBE Program Goals for Palm Beach County (e.g., Annual Aspirational Goals and Contract-by-Contract Subcontracting Goals) based upon Industry Categories, vendor availability and project-specific characteristics. The GSC also makes determinations about which APIs are to be applied to specific contracts based upon various criteria.

Good Faith Efforts (GFE): documentation of the respondent's intent to comply with program goals and procedures including, but not limited to, the following: (1) documentation as stated in the solicitation reflecting the respondent's commitment to comply with S/M/WBE Goals as established by the Office of EBO for a particular contract; or (2) documentation of efforts made toward achieving the S/M/WBE Program Goals (e.g., solicitations of bids/proposals/qualification statements from all qualified S/M/WBE firms listed in the Office of EBO's directory of certified S/M/WBE firms; correspondence from qualified S/M/WBE firms documenting their unavailability to perform S/M/WBE contracts; documentation of efforts to subdivide work into smaller quantities for subcontracting purposes to enhance opportunities for S/M/WBE firms; documentation of a Prime's posting of a bond covering the work of S/M/WBE subcontractors/subconsultants documentation of efforts to assist S/M/WBE firms with obtaining financing, bonding or insurance required by the respondent; and documentation of consultations with trade associations and consultants that represent the interests of S/M/WBEs in order to identify qualified and available S/M/WBEs subcontractors/subconsultants). Scoring of GFE documentation and administrative determinations regarding the adequacy of such GFE is the responsibility of the Office of EBO. The Office of EBO's scoring, determinations, and any appeals of such GFE determinations by the Office of EBO shall be in accordance with the procedures established in this PPM.

Graduate/Graduated/Graduation: when an S/M/WBE firm has exceeded the gross revenue standards, or size standards on an industry specific basis (i.e. Construction, Consultants' Competitive Negotiation Act (CCNA) Professional Services including Architectural and Engineering Design firms and Surveyors), Professional Services (Non-CCNA), and Goods or Other services as reflected in this PPM as may be amended.

Gross Receipts: the total annual sales or revenues for the firm or certification applicant as stated on its federal income tax return, or for a new business that has not yet filed a federal income tax return, on its audited financial statements before deductions for returned items, allowances and discounts.

Integrity Report: a report that notifies relevant departments of missing data within eCMS. It is an integral part of producing utilization and participation in regards to SMWBE performance for reporting purposes per the OEBO Ordinance. This report helps ensure that all necessary data is accounted for allowing for reporting accuracy.

Originating Department or User Department: the Department or Division requesting the good or service to be purchased. When a Construction Department is managing the procurement either for itself or for a User Department, the responsibilities assigned under this PPM, as may be amended to an Originating Department will be performed by the Construction Department.

Prime: the contractor or consultant to whom a purchase order or contract is issued by the County for purposes of providing goods or services to the County.

Professional Services: including but not limited to, any narrow discipline wherein a practitioner is required to have attained an advanced educational degree and/or credentials certifying a certain level of competency in the field that have been issued by an independent private body or board on behalf of the profession, prior to representing themselves to the public as a practicing member of that narrow discipline; a practitioner of a Professional Service has, through education and practical experience related to a particular field, developed expert advisory and programming skills as a vocation; as one (1) where the high level of skills, technical expertise in the field, and/or the advanced complexity and quality of advice provided by the potential or known practitioner(s) warrants a competitive proposal or submittal process wherein the strength of professional credentials are weighed heavily in the selection process (e.g., accounting, legal services, mapping, laboratory testing services, physician services, nursing services, pharmacists, scientists, dentistry, financial advisory services, realtors, surveying services, landscape design services, appraisers, engineers, architects, etc.).

Race-Conscious (R/C): any business classification or API wherein the race or gender of business owners is taken into consideration (e.g., references to M/WBE programs and APIs that are listed herein under the heading of "Race-Conscious").

Race-Neutral (R/N): any business classification or API wherein the race or gender of business owners is not taken into consideration (e.g., references to SBE programs and APIs that are listed herein under the heading of "Race-Neutral").

Size Standards: the minimum size standards to qualify as an S/M/WBE under the EBO Ordinance as follows:

- (1) For a provider of Construction Services, the annual gross revenue shall not exceed thirteen million dollars (\$13,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).
- (2) For a provider of Goods, the annual gross revenue shall not exceed seven million dollars (\$7,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).
- (3) For a provider of Professional Services procured pursuant to the CCNA statute, the average annual gross revenues shall not exceed seven million dollars (\$7,000,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of provider's existence).
- (4) For a provider of other Non-CCNA Professional Services, the average annual gross revenue shall not exceed five million, seven hundred thousand dollars (\$5,700,000.00) (averaged over the previous three (3) most recent years, or if in business less than three (3) years, averaged over the duration of the provider's existence).
- (5) For a provider of Other Services, the average annual gross revenue shall not exceed five million, seven hundred thousand dollars (\$5,700,000.00) (averaged over the previous three (3) most recent years, or if in business less than three years, averaged over the duration of the provider's existence).

Solicitation: a generic term for an invitation that is issued by the County to prospective respondents, bidders, or vendors, asking them to compete for County contract awards for specified goods or services.

Subcontractor/subconsultant: any subcontractor or subconsultant, S/M/WBE certified or Non-SBE, that is providing goods or services to a Prime in direct furtherance of the Prime's performance of a defined scope of work or deliverables under a contract or purchase order with the County as evidenced by an executed binding agreement between the Prime and the subcontractor/subconsultant which agreement shall be submitted prior to the County's issuance of a notice to proceed to the Prime.

Vendor Self Service System (VSS): the electronic system of hardware and software programs by which the County requires all vendors, including subcontractors/subconsultants that are ready, willing, and able to sell goods or services to the County to register. Prior to award, all vendors shall be required to register in VSS.

Capitalized terms not defined herein shall have the same meaning as set forth in the EBO Ordinance or the Procurement Code, as applicable.

ATTACHMENT B

CERTIFICATION CHECKLIST

At a minimum, applicants shall submit the documentation listed below as appropriate to their business and all of its affiliates. The Office of EBO may request any other documentation as it deems necessary to determine eligibility. Documents not in English must be accompanied by a certified translation. **Documents containing Personally Identifiable Information (PII) must be redacted prior to submittal.**

CERTIFICATION REQUIRED DOCUMENTS CHECKLIST

FOR ALL APPLICANTS (in addition to your business structure below)

1. Federal Tax returns (and requests for extensions) filed by the firm with related schedules, for the past three years, or number of years in existence, if under three years.
2. Federal tax returns (and requests for extensions) for subsidiaries and/or affiliates, including all schedules, if applicable, for the past three years, or number of years in existence, if under three years.
3. For Firms in business less than one year, submit opening balance sheet and income statements for months in business.
4. Copies of résumés for owners and directors may be requested.
5. Current Palm Beach County Business Tax Receipt and Municipal Business Tax Receipt, when applicable.
6. Copy/Copies of professional license(s) or Certificate of Competency or permit(s).
7. Fictitious Name Certificate (if applicable).
8. Proof of capital investment (identify investors, types of contributions and amount of contributions).
9. Copy of current executed lease agreement and any addendums or property tax bill.
10. Current list of employee(s) with date of employment/hire and position/title for both full & part-time.
11. Current Reemployment tax form RT -6 or tax form 941
12. Copies of 1099 for independent contracted employees or last three months payroll, if applicable.
13. Largest contract to date, to include the date of the project, the owner of the contract and service rendered.
14. Provide copies of your insurance and/or bonding to include agent/company and capacity/coverage amount.
15. Provide a list of all equipment used to provide the services indicated in your commodity list.
16. Copies of three current: Customer invoices, Signed contracts or Proposals to include date, owner and service rendered.
17. **Woman and/or minority applicants provide: a) Driver's License; b) Passport; c) Birth Record; d) Citizenship Cards; or e) Tribal Documents**
18. **Engineers, Architects, Surveyors/Mappers, and Landscape Architects, submit a copy of your Consultant Competitive Negotiations Act (CCNA) Professional Services Certification. Contact the Palm Beach County Department of Engineering at 561-684-4000 for more information.**

CORPORATIONS (in addition to 1-18 above, if applicable):

1. Articles of Incorporation, including date approved by State Department of Corporations, and any subsequent amendments.
2. Corporate By-laws.
3. List of shareholders, copy of issued stock certificates (front and back); copy of stock ledger; and proof of stock purchase.
4. List of Officers and Board of Directors.

LIMITED LIABILITY COMPANIES (LLC), (in addition to 1-18 above, if applicable)

1. Operating Agreement.
2. Membership Units.
3. Ledger.

PARTNERSHIP (in addition to 1-18 above, if applicable)

1. Partnership Agreement.

FRANCHISE (in addition to 1-18 above, if applicable)

1. Franchise Agreement.

SOLE PROPRIETORSHIP (in addition to 1-18 above, if applicable)

1. Most recent three years personal federal tax returns that include a Schedule C and requests for extensions.

ATTACHMENT 1

Affirmative Procurement Initiatives (APIs)

Palm Beach County Code Section 2.80.27 sets out the APIs approved for use by the Goal Setting Committee (GSC). The APIs are summarized below. The GSC evaluates all solicitations at least fourteen (14) days prior to advertisement to determine which of the following industry-specific APIs shall be applied to a given contract within a particular industry. After the GSC makes a decision regarding the application of an API, the Procurement Department or the Originating Department (as applicable), in consultation with the Office of EBO, and the County Attorney's Office inserts the appropriate language in each solicitation prior to advertisement. The Affirmative Procurement Initiatives are summarized as follows:

CONSTRUCTION APIs

1. CONSTRUCTION INDUSTRY (RACE AND GENDER NEUTRAL REMEDIES)

a. Bond Waiver and Assistance Programs

The Palm Beach County Board of County Commissioners approved the waiver of bonds on construction projects of \$200,000 or less per Resolution R-89-1178. The bond waiver program is governed by PPM CW-F-016.

b. SBE Sheltered Market for Small Construction Contracts

The GSC may reserve small prime construction contracts (single trade or multi-trade) valued at or below \$150,000 for sheltered market competition solely among SBEs where only certified SBEs are eligible to submit bids or quotes.

c. SBE Subcontracting Program

A minimum mandatory goal of 20% SBE participation is established for County contracts, however the Office of EBO shall reduce or waive this goal when there is insufficient availability of SBE prime and/or Subcontractor/subconsultant firms. Respondents/bidders must request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the SBE subcontracting goal will be considered non-Responsive to the entire solicitation.

d. SBE Mentor-Protégé Program – See Construction Manager @ Risk (CM@R), Attachment 3

e. SBE Price Preference

For construction contracts where there are no opportunities for subcontracting (e.g. single trade), the GSC may include a provision requiring awards of the contract to be made to the lowest responsive, responsible respondent or bidder unless a certified SBE's bid is within the ten (10) percent of the lowest non-small business bid, in which case the award shall be made to the certified small business bidder submitting the lowest responsive, responsible bid at the price that it bid. Prime SBE respondents must perform the majority of the associated work under this API.

2. **CONSTRUCTION INDUSTRY (RACE AND GENDER CONSCIOUS REMEDIES)**GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection “a.” below. The GSC shall review each construction Formal Solicitation prior to advertisement and shall determine whether to apply any of the other Race-Conscious APIs based upon the following criteria: i) whether significant disparity exists in the utilization of available M/WBEs; ii) whether race/gender neutral remedies alone are likely to eliminate such disparities; iii) whether a particular API is and narrowly tailored; and iv) whether the API is appropriate.

a. Annual Aspirational Goals

For each fiscal year, the GSC shall establish non-mandatory annual aspirational percentage goals for overall M/WBE prime and subcontract participation on County Construction contracts.

Each Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry segment, along with relative M/WBE availability data to be collected by the County through eCMS and the actual utilization of M/WBEs reflected therein.

Annual Aspirational Goals shall not be routinely applied to individual solicitations but are intended to serve as a benchmark against which to measure the overall effectiveness of the program on an annual basis in addressing identified disparities, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to the EBO Ordinance.

Annual Aspirational Goals may be stated only in those County bid solicitations that do not contain contract-specific S/M/WBE goals, and when provided, shall be advisory only, and must also be accompanied by the full definition of the term as stated in this EBO Ordinance.

b. M/WBE Subcontracting Goals

The GSC may, on a contract-by-contract basis, require that a predetermined percentage of a specific Construction contract, up to 40%, be subcontracted to eligible M/WBEs (i.e., certified M/WBE firms owned by African Americans, Hispanic Americans, Asian Americans, Native Americans, and non-minority women). However, the Office of EBO shall reduce or waive this goal when there is insufficient availability of M/WBE prime and/or Subcontractor/subconsultant firms. Respondents/bidders may request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the M/WBE subcontracting goal shall be considered non-Responsive to the entire solicitation.

c. M/WBE Segmented Subcontracting Goals

The GSC may establish M/WBE Segmented Subcontracting Goals on an individual County contract wherein an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon that segment's relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and controlled by women or certain Minority Group Members (e.g., African-Americans, Hispanic-Americans, Asian-Americans, or Native Americans) based upon relative availability, as well as the existence of consistently and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. (For example, if an overall M/WBE subcontracting goal is set at 38% on a given contract, the segmented subcontracting goal may require that at least 23% of that 38% shall be satisfied through the utilization of African American and Hispanic Subcontractors/subconsultants.) M/WBE Segmented Subcontracting Goals shall operate in the same manner as the M/WBE Subcontracting Goals.

d. M/WBE Joint Venture/Partnership/Teaming Incentive

For contracts valued at greater than \$2.5 million, the GSC may establish incentives to promote joint ventures, partnerships, or teaming arrangements between larger established firms and M/WBE firms, or between and among SBE and M/WBE firms. For RFPs, the incentive may be for up to twenty percent (20%) of one hundred evaluation points to be reserved for qualifying M/WBE joint ventures where the certified M/WBE joint venture partner owns 50% or greater, and performs 50% or greater of the work, of the overall joint venture. Proportionately fewer evaluation preference points would be awarded to the joint venture based upon lesser percentages of ownership by the M/WBE partner.

e. M/WBE Mentor-Protégé – See Construction Manager @ Risk (CM@R), Attachment 3

f. M/WBE Evaluation Preference for RFPs

Under the terms of this Evaluation Preference, the GSC shall require that evaluation panels assign point preferences equal to up to 15% of the total points assigned for the evaluation, scoring and ranking of construction-related proposals submitted by those certified M/WBE firms.

PROFESSIONAL SERVICES APIs

3. PROFESSIONAL SERVICES (RACE AND GENDER NEUTRAL REMEDIES)

a. SBE Vendor Rotation

Under this API, there are two options for the selective use of a prequalified panel of SBE vendors by the County:

Option 1

For smaller County non-CCNA professional services contracts valued at less than one hundred fifty thousand dollars (\$150,000), a prequalified panel of SBE professional services firms may be assigned work tasks on a rotating basis. Periodically, the SBE Vendor Rotation list shall be re-ordered according to the firm with the least amount of dollars received to the most dollars received from the County based upon the cumulative dollars received within the past year.

Option 2

When the County requires price competition in its solicitations, and when quotations from several firms are required before award of contracts valued at less than one hundred fifty thousand dollars (\$150,000), solicitations for price quotations shall be affirmatively and directly sought from the next three firms appearing in the SBE Vendor Rotation list of prequalified firms for that type of professional service prior to contract award. With each successive solicitation of quotations of this type, the list shall be rotated to the next group of three SBE vendors appearing in the rotation.

b. Evaluation Preference for New SBE Prime Respondents

Up to 15 percent (15%) of the total number of evaluation points allocated for selection of a professional services firm by the County shall be reserved for SBE prime respondents that have only received their first contract award with the County within the past year, or have not yet received a cumulative total of \$1,000,000 or more in payments from the County for professional services rendered. SBE Prime respondents must perform the majority of the associated work under this API.

c. SBE Reserve for Contracts Up to \$10,000 and Required SBE Quotations on Informal Solicitations for non-CCNA Professional Services

The GSC may reserve certain categories of small professional services contracts valued at less than ten thousand dollars (\$10,000) exclusively for competition among SBE professional services firms. For larger non-CCNA professional services contracts valued below one hundred fifty thousand dollars (\$150,000), the GSC shall require at least two to three quotations or proposals be solicited from SBE professional services firms before the County may make an award.

d. SBE Evaluation Preference for Prime Bidders

For professional services RFPs, the GSC has two options:

Option 1

An SBE evaluation preference of up to 15 percent (15%) of the total number of available evaluation points for scoring of proposals shall be reserved for all SBE prime bidders on County professional services contracts valued at less than \$500,000. SBE Prime respondents must perform the majority of the associated work under this API.

Option 2

Evaluation preference points shall be awarded on a sliding scale from zero up to 15 percent (15%) of the total available evaluation points for scoring of proposals to those firms responding to Professional Services solicitations valued at \$500,000 or greater. The sliding scale shall be based upon the relative level of SBE dollar participation that has been committed to on the prime respondent/bidder's team (e.g., zero SBE participation on a prime respondent/bidder's team shall yield zero evaluation points, whereas the maximum SBE participation among all prime bidders, at the prime contract and subcontract levels combined, shall yield award of fifteen evaluation preference points out of 100; and a prime respondent/bidder's team that achieves only half as many dollars in SBE participation as the firm with the greatest SBE dollar participation at the prime contract and subcontract levels combined shall be awarded 7.5 evaluation points out of 100).

e. SBE Subcontracting Goals for Professional Services

A minimum mandatory goal of 20% SBE participation is established for County contracts. However the Office of EBO shall reduce or waive this goal when there is insufficient availability of SBE prime and/or Subcontractor/subconsultant firms. Respondents/bidders may request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the SBE subcontracting goal shall be considered non-Responsive to the entire solicitation.

4. PROFESSIONAL SERVICES (RACE AND GENDER CONSCIOUS REMEDIES)

GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection "a." below. The GSC shall review each professional services Formal Solicitation prior to advertisement and shall determine whether to apply any of the other Race-Conscious APIs based upon the following criteria: i) whether significant disparity exists in the utilization of available M/WBEs; ii) whether race/gender neutral remedies alone are likely to eliminate such disparities; iii) whether a particular API is and narrowly tailored; and iv) whether the API is appropriate.

a. Annual Aspirational M/WBE Goals

For each fiscal year, the GSC shall establish non-mandatory annual aspirational percentage goals for overall M/WBE prime and subcontract participation on County Professional Services contracts.

Each Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry segment along with relative M/WBE availability data to be collected by the County through eCMS and the actual utilization of M/WBEs reflected therein.

Annual Aspirational Goals shall not be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the program on an annual basis in addressing identified disparities, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this EBO Ordinance.

Annual Aspirational Goals may be stated only in those County Solicitations that do not contain contract-specific S/M/WBE goals, and when provided, shall be advisory only, and must also be accompanied by the full definition of the term as stated in this EBO Ordinance.

b. M/WBE Evaluation Preferences for Professional Services

Evaluation preference points shall be awarded on a sliding scale from zero up to 15 percent (15%) of the total available evaluation points for scoring of proposals to those firms responding to professional services solicitations. The sliding scale shall be based upon the relative level of M/WBE dollar participation that has been committed to on the prime respondent/bidder's team (e.g., zero M/WBE participation on a prime respondent/bidder's team shall yield zero evaluation points, whereas the proposal from the prime respondent/bidder that proposes achieving the maximum M/WBE participation among all prime respondent/bidders, at the prime contract and subcontract levels combined, shall yield award of fifteen evaluation preference points out of 100 to that bidder; and a prime respondent/bidder's team that achieves only half as many dollars in M/WBE participation as the firm with the greatest M/WBE dollar participation at the prime contract and subcontract levels combined shall be awarded 7.5 evaluation points out of 100).

c. M/WBE Subcontracting Goals for Professional Services

The GSC, on a contract-by-contract basis, may require that a predetermined percentage of a specific Professional Services contract, up to 40%, be subcontracted to eligible M/WBEs (i.e., certified M/WBE firms owned by African American, Hispanic American, Asian American, Native American, and non-minority women persons). However, the Office of EBO shall reduce or waive this goal when there is insufficient availability of M/WBE prime and/or Subcontractor/subconsultant firms. Respondents/bidders may request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the M/WBE subcontracting goal shall be considered non-Responsive to the entire solicitation.

d. M/WBE Segmented Subcontracting Goals for Professional Services

The GSC may establish M/WBE Segmented Subcontracting Goals on an individual County contract where an overall combined M/WBE goal is accompanied by subsets of one or more smaller goals that specifically target the participation of a particular segment of Minority Group Member segments or the WBE segment based upon that segment's relative availability. Such segmented goals shall specifically target the participation of a particular segment of business enterprises owned and controlled by women or certain Minority Group Members (e.g., African-Americans) based upon relative availability, as well as the existence of consistently and significantly greater patterns of underutilization and disparity within an industry as compared to other gender and Minority Group Member categories of M/WBEs. (For example, if an overall M/WBE subcontracting goal is set at 46% on a given contract, the segmented subcontracting goal may require that at least 10% of that 46% shall be satisfied through the utilization of African American Subcontractor/subconsultant.) M/WBE Segmented Subcontracting Goals shall operate in the same manner as the M/WBE Subcontracting Goals set forth in the EBO Ordinance.

e. M/WBE Vendor Rotation

Under this API, there are two options for the selective use of a prequalified panel of M/WBE vendors by the County:

Option 1

For smaller non-CCNA County professional services contracts valued at less than one hundred thousand dollars (\$150,000), a prequalified panel of M/WBE professional services firms may be assigned work tasks on a rotating basis. Periodically, the M/WBE Vendor Rotation list shall be re-ordered according to the firm with the least amount of dollars received to the most dollars received from the County based upon the cumulative dollars received within the past year.

Option 2

When the County requires price competition in its solicitations, and when quotations from several firms are required before award of contracts valued at less than one hundred fifty thousand dollars (\$150,000), solicitations for price quotations shall be affirmatively and directly sought from the next three firms appearing in the M/WBE Vendor Rotation list of prequalified firms for that type of professional service prior to contract award. With each successive solicitation of quotations of this type, the list shall be rotated to the next group of three M/WBE vendors appearing in the rotation.

f. M/WBE Required Quotations for Contracts Up to \$10,000 and Required M/WBE Solicitations for non-CCNA Professional Services Contracts Valued Under \$150,000

The GSC may require quotations from up to three M/WBE firms for certain categories of small DPO professional services contracts valued at less than ten thousand dollars (\$10,000). For larger non-CCNA professional services contracts valued below one hundred fifty thousand dollars (\$150,000), the GSC shall require the County to solicit at least two to three quotations or proposals from M/WBE professional services firms before the County may make an award.

GOODS AND OTHER SERVICES APIs

5. GOODS AND OTHER SERVICES (RACE AND GENDER NEUTRAL REMEDIES)

a. SBE Vendor Rotation

The GSC has two options for the selective use of a prequalified panel of SBE vendors by the County:

Option 1

For smaller County Goods and Other Services contracts valued at less than one hundred fifty thousand dollars (\$150,000), a prequalified panel of SBE Goods and Other Services firms may be assigned work tasks on a rotating basis. Periodically, the SBE Vendor Rotation list shall be re-ordered according to the firm with the least amount of dollars received to the most dollars received from the County based upon the cumulative dollars received within the past year.

Option 2

When the County requires price competition in its solicitations, and when quotations from several firms are required before award of contracts valued at less than one hundred fifty thousand dollars (\$150,000), price quotations shall be sought from the next three firms appearing in the SBE Vendor Rotation list of prequalified firms for that type of professional service prior to contract award. With each successive solicitation of quotations of this type, the list shall be rotated to the next group of three SBE vendors appearing in the rotation.

b. SBE Reserve for Contracts below \$10,000 and Required SBE Quotations on Informal Solicitations below \$150,000

The GSC may reserve certain categories of small Goods and Other Services contracts valued at less than ten thousand dollars (\$10,000) exclusively for competition among SBE Goods and Other firms. For larger Goods and Other Services contracts valued below one hundred fifty thousand dollars \$150,000, the GSC shall require at least two (2) to three (3) quotations or proposals be solicited from SBE Goods and Other Services firms before the County may make an award.

c. SBE Evaluation Preference for Prime Bidders

For Other Services, evaluation preference points shall be awarded on a sliding scale from zero up to 15 percent (15%) of the total available evaluation points for scoring of proposals to those firms bidding on Other Services contracts valued at one hundred fifty thousand dollars (\$150,000) or greater. The sliding scale shall be based upon the relative level of SBE dollar participation that has been committed to on the prime bidder's team (e.g., zero SBE participation on a prime bidder's team shall yield zero evaluation points, whereas the maximum SBE participation among all prime bidders, at the prime contract and subcontract levels combined, shall yield award of fifteen evaluation preference points out of 100; and a prime bidder's team that achieves only half as many dollars in SBE participation as the firm with the greatest SBE dollar participation at the prime contract and subcontract levels combined shall be awarded 7.5 evaluation points out of 100).

d. SBE Joint Venture Incentive for Other Services Contracts

The GSC may establish joint venture incentives for joint ventures between larger established firms and local SBE firms on Other Services contracts valued at greater than \$5 million. Such joint venture incentives may include: (1) additional option years for contracts; and/or (2) access to mobilization funds; and/or (3) evaluation preferences of up to 15 percent of all evaluation points to be assigned for joint ventures between two or more certified SBE firms, or between SBE and non-SBE joint venture partners that have an overall minimum percentage (e.g., 20%) SBE participation in ownership and management of the joint venture.

e. SBE Subcontracting Goals for Other Services Contracts Valued at Greater Than \$5 million

For larger Other Services contracts valued at greater than \$5 million wherein there are sufficient numbers of commercially useful functions available for subcontracting purposes. The GSC may consider applying a mandatory subcontracting goal for the participation of SBE Subcontractor/subconsultant. The BCC has established a minimum mandatory goal of 20% SBE participation for County contracts, however the Office of EBO shall reduce or waive this goal when there is insufficient availability of SBE prime and / or Subcontractor/subconsultant firms. Respondents/bidders may request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the SBE subcontracting goal shall be considered non-Responsive to the entire solicitation.

f. SBE Price Preference

The GSC may apply certain purchasing procedures to increase SBE participation, including, but not limited to, purchases valued below the Formal Solicitation threshold amount set forth in the Procurement Code, and purchases made by decentralized purchase orders (DPOs) for Goods and Other Services valued under ten thousand dollars (\$10,000). The procurement procedures shall include a provision that every effort will be made by buyers to contact all registered certified SBEs that are available within a particular commodity area for such purchases. The purchasing procedures shall also include a process so as to allow as many vendors as possible to compete in providing goods and services to Palm Beach County. The purchasing procedures shall also include a provision requiring awards of purchases to be made to the lowest responsive, responsible bidder unless a certified SBE's bid is within ten (10) percent of the lowest non-small business bid, in which case the award shall be made to the certified small business bidder submitting the lowest responsive, responsible bid at the price that it bid. This section shall not apply to procurement of Construction Services.

6. GOODS AND OTHER SERVICES (RACE AND GENDER CONSCIOUS REMEDIES)

GSC shall consider establishment of an overall M/WBE Annual Aspirational Goal in accordance with subsection "a." below. The GSC shall review each Goods and Other Services Formal Solicitation prior to advertisement and shall determine whether to apply any of the other Race-Conscious APIs based upon the following criteria: i) whether significant disparity exists in the utilization of available M/WBEs; ii) whether race/gender neutral remedies alone are likely to eliminate such disparities; iii) whether a particular API is narrowly tailored; and iv) whether the API is appropriate.

a. Annual Aspirational M/WBE Goals

For each fiscal year, the GSC shall establish non-mandatory annual aspirational percentage goals for overall M/WBE prime and subcontract participation on County Goods and Other Services contracts.

Each Annual Aspirational Goal is to be reviewed on an annual basis for potential adjustment by the GSC based upon the M/WBE availability by industry segment, along with relative M/WBE

availability data to be collected by the County through eCMS and the actual utilization of M/WBEs reflected therein.

Annual Aspirational Goals shall not be routinely applied to individual solicitations, but are intended to serve as a benchmark against which to measure the overall effectiveness of the program on an annual basis in addressing identified disparities, and to gauge the need for future adjustments to the mix and aggressiveness of remedies and APIs being applied pursuant to this EBO Ordinance.

Annual Aspirational Goals may be stated only in those County Solicitations that do not contain contract-specific S/M/WBE goals, and when provided, shall be advisory only, and must also be accompanied by the full definition of the term as stated in this EBO Ordinance.

b. M/WBE Vendor Rotation

The GSC has two options for the selective use of a prequalified panel of M/WBE vendors:

Option 1

For smaller Goods and Other Services contracts valued at less than one hundred fifty thousand dollars (\$150,000), a prequalified panel of M/WBE Goods or Other Services firms may be assigned work tasks or supply orders on a rotating basis. Periodically, the M/WBE Vendor Rotation list shall be re-ordered according to the firm with the least amount of dollars received to the most dollars received from the County based upon the cumulative dollars received within the past year.

Option 2

When the County requires price competition in its solicitations, and when quotations from several firms are required before award of contracts valued at less than \$150,000, price quotations shall be sought from the next three firms appearing in the M/WBE Vendor Rotation list of prequalified firms for that type of Good or Other Service prior to contract award. With each successive solicitation of quotations of this type, the list shall be rotated to the next group of three M/WBE vendors appearing in the rotation.

c. Voluntary M/WBE Distributorship Development Program

The GSC may apply this API to any solicitation and subsequent award for Goods contracts that have a base term with contract extensions for the County's purchase of Goods and related services when each of the following conditions has been met:

- i. Manufacturers often sell such goods or supplies to the County indirectly through authorized distributorships or authorized dealers;
- ii. One or more such manufacturers indirectly competing for such County supply requirements contracts have no such authorized distributorships or authorized dealers that are also certified as M/WBE firms, that are headquartered or have a Significant Business Presence within Palm Beach County, and are available to sell such goods and supplies to the County;
- iii. At least one manufacturer of such goods and supplies has established, or has agreed to establish, an authorized distributorship or authorized dealer that is certified as an M/WBE, is headquartered or has a Significant Business Presence in Palm Beach County through which the manufacturer has agreed to sell the goods or supplies to the County for the duration of the contract, including all of the contract's option years;
- iv. The Office of EBO has examined the terms of the authorized distributorship or authorized dealer agreement entered into between the manufacturer and its certified M/WBE authorized distributorship or authorized dealer and determined that the M/WBE distributor or dealer is headquartered or has a Significant Business Presence in Palm Beach County, and determined that such terms are non-discriminatory in that the certified M/WBE's agreement is no different

from that of non-M/WBE authorized distributorships and authorized dealers for the manufacturer regarding such matters as scope of geographical territory allocation, scope of potential public and private sector customers, scope of product line, price lists for goods and supplies, volume discounts in pricing, rebates, credit terms, delivery terms, marketing and technical support from manufacturer, and any other material terms that may affect the competitive viability of the authorized distributorship or authorized dealer.

Provided the manufacturer and its certified M/WBE authorized distributorship or authorized dealer meets conditions iii. and iv. above, and provided further that the certified M/WBE authorized distributorship or authorized dealer has won a bid for the supply of such Goods and/or related services to the County, under this API, notwithstanding any provision in this EBO Ordinance to the contrary, the Director of the Office of EBO may extend the length of the supply contract by additional option years without rebidding the contract, and/or the County may accelerate payment of invoices. The Office of EBO and Originating Department shall carefully monitor the contract to ensure that the certified M/WBE authorized distributorship or authorized dealer is performing a Commercially Useful Function under the contract, and that it is being treated in accordance with the terms of its agreement with the manufacturer. This assessment shall be made by the Office of EBO prior to the County's exercise of any option year on the supply contract. In the event the Office of EBO determines that these conditions have not been met, the County shall decline to exercise the next option year on the supply contract and shall instead re-bid the contract.

d. Mandatory M/WBE Distributorship Development Program

In instances where manufacturers have violated the County's Commercial Nondiscrimination Policy set forth in Resolution R2017-1770 as amended by excluding or discriminating against M/WBE suppliers that seek to become authorized dealers/distributors, this API requires the manufacturer to establish such an authorized dealership with an M/WBE supplier under the terms of API Sec. 2-80.27 (6) (c) as a condition for being eligible to sell commodities to the County.

e. M/WBE Evaluation Preferences

For Other Services contracts valued at \$150,000 or greater, evaluation preference points for M/WBE participation shall be awarded on a sliding scale from zero up to 15 percent (15%) of the total available evaluation points. The sliding scale shall be based upon the relative level of M/WBE dollar participation that has been committed to on the prime bidder's team (e.g., zero M/WBE participation on a prime bidder's team shall yield zero M/WBE evaluation preference points, whereas the proposal from the prime bidder that proposes achieving the maximum M/WBE participation among all prime bidders, at the prime contract and subcontract levels combined, shall yield award of all fifteen M/WBE evaluation preference points to that bidder out of the total overall 100 available evaluation points; and a prime bidder's team that achieves only half as many dollars in M/WBE participation as the firm with the greatest M/WBE dollar participation at the prime contract and subcontract levels combined shall be awarded 7.5 evaluation points out of the fifteen M/WBE evaluation preference points). Alternatively, the GSC may restrict award of the 15 percent (15%) evaluation preference to those M/WBE Other Services firms that have not previously been awarded a contract by the County. In such instances, the M/WBE firms shall remain eligible for such 15% evaluation preferences for up to one year from date of their first contract award, or until cumulative total payments on County contracts (prime contract and subcontract dollars) to that new entrant firm have reached \$1 million, whichever period of time is longer.

f. M/WBE Joint Venture Incentives

For contracts valued at greater than \$5 million, the GSC may establish incentives to promote joint ventures between larger established firms and M/WBE firms, or between and among SBE and M/WBE firms. For RFPs, the incentive may be for up to fifteen percent (15%) of one hundred evaluation points to be reserved for qualifying S/M/WBE joint ventures wherein the certified

M/WBE joint venture partner owns 50% or greater, and performs 50% or greater of the work, of the overall joint venture. Proportionately fewer evaluation preference points would be awarded to the joint venture based upon lesser percentages of ownership by the M/WBE partner. Alternatively, incentives may include bonding waivers, assignment of multiple task orders on job order contracts totaling up to \$1,000,000 in value, and accelerated payments or mobilization payments to be afforded to qualifying S/M/WBE joint ventures. This API should be reserved for those occasions wherein there are sufficient numbers of qualified M/WBE firms available of sufficient size to meaningfully joint venture for purposes of performing larger contracts.

g. M/WBE Subcontracting Goals of Other Services Contracts Valued at Greater Than \$5 Million

The GSC may, on a contract-by-contract basis, require that a predetermined percentage up to 40% of a specific Other Services contract that is valued at greater than \$5 million shall be subcontracted to eligible M/WBEs (i.e., certified M/WBE firms owned by African American, Hispanic, and Caucasian women persons). However, the Office of EBO shall reduce or waive this goal when there is insufficient availability of M/WBE prime and / or Subcontractor/subconsultant firms. Respondents/bidders may request such waivers at least seven (7) days prior to bid opening based on submission of sufficient Good Faith Efforts documentation. In the absence of a waiver granted by the Office of EBO, a respondent/bidder who does not commit to satisfying the M/WBE subcontracting goal shall be considered non-Responsive to the entire solicitation

PBC Disparity Study Summary

CONSTRUCTION	Disparity (Availability)
Prime Contracts <\$50,000	Hispanic (12.94%)
Prime Contracts \$50,000 – \$1,296,000	African American (13.16%) Hispanic (12.94%)
Subcontracts \$0 - \$1,296,000	African American (11.15%) Hispanic (11.61%)

CCNA	Disparity (Availability)
Prime Contracts \$0-\$301,000	African American (8.06%)
(no subcontract data for CCNA; included in Professional Services below)	

PROFESSIONAL SERVICES (including CCNA)	Disparity (Availability)
Prime Contracts < \$50,000	African American (10.24%) Caucasian Female (19.14%)
Prime Contracts \$50,000 - \$301,000	African American (10.24%) Caucasian Female (19.14%)
Subcontracts \$0 - \$301,000	African American (10.62%)

GOODS AND SERVICES	Disparity (Availability)
Prime Contracts < \$50,000	African American (6.91%) Caucasian Female (16.81%)
Prime Contracts \$50,000 - \$321,000	African American (6.91%) Asian (1.68%) Hispanic (8.03%) Caucasian Female (16.81%)
No subcontract data	

ATTACHMENT 2

GOODS AND SERVICES EXEMPT FROM THE EQUAL BUSINESS OPPORTUNITY ORDINANCE

Unless otherwise noted on this Attachment 2, the Equal Business Opportunity Ordinance shall not apply to:

- a. Agreements between the BCC and nonprofit organizations or other governments that provide for the transfer, sale or exchange of goods or services.
- b. Procurement of dues and memberships in trade or professional organizations; subscriptions to periodicals such as newspapers and magazines; advertisements; postage; utility services; copyrighted materials only available from one source; professional medical services; authorized hospitality expenses; fees and costs of job-related seminars and training, including materials provided with, or as an integral part of, that training; and, admission fees for amusement parks and entertainment activities included in County recreational programs for youth, teens, adults, seniors, and persons with disabilities.
- c. Presenters, lecturers, and facilitators for County employee training and events or for County initiated or sponsored summits, conventions, conferences or programs of a specialized nature, subject to the approval of the Director of Procurement.
- d. Recreational instructors, sports league management, and sports officials.
- e. Procurements for Constitutional officers, specifically the Clerk and Comptroller, Sheriff, Supervisor of Elections, Property Appraiser, State Attorney, Public Defender, and Tax Collector.
- f. Real property interests or any acquisition, disposition or lease made pursuant to the Palm Beach County Real Property Acquisition, Disposition, and Leasing Ordinance, applicable law, or Federal rule/regulation. However, **Concession and Developer Agreements procured pursuant to the Palm Beach County Real Property Acquisition, Disposition, and Leasing Ordinance are subject to the requirements of the Equal Business Opportunity Ordinance, as amended, unless otherwise exempted in this Attachment. Leases for governmental services (where County is Lessee or Lessor), Operating Agreements, and acquisition and disposition agreements are exempt from the requirements of the Equal Business Opportunity Ordinance.**
- g. Concessions as defined in 49 CFR Part 23.
- h. Vending machines.
- i. Goods or services purchased with donations, gifts or bequests containing restrictions that would interfere with or prevent the application of the requirements of the Procurement Code.
- j. Goods purchased with petty cash in accordance with established County procedures.
- k. Labor negotiation services, legal services, including attorney, paralegal, expert witness, appraisal or mediator services, expert witnesses, court reporter services, and other expenses pertaining to claims, negotiations, or litigation.
- l. Artwork as defined by applicable County policy and procedure.
- m. Full or part-time contractual employees of the BCC.
- n. Event specific stage production or programming including, but not limited to, fireworks or individuals or groups providing musical or theatrical performances or lectures.

- o. County sponsorships or the solicitation of sponsorships, however such agreements are subject to County policies.
- p. Golf tee time advertising and sales services for County golf courses.
- q. Bond underwriters.
- r. Grant funded training, events, activities, and grant payments to recipients and sub-recipients.
- s. Grant funded payments for goods or services under the federal micro-purchase threshold.
- t. Codification of County Ordinances
- u. Pilot programs for fuel or energy.
- v. Pharmaceuticals and medical supplies to be administered by County personnel for County Department programs.
- w. Implementation, programming, training, maintenance, enhancements and upgrade services available from the owner of proprietary software or its contracted vendor
- x. Emergency procurements.
- y. Sole Source procurements.
- z. Procurements where conditions established by the grant or by law or by external sources of funding prohibit application of the EBO Program.
- aa. Federal and or state funded projects
- bb. Services provided by a government agency.

ATTACHMENT 3

CONSTRUCTION MANAGER AT RISK (CM@R)

CONSTRUCTION

The RFP evaluation preferences is now a permanent policy due to its effectiveness and will continue to be available for use by the GSC for construction-related RFPs as identified below. The Office of EBO will be responsible for evaluating and reporting to the County Administrator on the effectiveness of these RFP evaluation preferences. Effectiveness can be measured by the increase in the number or dollar value of contracts and subcontracts awarded to SMWBE firms and other relevant factors as developed by the Office of EBO and the Construction Departments.

1. Construction Industry (Race and Gender Neutral Remedies) - SBE Mentor-Protégé Program

The GSC may apply the following evaluation preferences for construction-related RFPs, such as construction manager at risk (CM@R) or design-build (D-B) or property development (Developer):

Evaluation Preference for Mentoring. Under this preference the GSC shall require that evaluation panels assign point preferences up to 5% of the total points assigned for construction-related proposals where the proposer firm agrees to mentor an SBE firm for purposes of providing management guidance and training. The Mentor-Protégé Program will be administered in accordance with the County's CM/SBE Partnering Guidelines which set out the program objectives, qualifications and the Mentor and Protégé responsibilities. A copy of the CM/SBE Partnering Guidelines may be obtained by contacting the Director, Facilities Development & Operations.

Evaluation Preference for SBE Participation. Under this evaluation preference, points shall be awarded on a sliding scale from zero up to 10 percent (10%) of the total available evaluation points. The sliding scale shall be based upon the following factors: 1. Firm's history of SBE participation on prior government or private sector projects; 2. Firm's SBE participation plan, i.e. how the firm will achieve applicable APIs when subcontracts are let; and 3. Firm's commitment to achieving APIs applicable to subcontracts.

Construction related RFPs, such as CM@R or D-B or Developer. The APIs applicable to the construction phase of the contract (i.e., the subcontracts) will be applied by the GSC prior to the advertisement and bidding of subcontracts by the CM or D-B or Developer firm. If the GSC applies an SBE subcontracting goal to the project, the GSC may also allow the CM@R firm or D-B firm or Developer firm to apply an SBE price preference, for subcontracts less than \$1,000,000, where the subcontract will be awarded to the lowest responsive, responsible bidder unless a certified SBE's bid is within ten (10) percent of the lowest non-SBE bid, in which case the award shall be made to the certified SBE submitting the lowest responsive, responsible bid. For subcontracts \$1,000,000 or more, the GSC may allow the CM@R or D-B or Developer firm to apply an SBE price preference where the subcontract will be awarded to the low bidder responsive to the SBE requirements provided that such bid does not exceed the lowest responsive bid by more than \$100,000 plus 3% of the total bid in excess of \$1,000,000.

2. Construction Industry (Race and Gender Conscious Remedies) – M/WBE Mentor-Protégé Program

The GSC may apply the following evaluation preferences for construction-related RFPs, such as construction manager at risk (CM@R) or design-build (D-B) or property development (Developer):

Evaluation Preference for Mentoring. Under this preference the GSC shall require that evaluation panels assign point preferences up to 5% of the total points assigned for construction-related proposals where the proposer firm agrees to mentor an M/WBE firm for purposes of providing management guidance and training. The Mentor-Protégé Program will be administered in accordance with the County's CM / MWBE Partnering Guidelines which sets out the program objectives, qualifications and the Mentor and Protégé responsibilities. A copy of the CM / MWBE Partnering Guidelines may be obtained by contacting the Director, Facilities Development & Operations.

Evaluation Preference for M/WBE Participation. Under this evaluation preference, points shall be awarded on a sliding scale from zero up to 10 percent (10%) of the total available evaluation points. The sliding scale shall be based upon the following factors: 1. Firm's history of M/WBE participation on prior government or private sector projects; 2. Firm's M/WBE participation plan, i.e. how the firm will achieve applicable APIs when subcontracts are let; and 3. Firm's commitment to achieving APIs applicable to subcontracts.

For construction related RFPs, such as CM@R or D-B or Developer, the APIs applicable to the construction phase of the contract (i.e. the subcontracts) will be applied by the GSC prior to the advertisement and bidding of subcontracts by the CM or D-B or Developer firm.

3. CM Partner Bidding Subcontracts. A CM / SMWBE partner is allowed to bid on the construction subcontracts for a project with the approval of the Originating Department.

4. Outreach Coordination with the Office of EBO. The CM, D-B or Developer shall work closely with the staff of the Office of EBO during the procurement phase when S/M/WBE firms are being notified of the subcontracting opportunities.

5. Waiver Request for CM, D-B or Developer

For the CM, D-B or Developer method of contracting where the CM, D-B or Developer is responsible for the procurement of and public bidding of the construction subcontracts for a project on behalf of the County, if the CM, D-B or Developer is unable to comply with the API imposed by the GSC, then the CM, D-B or Developer may request a waiver or partial waiver. Such waiver request shall include specified documentation that demonstrates satisfactory Good Faith Efforts were undertaken by the construction manager.

a) Before the bid closing date for the construction subcontracts, if the CM, D-B or Developer believes it will be unable to meet the applied API, then the CM, D-B or Developer shall submit the Good Faith waiver request to the County at least 7 days before the bid closing date for the construction subcontracts. The waiver request shall be reviewed, evaluated, and scored in the first instance by the Office of EBO within seven (7) days of receipt. If the Office of EBO determines that adequate Good Faith Efforts have been demonstrated by the CM, D-B or Developer to warrant a partial or total waiver of the applied API, then the CM, D-B or Developer shall amend its bid documents accordingly to reflect the partial or total waiver.

b) After the bid closing date for the construction subcontracts, if the CM, D-B or Developer did not meet the applied API on the bids received, then the CM, D-B or Developer shall submit the Good Faith waiver request to the County after its review of the bids. The waiver request shall be reviewed, evaluated, and scored in the first instance by the Office of EBO. If the Office of

EBO determines that adequate Good Faith Efforts have been demonstrated by the construction manager the Office of EBO will grant a partial or total waiver for the project.

In either (a) or (b) above, if the request for waiver or partial waiver is denied by the Office of EBO, then:

- 1) The Originating Department may authorize the CM, D-B or Developer to negotiate the construction subcontracts in order to increase S/M/WBE participation; or
- 2) the Originating Department may require the CM, D-B or Developer to re-bid the construction subcontracts; in such case, prior to the rebid of the construction subcontracts, the Originating Department and the Office of EBO shall submit the project to the GSC for application of an API for rebid; or
- 3) If neither 1 nor 2 above is feasible, then the Originating Department after consultation with the Director of the Office of EBO may request a reconsideration of the adverse decision by the County Administrator, or her designee. If the County Administrator denies the request for waiver or partial waiver, the CM, D-B, or Developer may comply or initiate dispute resolution procedures provided for in the contract.

ATTACHMENT 4

GOODS AND SERVICES

GOODS AND SERVICES

In contracts where the County has outsourced the procurement function (i.e. the vendor is performing procurement services for the County), the following contract clause is now a permanent policy due to its effectiveness and will continue to be included in all outsourced solicitations. The Office of EBO will be responsible for evaluating and reporting to the County Administrator on the effectiveness of this contract clause. Effectiveness can be measured by the increase in the dollar value of S/M/WBE participation on such contracts and other relevant factors as developed by the Office of EBO and the Originating Departments.

1. Goods and Services (Race and Gender Neutral Remedies) – S/M/WBE Price Preference where procurement services are outsourced to a vendor.

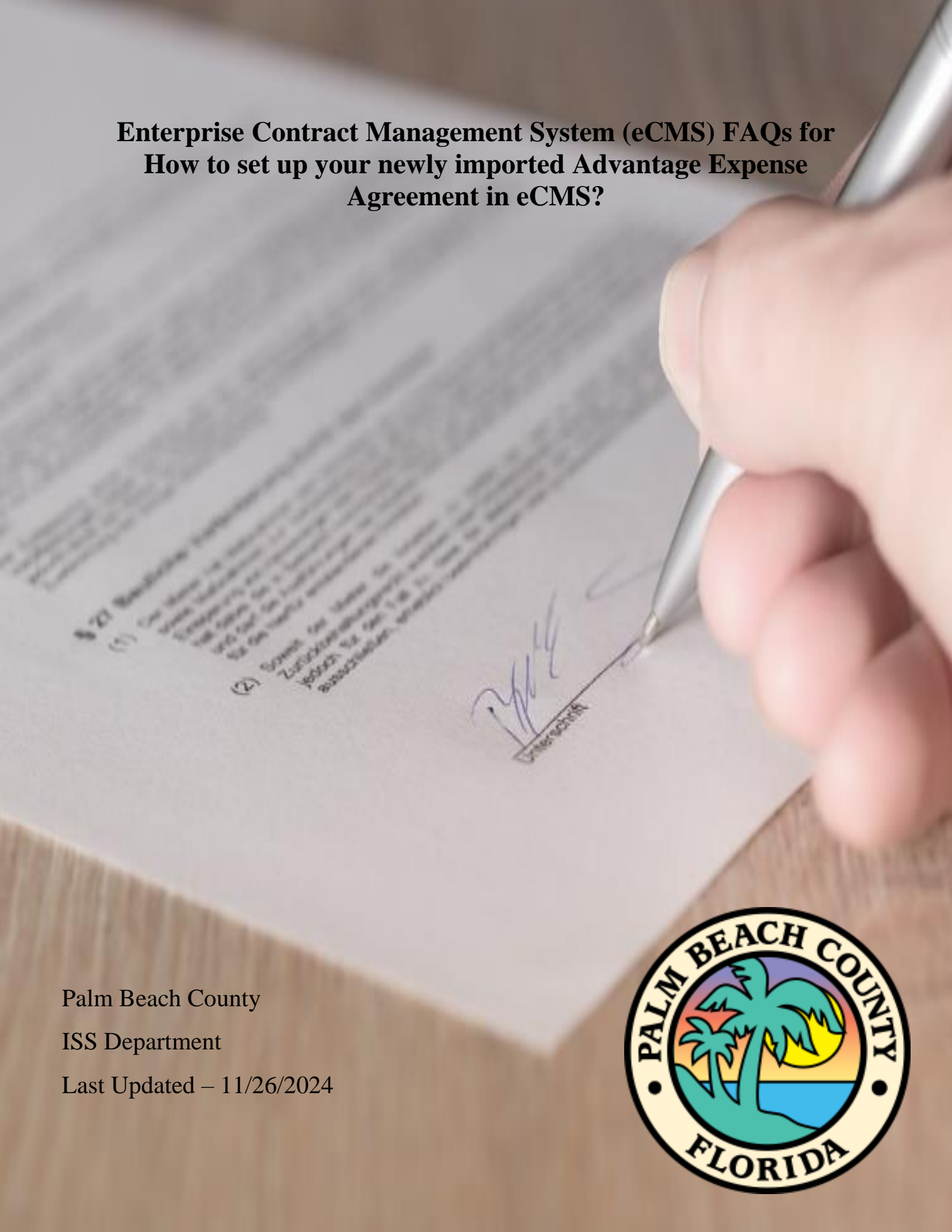
If the County has outsourced a procurement function to a vendor, then the GSC may allow such vendor to apply an S/M/WBE price preference where the vendor will acquire goods from an S/M/WBE provided that the S/M/WBE can meet all the product specifications (including timeliness of delivery) and costs do not exceed 10% more than the price which the vendor can obtain the goods meeting identical specifications from a non-SBE.

2. Outreach Coordination with the Office of EBO.

During the term of the outsourcing contract, the vendor shall work closely with the staff of the Office of EBO to identify S/M/WBEs that can provide the goods required under the outsourcing contract.

ATTACHMENT 5
ENTERPRISE CONTRACT MANAGEMENT SYSTEM (eCMS)

Enterprise Contract Management System (eCMS) FAQs for How to set up your newly imported Advantage Expense Agreement in eCMS?



Palm Beach County

ISS Department






Last Updated – 11/26/2024




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ICON LEGEND

- Edit Button : Allows you to change, or update the information, a modification of existing data.
 - Delete Button : Gives you the option to remove or obliterate data
 - Invoices : Allows you to manage invoices
 - Attachment : Allows you to manage attachments
 - Green Expand Icon : Display the Second row of data.
- How to add an attachment?

- Select the Paper Clip icon 
- On the “Manage Attachments” window
- Select “Add Attachment” button
- Select “Choose a file or drag it here” to add a file
- Once file is added Click **“Save”** button on Add Attachment window

******* DO NOT USE INTERNET EXPLORER, PLEASE USE EDGE OR CHROME**

A) How to search, open and edit the Agreement.

- In the dashboard ledger, select the menu option “**Agreements**”
 1. A dropdown will appear select “**Search**”
- Under the “**Search Criteria-Agreements**” Look for “**Advantage Document ID**”
- Search the Advantage Document ID
 2. When searching for Advantage Document ID include hyphens in the number.
 3. (Example: KPO-410-103018000000000000108).

The screenshot shows the Palm Beach County ECMS dashboard. The top navigation bar includes 'Dashboard', 'Projects', 'Agreements', 'Requirements', 'Reports', 'Code Table', and 'Security'. The 'Agreements' menu is highlighted with a red arrow. Below the navigation bar, the 'Search Criteria - Agreements And/Or Invoices and Reimbursements' form is displayed. The 'Advantage Document ID' field is highlighted with a red arrow. The 'Search' button is also highlighted with a red arrow. The form includes various search criteria such as Department, Lead Department, Goal Setting API Applied, Agreement Name, Agreement Status, Description, BCC Resolution #, Manager, Project/Contract #, Procurement Type, Amended End Date Range, Effective Date Period, Subcontractor, Advantage Status, Exempt from EBO Reporting, Has Subcontractors, Agreement #, Agreement Type, Revenue/Expense/Other, Party, Projects, Site, and BCC Approval Date Range.

★ A Wild Card Search

- You can use any Advantage Document ID without having to enter the whole number.
- ❖ For example: KPO-410-103018000000000000108, all you will need to enter is the first six numbers in the third section of the number. (Example: 103018)

The screenshot shows a close-up of the 'Advantage Document ID' search field. The field is labeled 'Advantage Document ID:' and contains the text '# 103018'. The field is highlighted with a blue border.

- ❖ Another example: KMA-410-FDO-20MINOR, all you need to enter is KDO%110520%330, **must use % and not ***

Advantage Document ID:	# KDO%110520%330
------------------------	------------------

- After selecting preferred criteria select the “**Search**” button shown in screenshot above
- Select an “**Agreement Name**” from the grid

Search

Clear

Show

25

entries

Agreement Name	Project/Contract #	Advantage Doc ID	Manager	Agreement Type	BCC Resolution #
4PTS CHILLER SURVEY #ASB2023022 R2020-0239	ASB2023022	KPO-410-05012300000000000495	TIERNEY JOHN E	EXPENSE, OTHER	R2020-0239

- The Edit Agreement page will display.

Edit Agreement		Helpful Hints	
Agreement Details			
Facilities Development and Operations			
Agreement Name: 4PTS CHILLER SURVEY #ASB2023022 R2020-0239		Manager: TIERNEY JOHN E	
Agreement #: FDO -2023-0627		Expense/Revenue: Expense	
Agreement Type: EXPENSE, OTHER		Parent #: Select One	
Agreement Status: OPEN		Procurement Type: PROF SERV CCNA - BCC APPROVED (B2)	
Project/Contract #: ASB2023022		View	
Advantage Status: Closed		View Change History	
Advantage: Type KPO Dept 410 # 05012300000000000495 Version 1			
Lead Department: Facilities Development and Operations			
Description:			
BCC Approval Date: 03/19/2020		BCC Resolution#: R2020-0239 (YYYY-9999)	
Department Director Delegation on File:		File Date:	
Maintained By Department:		CDC#:	
Start Invoices in ECMS:			
Exempt from EBO Reporting:			
Has Subcontractors: Yes No Not Selected		Goal Setting API Change Reason:	
Goal Setting API Applied: Yes No Prior SBE Program Not Selected			
Is this a Renewal: Yes No Not Selected			

- Also, the user can also search for an agreement by using the Integrity Check Report section. Integrity Reports are located in the Reports section.
- Select the “Reports” tab. A dropdown menu will display.
- Click “Integrity Check Report” option.



- The Integrity Check Report page will display.
- Under the Integrity Check entry field, the user can select which report they wish to run from the list of options from the drop-down list.

A screenshot of the 'Integrity Check' dropdown menu. The label 'Integrity Check: *' is on the left. The dropdown menu is open, showing a list of options. The first option is 'Select One' (highlighted in blue). Below it are five other options: 'Non-Exempt Missing Dates', 'Non-Exempt Missing SBE Subcontractors Payment (Sched 4)', 'Non-Exempt Option for "Goal Setting API Applied" Not Selected', 'Non-Exempt Option for "Has Subcontractors" Not Selected', and 'Non-Exempt Option for "Is This a Renewal" Not Selected'. There is a small orange button labeled 'ear' to the left of the dropdown menu.

B) How to set each of the compliance flags Missing Dates, Has Subcontractors, Is this a Renewal, and Goal Setting API Applied on a newly imported Advantage expense Agreement.

- Once searching for the Agreement or running the Integrity Check Report, the user can select the record for which they wish to fix.
 - Clicking on the **Agreement name** in the search results grid, will open the Agreement page in edit.
 - In the Agreement Details section, the user can modify **Has Subcontractors, Is this a Renewal, Goal Setting API Applied**, and the **Effective and End Date(s)**.

The screenshot shows the 'Edit Agreement' form in the eCMS system. The form is titled 'Facilities Development and Operations' and contains various fields for agreement details. A red box highlights the bottom section of the form, which includes three radio button options: 'Has Subcontractors', 'Goal Setting API Applied', and 'Is this a Renewal'. All three are currently set to 'Not Selected'. Other fields include Agreement Name, Agreement #, Agreement Type, Agreement Status, Project/Contract #, Advantage Status, Advantage Type, Lead Department, Description, BCC Approval Date, BCC Resolution#, CDC#, and Goal Setting API Change Reason.

Special Note: By default, Has Subcontractors, Is this a Renewal, and Goal Setting API are set to “Not Selected” when the record is interfaced over from the Advantage System and can only be changed by the Lead Department.

- If you select “Yes” to **Has Subcontractors**, follow **steps E & F** to add the subcontractors.
- When changing Is this a Renewal radio button to Yes, a message will display confirming with the user that the Parent # field will become required. Click “Yes” to proceed.

Has Subcontractors: * ☒ Yes ☐ No ☐ Not Selected

Goal Setting API Applied: * ☐ Yes ☐ No ☐ Prior SBE Prog

Is this a Renewal: * ☒ Yes ☐ No ☐ Not Selected

Confirmation

Selecting "Yes" requires a value to be entered in the Parent# field. Do you want to proceed with "Yes"?

Yes No

- Select the “Parent #” drop-down and select the Agreement you would like to make as a parent agreement.

Agreement Name: * 4PTS CHILLER SURVEY #ASB2023022 R2020-0239

Agreement #: * FDO -2023-0627

Agreement Type: * EXPENSE, OTHER

Agreement Status: * OPEN

Project/Contract #: ASB2023022

Advantage Status: Closed

Advantage: Type KPO Dept: 410 # 0501230000000000495 Version 1

Lead Department: * Facilities Development and Operations

Description:

BCC Approval Date: 03/10/2020

Department Director Delegation on File: ☐

Maintained By Department: ☐

Start Invoices in ECMS: ☐

Exempt from EBO Reporting: ☐

Has Subcontractors: * ☐ Yes ☐ No ☒ Not Selected

Goal Setting API Applied: * ☐ Yes ☐ No ☐ Prior SBE Program ☒ Not Selected

Is this a Renewal: * ☒ Yes ☐ No ☐ Not Selected

Manager: * TIERNEY,JOHN E

Expense/Revenue: Expense

Parent #: * Select One

Procurement Type: * PROF SERV CCNA - BCC APPROVED (B2)

BCC Resolution#: R2020-0239 (YYYY-9999)

File Date:

CDC#:

Goal Setting API Change Reason:

View View Change History

Special Note: If the Agreement is considered the “Parent” record, then there should be **no** Parent # in the parent drop-down list box. User needs to be sure to have “Is this a renewal” flag set to “NO”



Special Note: If the Parent renewal Agreement is **NOT FOUND** in eCMS, locate the *oldest renewal Agreement* in eCMS and ensure the “Is this a renewal flag” is set to “NO” and there is **no** Parent # in the parent drop-down list box.

(eCMS) FAQs

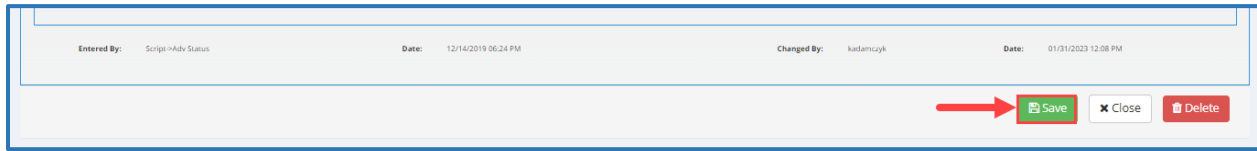
Last Updated 11/26/2024

Agreement Status: *	OPEN	Parent #: *	Select One	View
Project/Contract #:	18003	Procurement Type: *	IFB - \$200,000 AND OVER BCC (13)	View Change History
Advantage Status:	Closed			
Advantage:	Type	CMA	Dept	680
	#	18003	Version	1
Lead Department: *	Water Utilities			
Description:				
BCC Approval Date:		BCC Resolution#:	(YYYY-9999)	
Department Director Delegation on File:		File Date:		CDC#:
Maintained By Department:				
Start Invoices in ECMS:				
Exempt from EBO Reporting:				
Has Subcontractors: *	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Selected			
Goal Setting API Applied: *	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Prior SBE Program <input type="radio"/> Not Selected			
Goal Setting API Change Reason:				
Is this a Renewal: *	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Selected			

- If the end-user runs the integrity report for missing dates, the two fields that may need to be updated are the **Effective Date**, and **End Date** on the Agreement Details webpage.

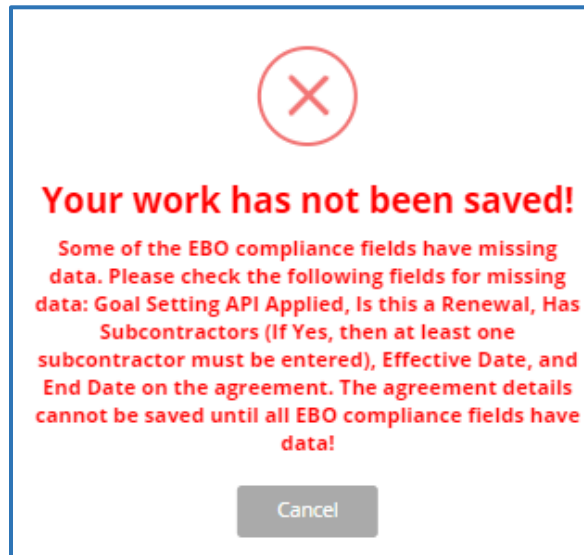
Effective Date:		05/17/2022
End Date:		05/16/2024

- Be sure to select the “**Save**” button when you are finished updating information.



The screenshot shows a software interface with a header bar containing the following information: Entered By: Script-Andy Status, Date: 12/14/2019 06:24 PM, Changed By: kadarmczyk, and Date: 01/31/2023 12:08 PM. Below the header bar is a light gray area with three buttons: a green 'Save' button with a floppy disk icon, a white 'Close' button with an 'x' icon, and a red 'Delete' button with a trash can icon. A red arrow points to the 'Save' button.

Special Note: The user will be prompted with the EBO Compliance message if the following fields as stated in the message are not complete.



C) EBO Guidelines for API Compliance Flag

- Goal Setting API Applied Change Reason code is required when the current value is “Yes”, “No”, or “Prior SBE Program” and value is changed. When changing the value of the Goal Setting API Applied, a confirmation window will display confirming with the user that the reporting and use of the department’s SBE utilization will change. Click “Yes” to proceed. The Goal Setting API Change Reason then becomes unlocked and required. EBO will be alerted of these modifications for compliance purposes.

Goal Setting API Applied: * ☐ Yes ☐ No ☒ Prior SBE Program ☐ Not Selected

Goal Setting API Change Reason: *

Has Subcontractors: * ☒ Yes ☐ No ☐ Not Selected

Goal Setting API Applied: * ☐ Yes ☒ No ☐ Prior SBE Program ☐ Not Selected

Is this a Renewal: * ☐ Yes ☐ No ☒ Not Selected

Goal Setting API Change Reason: *

- Regular checks on data integrity should be included in your department's Standard Operating Procedures. They should be carried out according to a set schedule to avoid any inaccuracies in the data. The EBO Department reports your data at the end of each fiscal quarter.
- **Compliance indicator for API (YES) (NO) (Prior SBE Program) should not be modified arbitrarily. API modifications will drastically skew reporting.**
- Informal Agreements under 100K are subject to the Price Preference API, and therefore, the API for these contracts should be marked as “YES.”

- If the **Goal Setting API Applied** is flagged as “YES” additional fields will display. **SBE Goal**, **MWBE Goal**, and **Preference Comments** are not required fields, but can be added if necessary.

Goal Setting API Applied: * ☒ Yes ☐ No ☐ Prior SBE Program ☐ Not Selected

SBE Goal: %

MWBE Goal: %

Preference Comments:

- Please include the assigned goal-setting API in the agreement description field.

Agreement Details

Office Of Equal Business Opportunity

Agreement Name: * 2018 PB BUSINESS MATCHMAKER CONFERENCE & EXPO ITEMS

Agreement #: * EBO -2019-0004

Manager: * WHITAKER ANJANETTE R

Agreement Type: * EXPENSE, OTHER

Expense/Revenue: Expense

Agreement Status: * OPEN

Parent #: Select One

Project/Contract #:

Procurement Type: * DECENT.PURCHASE UNDER \$5,000 (50)

Advantage Status: Closed

Advantage: Type DPO Dept 768 # 09051800000000006260 Version 1

Lead Department: * Office Of Equal Business Opportunity

Description:

- If a waiver has been granted, the API must be marked as “NO,” and the waiver document should be attached. See steps in letter “D” to upload waiver memo.

See EBO sample waiver on next page.



Office of
Equal Business Opportunity
50 South Military Trail, Suite 202
West Palm Beach, FL 33415
(561) 616-6840
www.pbcgov.com/oebo



**Palm Beach County
Board of County
Commissioners**

Maria Sachs, Mayor
Maria G. Marino, Vice Mayor
Gregg K. Weiss
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

Official Electronic Letterhead

INTER-OFFICE MEMORANDUM

Date: Friday, June XX, 20XX

To: Department Designee, Director
Department Name

From: Tonya Davis Johnson, Director *Agreed*
Office of Equal Business Opportunity

Re: Approval of Request for Waiver of API Requirements for
Transaction Network Services

Your Request for Waiver of API Requirements for the above named goods and services was received on Thursday, June 27, 2024 and has been reviewed. It is the determination of the Office of Equal Business Opportunity (OEBO) that the request for Waiver of API Requirements is **APPROVED**.

The OEBO is granting this waiver based upon the determination that sufficient qualified S/M/WBEs providing the goods or services required by the contract are unavailable in Palm Beach County despite every reasonable attempt to locate them.

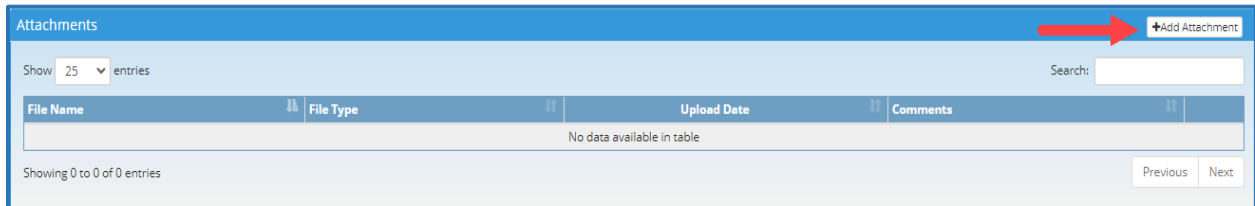
If you have any questions, please contact Allen Gray at 561-616-6842 or email at agray@pbc.gov.

Thank you.

cc: Allen Gray, Manager

D) How to upload the waiver memo to an Agreement

1. To upload and add a new waiver, from the Agreement Details webpage, scroll down to the Attachments grid at the bottom of the screen, and click on “Add Attachment” button.



Attachments

Show 25 entries

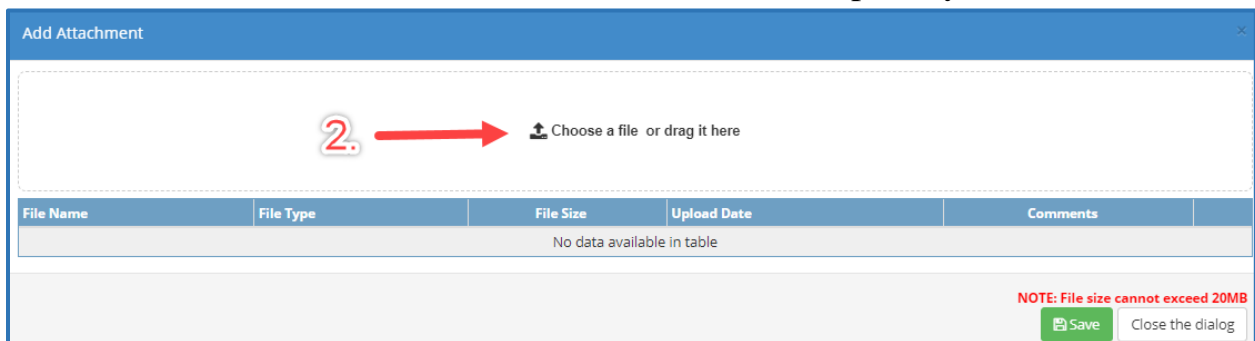
Search:

File Name	File Type	Upload Date	Comments
No data available in table			

Showing 0 to 0 of 0 entries

Previous Next

2. Click **Choose a file or drag it here** and upload your attachment.



Add Attachment

2. Choose a file or drag it here

File Name	File Type	File Size	Upload Date	Comments
No data available in table				

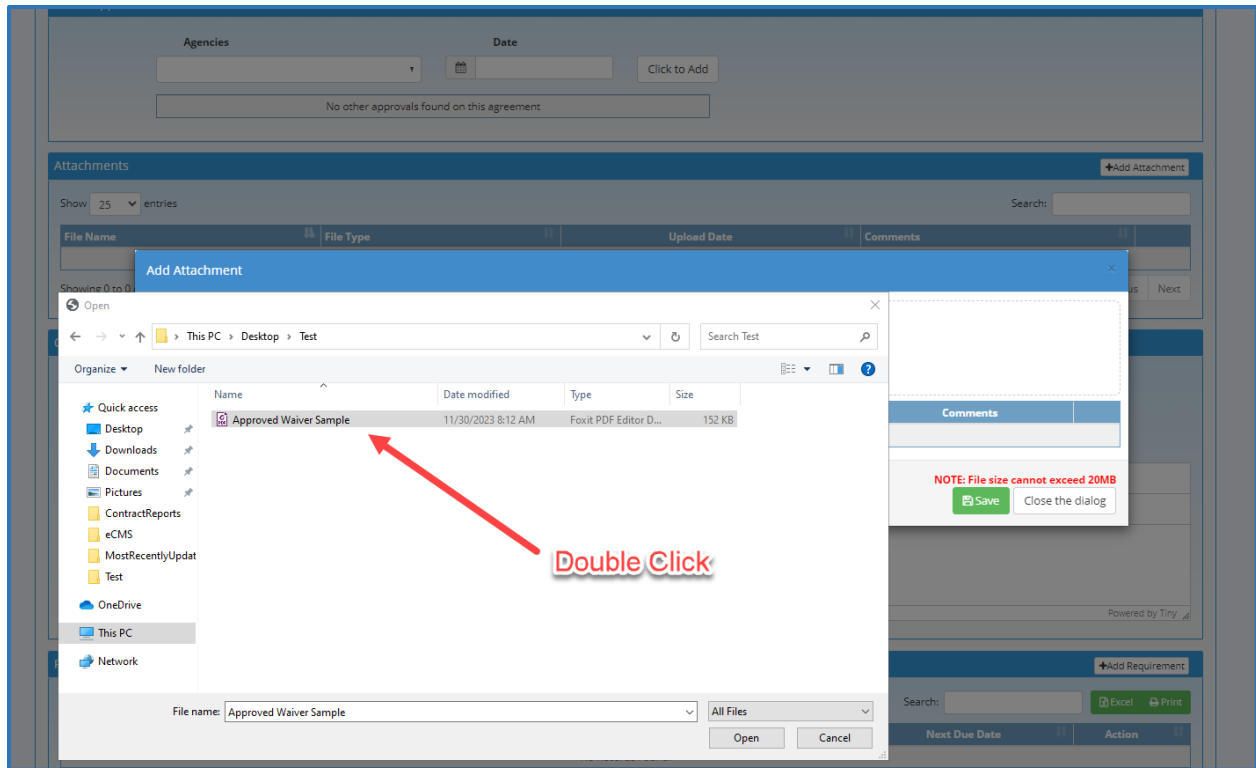
NOTE: File size cannot exceed 20MB

Save Close the dialog

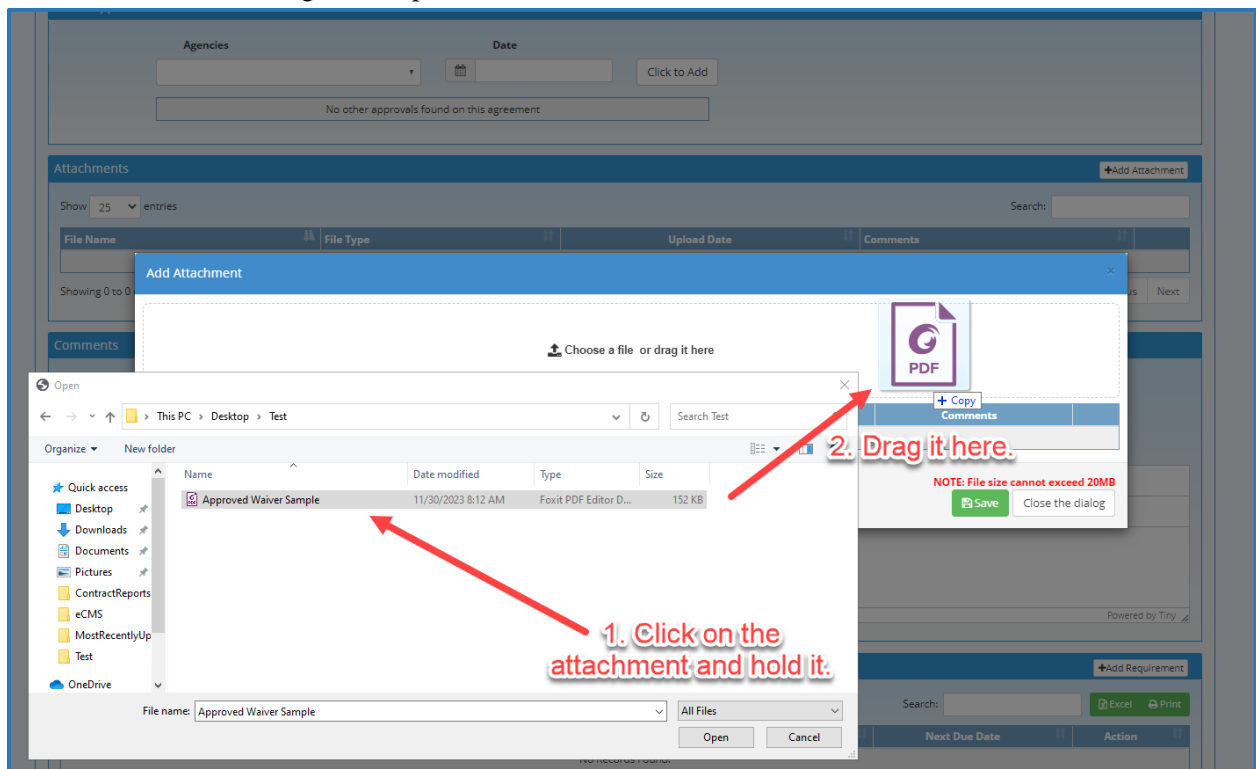
- You can upload by double clicking the attachment.


➤ See Screenshot on next page.

(eCMS) FAQs
Last Updated 11/26/2024




- You can also drag and drop the attachment.

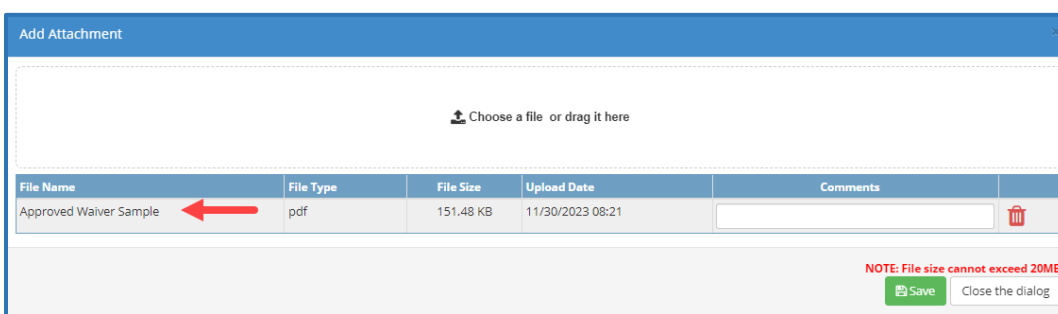


3. Once you have uploaded your waiver, you can add *optional* comments or click the  button to delete it.

Special Note: You can drag multiple files at a time to upload.

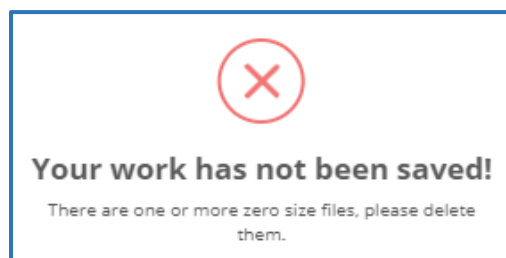
4. Click the  button at the bottom of “Add Attachment” window.

- To view an uploaded attachment, click on the file name in the “Add Attachment” grid. See screenshot below.

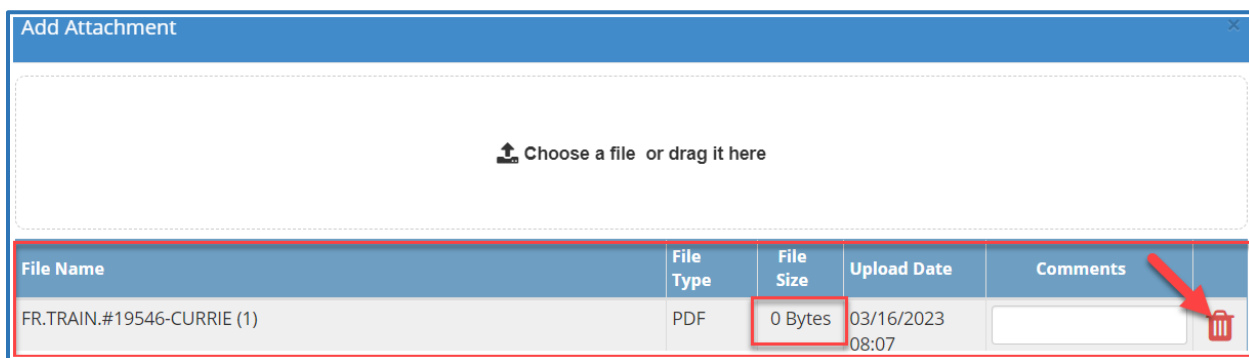


File Name	File Type	File Size	Upload Date	Comments
Approved Waiver Sample	pdf	151.48 KB	11/30/2023 08:21	

Special Note: Files must be at a size greater than 0 KB. Otherwise, users will face an upload error message when clicking Save.



Special Note: Click the red trash can to remove the file selected. Schedule 2 and Schedule 4 uploaded documents cannot be deleted from the Add Attachment grid that is on the Agreement Details webpage.



File Name	File Type	File Size	Upload Date	Comments
FR.TRAIN.#19546-CURRIE (1)	PDF	0 Bytes	03/16/2023 08:07	

E) How Do I Add a Schedule 2 to an Agreement?

Note: Only the Lead Department has access to attach the schedule 2 to an Agreement.

- In the dashboard ledger, select the menu option **“Agreements”**
 - A dropdown will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card search steps.
 - Select an **“Agreement Name”** from the grid
- Scroll down to **“Parties”** section of the screen.
 - Select the **“Add Subcontractors”** button

Party	Role	Prime's Calculated Goal (%)	SBE Goal (%)	Paid To Date	Has Subcontractors	Add Subcontractors	Action
ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED	CONTRACTOR	100	0	\$351,605.87	Y	+Add Subcontractors	

❖ Clicking the green expand icon  will display the second row of data.

- Fill out the **“Contractor Details”**
 1. For the “Has Subcontractors:” option select **“Yes”** See screenshot below.
 2. Choose a subcontractor type, either SBE or Non-SBE,
 3. Search for the subcontractor in the drop-down. Use the Type Ahead feature to find a Subcontractor.
 4. Type in the anticipated Commitment % or Amount
 5. Check the supplier checkbox, if applicable.
 6. Add a Schedule 2.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Add Subcontractor

Contractor Details

Prime's Calculated Goal (%): 100

SBE Goal (%): 0

Has Subcontractors: ☒ Yes ☐ No ☐ Not Selected

Subcontractor Type: ☒ SBE ☐ Non-SBE

Subcontractor: Search and Select Subcontractor

Commitment (%): *

(OR)

Commitment Amount (\$): *

Supplier: ☐

Comments:

Add Schedule 2: * Choose File No file chosen

Schedule 2 Comments:

Save Close the dialog

- See in the screenshot below shows the Type Ahead feature to find a Subcontractor.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Add Subcontractor

Contractor Details

Prime's Calculated Goal (%): 100

SBE Goal (%): 0

Has Subcontractors: ☒ Yes ☐ No ☐ Not Selected

Subcontractor Type: ☒ SBE ☐ Non-SBE

Subcontractor: Search and Select Subcontractor

Commitment (%): *

(OR)

Commitment Amount (\$): *

Supplier: ☐

Comments:

Add Schedule 2: * Choose File No file chosen

Schedule 2 Comments:

Save Close the dialog

Type Ahead Feature

Char

- *CHARLES W BROWN (BROW0163) S/MBE - EXPIRED SINCE 10/03/2005
- CHARACTER ENTERPRISES INC. (VS0000005796) S/M/WBE - RECERTIFIED
- CHARLES B BAXTER (BAXT0005) S/MBE - EXPIRED SINCE 12/31/2003
- CHARLES D BELCHER ELECTRICAL SERVICES INC (CHAR0040) S/MBE - EXPIRED SINCE 01/19/2015
- CHARLES MCCLENDON (MCCL0018) S/MBE - EXPIRED SINCE 02/21/2004
- CHARLES S WHITESIDE INC (CHAR0003) SBE - EXPIRED SINCE 12/07/2013
- CHARLES CLARK SMITH (SMIT0003) S/MBE - EXPIRED SINCE 04/01/2002

Special Note: If the subcontractor is not found then double check to see if the subcontractor is already attached to the Prime Contractor. Clicking the green plus sign will expand and display the rows of subcontractors on the Party grid.

- Click **“Save”** button on Contractor Details window, to save the subcontractor data to the database.

E1) How to edit the Subcontractor details on the Agreement?

- In the dashboard ledger, select the menu option **“Agreements”**
 - A dropdown will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
 - Select an **“Agreement Name”** from the grid
- Scroll down to **“Parties”** section of the screen.
 - Select the green **“Plus Sign”** button, displaying the subcontractors.
 - Select the **“Subcontractor”** which will open the Edit Subcontractor window.
 - Make edits, add Comments, or add another Schedule 2 or add a Schedule 1/J.
 - Schedule 1/J are optional to add. Same process as a Schedule 2, but Schedule 1/J can be deleted without adding another.
 - To delete the Schedule 2 upload, the user must add another Schedule 2 for the trashcan icon to become unlocked. Schedule 2 Subcontractors require one Schedule 2 to be added at all times.
 - Click **“Save”** in order to save the data you just entered
 - See screenshot on next page.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Edit Subcontractor

Contractor Details

Prime's Calculated Goal (%):

85

SBE Goal (%):

100

Has Subcontractors:

☒ Yes ☐ No ☐ Not Selected

Subcontractor Type:

☒ SBE ☐ Non-SBE

Subcontractor:

BELVEDERE CONTRACTING, INC (VC0000123486) SBE - RECERTIFIED

Commitment (%): *

15.00

(OR)

Commitment Amount (\$): *

Supplier:

☐

Comments:

Schedule 2

+Add Schedule 2

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments
(Schedule 2) SCHEDULE 2	XLSX	10/01/2024 07:56	

Showing 1 to 1 of 1 entries

Previous 1 Next

Schedule 1 / J

+Add Schedule 1 / J

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries

Previous Next

Save

Close

E2) If the Add Subcontractor button is missing on the Parties grid, follow the instructions below on the screenshot to make it reappear.

- Has Subcontractors flag for the agreement should be “Yes”.

- Click on the Party link to update the Has Subcontractor flag to “Yes” at party level.

- Click “Yes” on Has Subcontractor flag and click on Update to Party List button.
- Click the “Close” button to close Edit Party window.

- Click  button on bottom of agreement details page.

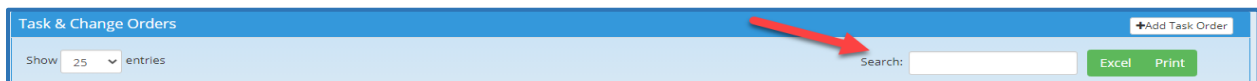
F) How Do I Add a Schedule 2 subcontractor to a Task Order?

Note: This step is done systematically for Purchase Order's because there is only one task order. For Master agreements (CMA, KMA) you may need to add, edit, or delete the subcontractor on a Task Order.

- In the dashboard ledger, select menu option **“Agreements”**
 - A dropdown will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**

- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card, search steps.

- Select an **“Agreement Name”** on the grid
- Scroll down to **“Task & Change Orders”** section of the screen.
 - Find the **“Task Order #”** that the **“Advantage Doc ID”** is attached to.
 - This filter/search can be used to locate the Advantage Document ID when the task order list is large.

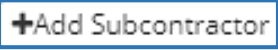



- Select the **“Task Order #”**



Task Order #	Advantage Doc ID	Project Manager	Party	Description	Original Task Order Amount	Total Task Order Amount	Total Change Order Amount	Completion Date	Has Subs	Create Change Order	Action
FDO-2009-0003-T0001	KPO-410-07070900000000001134	NIGELS DAVID A	CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE	CID	\$428,711.00	\$707,513.32	\$278,802.32		Yes	+Create Change Order	

Note: Clicking the green expand icon  displays the change order information and may not be needed. Instead, the user can click the blue highlighted Task Order # to open the task order in edit/update mode.

- Enter criteria needed in the “Edit Task Order” window
 - Scroll to the Subcontractors grid.
 - Select the “Add Subcontractor” button. 
 - In the Add Subcontractor (Add Schedule 2 to Task Order) window, select Party, enter Commitment Amount (\$), SBE Participant is systematically set depending on the subcontractors SBE certification status when first added to the schedule 2.
 - Select the “Add to Subcontractors List” button 

Add Subcontractor (Add Schedule 2 to Task Order)
CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE

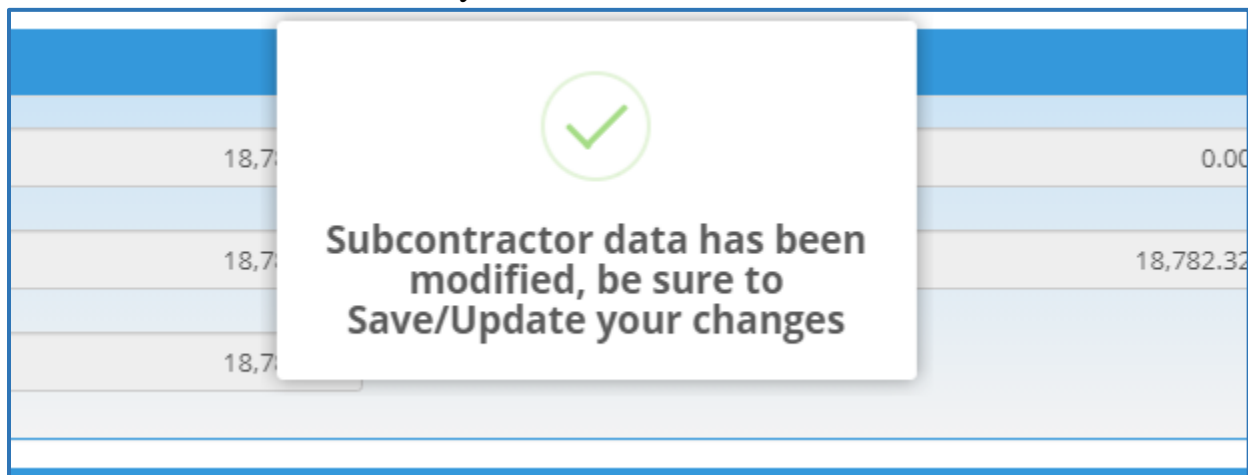
Party: *

Commitment Amount (\$): *

SBE Participant: ☐ Yes ☐ No

Add to Subcontractors List Close the dialog

- Click **“Add to Subcontractors List”** button on the Add Subcontractor window.
- You should see this notice once adding subcontractor successfully.



- In the Edit Task Order page, click **“Save”** in order to save the data you just entered. See in the screenshot below.

Edit Task Order

Attachments **Add Attachment**

Show entries Search:



File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries Previous Next

Entered By: AIMPORT Date: 03/10/2023 01:50 PM Changed By: kadamczyk Date: 04/04/2023 12:48 PM

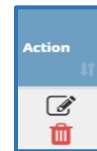
Save Close

Special Note: The “Save” button on the Task Order page must be clicked to see the “Add Payment” button appear in the Subcontractors grid. See the screenshot below.

Subcontractors for CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE							+Add Subcontractor
Show 25 Entries		Search:		Excel Print			
Subcontractor	Commitment Amount	Paid To Date \$	Paid To Date %	SBE Participant	Add Payment	Action	
ALTIMA LIGHTING INC (ALT10002) SBE - EXPIRED SINCE 07/07/2020	\$500.00	\$0.00	0.00%	Y	+Add Payment	 	
Showing 1 to 1 of 1 entries							Previous 1 Next

F1) How do I edit the Subcontractor Schedule 2 information on the Task Order?

- In the Edit Task Order window, maneuver down to the Subcontractor field
- In the **“Action”** field, find the pencil shaped edit button.
- This will open an “Edit Subcontractor” Window you can edit the Party, Commitment Amount (\$), and SBE Participant
- Be sure to select the **“Update to Subcontractor List”** button to add the updated information to the list.



Edit Subcontractor

CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE

Party: *

GEOFFREY B. SLUGGETT & ASSOCIATES, INC. (VS00000002185) SBE - RECERTIFIED

Commitment Amount (\$): *

500

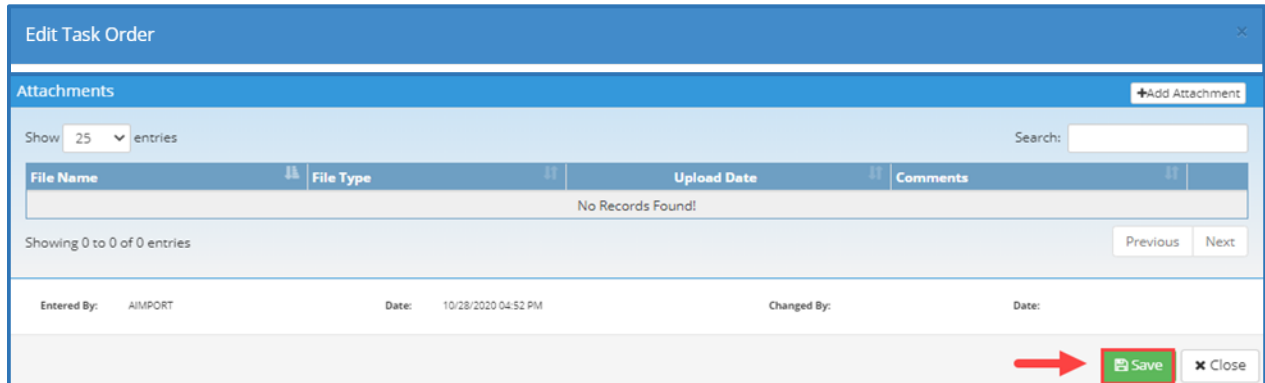
SBE Participant:

☒ Yes ☐ No

✖ Update to Subcontractors List

Close the dialog

- In the Edit Task Order page, click **“Save”** in order to save the data you just entered. See in the screenshot below.



Attachments

Show 25 entries Search:

File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries Previous Next

Entered By: AIRPORT Date: 10/28/2020 04:52 PM Changed By: Date:

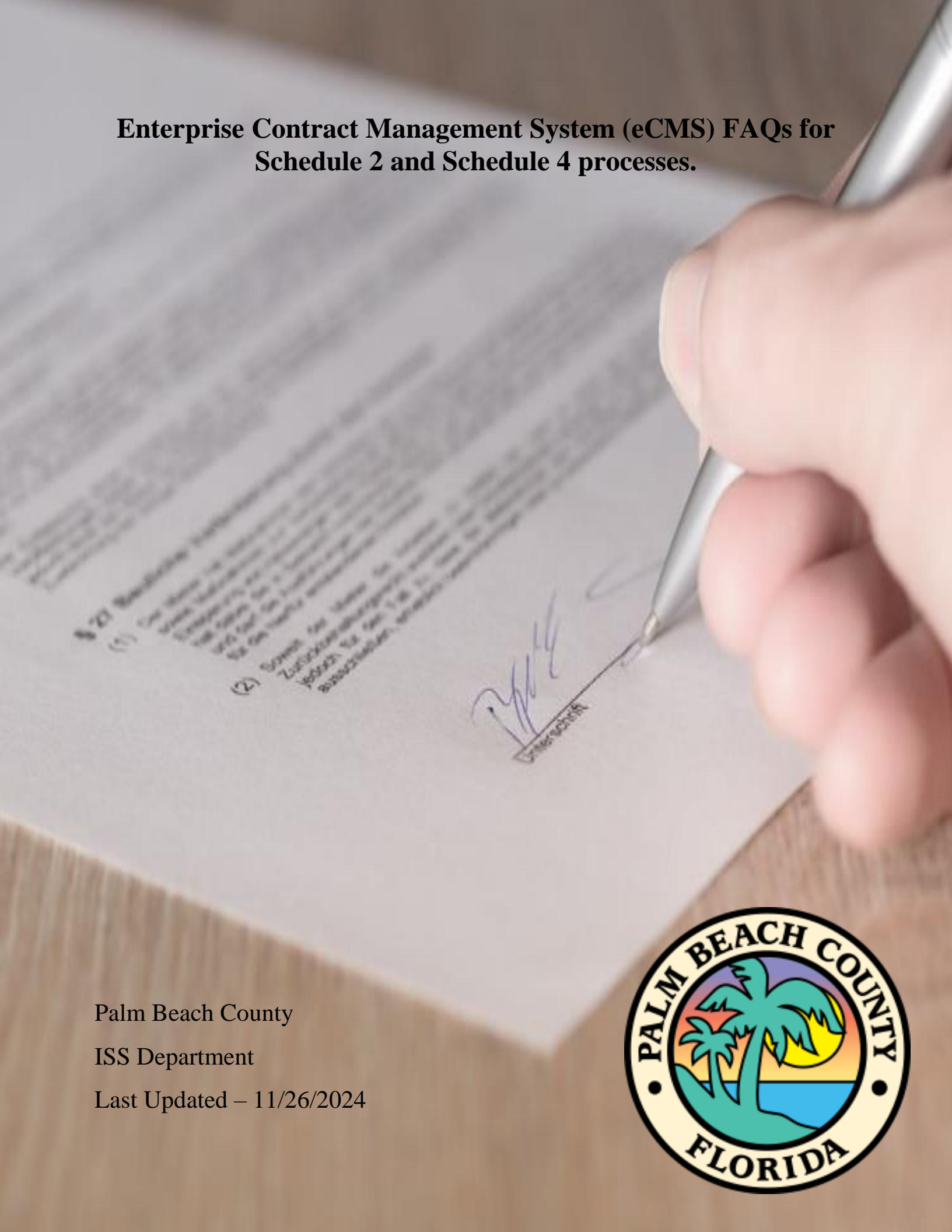
Save Close

F2) How to delete the Subcontractor Schedule 2 information on the Task Order?

Locate the record you want to delete in the grid and click the trashcan.



Enterprise Contract Management System (eCMS) FAQs for Schedule 2 and Schedule 4 processes.



Palm Beach County

ISS Department






Last Updated – 11/26/2024




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ICON LEGEND

- Edit Button : Allows you to change, or update the information, a modification of existing data.
 - Delete Button : Gives you the option to remove or obliterate data
 - Invoices : Allows you to manage invoices
 - Attachment : Allows you to manage attachments
 - Green Expand Icon : Display the Second row of data.
- How to add an attachment?

- Select the Paper Clip icon 
- On the “Manage Attachments” window
- Select “Add Attachment” button
- Select “Choose a file or drag it here” to add a file
- Once file is added Click **“Save”** button on Add Attachment window

***** DO NOT USE INTERNET EXPLORER, PLEASE USE EDGE OR CHROME

A) How do I Search on an Advantage Document ID?

- In the dashboard ledger, select the menu option **“Agreements”**
 1. A drop-down will appear select **“Search”**
- Under the **“Search Criteria-Agreements”** Look for **“Advantage Document ID”**
- Search the Advantage Document ID
 2. When searching for Advantage Document ID include hyphens in the number.
 3. (Example: KPO-410-103018000000000000108).

Palm Beach County ECMS

Dashboard Projects Agreements Requirements Reports Code Table Security

Search Criteria - Agreements And/Or Invoices and Reimbursements

Department: Information Systems Services

Advantage Document ID: # **Wild Card Search Example: KDO%110520%330**

Lead Department: Select One

Goal Setting API Applied: Select One

Agreement Name:

Agreement Status: Select One or More

Description:

BCC Resolution #:

Manager: Select One

Project/Contract #:

Procurement Type: Select One

Amended End Date Range: [Calendar Icon] [Clear]

Effective Date Period: [Calendar Icon] [Clear]

Subcontractor: Select One or More

Advantage Status: Select One or More

Exempt from EBO Reporting: Select One

Has Subcontractors: Select One

Agreement #: Select One or More

Agreement Type: Select One

Revenue/Expense/Other: Select One

Party: Select One or More

Projects: Select One

Site: Select One

BCC Approval Date Range: [Calendar Icon] [Clear]

Search Criteria - Invoice Specific (Click here to search on Invoice fields)

Search Criteria - Reimbursement Specific (Click here to search on Reimbursement fields)

Search [Clear]

★ A Wild Card Search

- You can use any Advantage Document ID without having to enter the whole number.
- ❖ For example: KPO-410-103018000000000000108, all you will need to enter is the first six numbers in the third section of the number. (Example: 103018)

Advantage Document ID: # 103018

- ❖ Another example: KMA-410-FDO-20MINOR, all you need to enter is KDO%110520%330, **must use % and not ***

Advantage Document ID:	# KDO%110520%330
------------------------	------------------

- After selecting preferred criteria select the **“Search”** button shown in screenshot above

B) How Do I Add a Schedule 2 to an Agreement?


Note: Only the Lead Department has access to attach the Schedule 2 to an Agreement.


- In the dashboard ledger, select the menu option **“Agreements”**
 - A drop-down will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card search steps.
 - Select an **“Agreement Name”** from the grid
 - Scroll down to **“Parties”** section of the screen.
 - Select the **“Add Subcontractors”** button (*If button is missing go to step B2*)


Parties


Show 25 entries

Search:

 Excel

 Print

 Add Party

Party	Role	Prime's Calculated Goal (%)	SBE Goal (%)	Paid To Date	Has Subcontractors	Add Subcontractors	Action
<div></div> ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED	CONTRACTOR	100	0	\$351,605.87	Y	<div>+Add Subcontractors</div>	

Showing 1 to 1 of 1 entries

Previous

1

Next

- ❖ Clicking the green expand icon  will display the second row of data.

- Fill out the **“Contractor Details”**

1. For the “Has Subcontractors:” option select **“Yes”** See screenshot below.
2. Choose a subcontractor type, either SBE or Non-SBE,
3. Search for the subcontractor in the drop-down. Use the Type Ahead feature to find a Subcontractor.
4. Type in the anticipated Commitment % or Amount
5. Check the supplier checkbox, if applicable.
6. Add a Schedule 2.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Add Subcontractor

Contractor Details

Prime's Calculated Goal (%): 100

SBE Goal (%): 0

1 Has Subcontractors: ☒ Yes ☐ No ☐ Not Selected

2 Subcontractor Type: ☒ SBE ☐ Non-SBE

3 Subcontractor: Search and Select Subcontractor

4 Commitment (%): * (OR) Commitment Amount (\$): *

5 Supplier: ☐

Comments:

6 Add Schedule 2: * Choose File No file chosen

Schedule 2 Comments:

Save Close the dialog

- The screenshot on the next page shows the Type Ahead feature to find a Subcontractor.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Add Subcontractor

Contractor Details

Prime's Calculated Goal (%): 100

SBE Goal (%): 0

Has Subcontractors: ☒ Yes ☐ No ☐ Not Selected

Subcontractor Type: ☒ SBE ☐ Non-SBE

Subcontractor: Search and Select Subcontractor

Commitment (%): *

(OR)

Commitment Amount (\$): *

Supplier:

Comments:

Add Schedule 2: *

Schedule 2 Comments:

Type Ahead Feature

*CHARLES W BROWN (BROWD163) S/MBE - EXPIRED SINCE 10/03/2005

CHARACTER ENTERPRISES INC. (VS0000005796) S/M/WBE - RECERTIFIED

CHARLES B BAXTER (BAXT0005) S/MBE - EXPIRED SINCE 12/31/2003

CHARLES D BELCHER ELECTRICAL SERVICES INC (CHAR0040) S/MBE - EXPIRED SINCE 01/19/2015

CHARLES MCLENDON (MCCL0018) S/MBE - EXPIRED SINCE 02/21/2004

CHARLES S WHITESIDE INC (CHAR0003) SBE - EXPIRED SINCE 12/07/2013

CHARLES CLARK SMITH (SMITH0003) S/MBE - EXPIRED SINCE 04/01/2003

Choose File No file chosen

Save Close the dialog

Special Note: If the subcontractor is not found then double check to see if the subcontractor is already attached to the Prime Contractor. Clicking the green plus sign will expand and display the rows of subcontractors on the Party grid.

- Click **“Save”** button on Contractor Details window, to save the subcontractor data to the database.

B1) How to edit the Subcontractor details on the Agreement?

- In the dashboard ledger, select the menu option **“Agreements”**
 - A drop-down will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
 - Select an **“Agreement Name”** from the grid
- Scroll down to **“Parties”** section of the screen.
 - Select the green **“Plus Sign”** button, displaying the subcontractors.

- Select the **“Subcontractor”** which will open the Edit Subcontractor window.
- Make edits, add Comments, or add another Schedule 2 or add a Schedule 1/J.
- Schedule 1/J are optional to add. Same process as a Schedule 2, but Schedule 1/J can be deleted without adding another.
- To delete the Schedule 2 upload, the user must add another Schedule 2 for the trashcan icon to become unlocked. Schedule 2 Subcontractors require one Schedule 2 to be added at all times.
- Click **“Save”** in order to save the data you just entered
- See screenshot on next page.

ALLSITE CONSTRUCTION INC (ALLS0032) S/MBE - RECERTIFIED - Edit Subcontractor

Contractor Details

Prime's Calculated Goal (%):

85

SBE Goal (%):

100

Has Subcontractors:

☒ Yes ☐ No ☐ Not Selected

Subcontractor Type:

☒ SBE ☐ Non-SBE

Subcontractor:

BELVEDERE CONTRACTING, INC (VC0000123486) SBE - RECERTIFIED

Commitment (%): *

15.00

(OR)

Commitment Amount (\$): *

Supplier:

☐

Comments:

Schedule 2

+Add Schedule 2

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments
(Schedule 2) SCHEDULE 2	XLSX	10/01/2024 07:56	

Showing 1 to 1 of 1 entries

Previous 1 Next

Schedule 1 / J

+Add Schedule 1 / J

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries

Previous Next

Save

Close

B2) If the Add Subcontractor button is missing on the Parties grid, follow the instructions below on the screenshot to make it reappear.

- Has Subcontractors flag for the agreement should be “Yes”.
- Click on the Party link to update the Has Subcontractor flag to “Yes” at party level.

The screenshot shows the 'Parties' grid in the eCMS system. At the top, there are three radio button options: 'Has Subcontractors: *' (Yes, No, Not Selected), 'Goal Setting API Applied: *' (Yes, No, Prior SBE Program, Not Selected), and 'Is this a Renewal: *' (Yes, No, Not Selected). The 'Yes' option for 'Has Subcontractors' is selected. A red arrow points to this option with the text 'Click on Party link to update Has Subcontractors flag to Y'. Another red arrow points to the 'Has Subcontractors' column header with the text 'Add Subcontractors button will display'. The grid shows one entry for 'GFA INTERNATIONAL, INC. (VC0000009017) Non-SBE' with a role of 'CONTRACTOR'. The 'Has Subcontractors' column for this entry is highlighted with a red box. The 'Add Subcontractors' button is visible in the 'Action' column for this entry. The grid also includes columns for 'Party', 'Role', 'Prime's Calculated Goal (%)', 'SBE Goal (%)', and 'Paid To Date'. The 'Showing 1 to 1 of 1 entries' text is at the bottom left, and 'Previous 1 Next' is at the bottom right.

- Click “Yes” on Has Subcontractor flag and click on update to Party List button.
- Click the “Close” button to close Edit Party window.

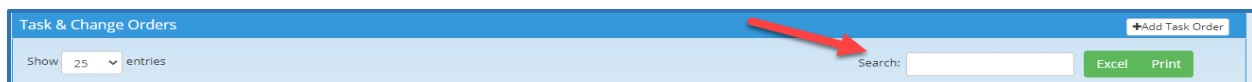
The screenshot shows the 'Edit Party' window. It contains fields for 'Party: *' (GFA INTERNATIONAL, INC. (VC0000009017) Non-SBE), 'Role: *' (CONTRACTOR), 'Prime's Calculated Goal: %' (0), and 'SBE Goal: %' (0). The 'Has Subcontractors: *' field has three radio button options: 'Yes' (selected), 'No', and 'Not Selected'. A red circle with the number '1' is placed over the 'Yes' radio button. A red circle with the number '2' is placed over the 'Update To Party List' button. The 'Close' button is also visible.

- Click  button on bottom of agreement details page.


C) How Do I Add a Schedule 2 Subcontractor to a Task Order?

Note: This step is done systematically for Purchase Order's because there is only one task order. For Master agreements (CMA, KMA) you may need to add, edit, or delete the subcontractor on a Task Order.


- In the dashboard ledger, select menu option **“Agreements”**
 - A drop-down will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card, search steps.
 - Select an **“Agreement Name”** on the grid
 - Scroll down to **“Task & Change Orders”** section of the screen.
 - Find the **“Task Order #”** that the **“Advantage Doc ID”** is attached to.
 - This filter/search can be used to locate the Advantage Document ID when the task order list is large.

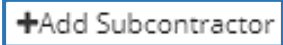


- Select the **“Task Order #”**



Task Order #	Advantage Doc ID	Project Manager	Party	Description	Original Task Order Amount	Total Task Order Amount	Total Change Order Amount	Completion Date	Has Subs	Create Change Order	Action
FDO-2009-0003-T0001	KPO-410-0707090000000001134	NIGELS DAVID A	CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE	CID	\$428,711.00	\$707,513.32	\$278,802.32		Yes	+Create Change Order	

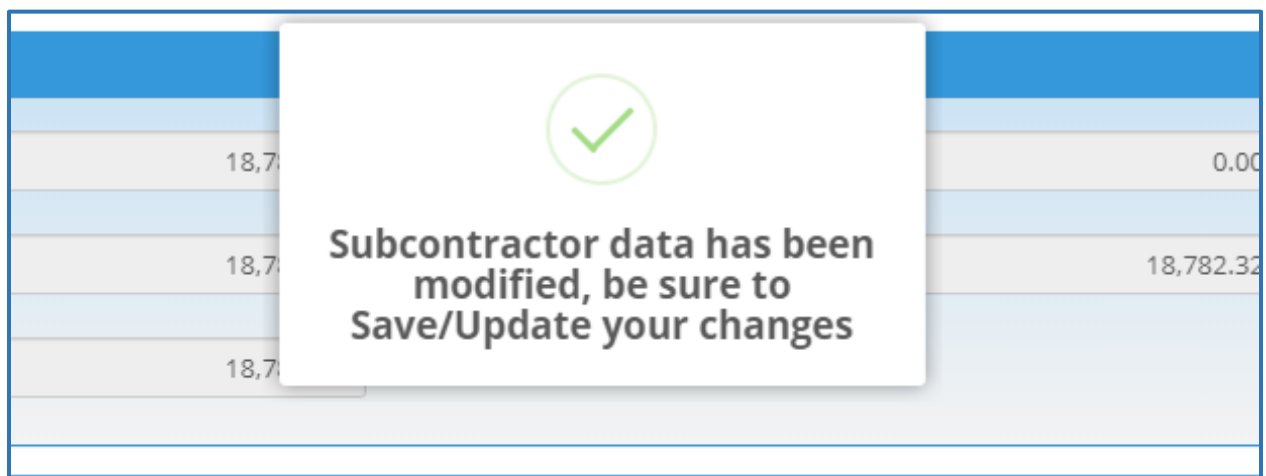
Note: Clicking the green expand icon  will display the change order information and may not be needed. Instead, the user can click the blue highlighted Task Order # to open task order in edit/update mode.

- Enter criteria needed in the “Edit Task Order” window
 - Scroll to the Subcontractors grid.
 - Select the “Add Subcontractor” button. 
 - In the Add Subcontractor (Add Schedule 2 to Task Order) window, Select Party, enter Commitment Amount (\$), SBE Participant is systematically set depending on the subcontractors SBE certification status when first added to the schedule 2.
 - Select the “Add to Subcontractors List” button





- Click **“Add to Subcontractors List”** button on the Add Subcontractor window.
- You should see this notice once adding subcontractor successfully.



- In the Edit Task Order page, click **“Save”** in order to save the data you just entered. See in the screenshot below.

Edit Task Order

Attachments +Add Attachment

Show 25 entries Search:

File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries Previous Next

Entered By: AIMPORT Date: 03/10/2023 01:50 PM Changed By: kadamczyk Date: 04/04/2023 12:48 PM

Save Close

Special Note: The “Save” button must be clicked on the Task Order page to see the “Add Payment” button appear in the Subcontractors grid. See in the screenshot below.

Subcontractors for CORZO CASTELLA CARBALLO THOMPSON SALMAN PA (CORZ0001) Non-SBE +Add Subcontractor

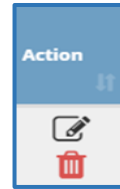
Show 25 Entries Search: Excel Print

Subcontractor	Commitment Amount	Paid To Date \$	Paid To Date %	SBE Participant	Add Payment	Action
ALTIMA LIGHTING INC (ALT10002) SBE - EXPIRED SINCE 07/07/2020	\$500.00	\$0.00	0.00%	Y	+Add Payment	

Showing 1 to 1 of 1 entries Previous 1 Next

C1) How to edit the Subcontractor Schedule 2 information on the Task Order?

- In the Edit Task Order window, maneuver down to the Subcontractor field
- In the **“Action”** field, find the pencil shaped edit button.
- This will open an “Edit Subcontractor” Window you can edit the Party, Commitment Amount (\$), and SBE Participant
- Be sure to select the **“Update to Subcontractors List”** button to add the updated information to the list.



Edit Subcontractor
PIERCE GOODWIN ALEXANDER & LIN (PIER0018) Non-SBE

Party: * O'DONNELL NACCARATO, MIGNOGNA & JACKSON, INC (VC0000122481) SBE - RECERTIFIED

Commitment Amount (\$): * 10.00

SBE Participant: ☒ Yes ☐ No

Update to Subcontractors List Close the dialog

- In the Edit Task Order page, click **“Save”** in order to save the data you just entered. See in the screenshot below.

Edit Task Order

Attachments **Add Attachment**

Show 25 entries Search:

File Name	File Type	Upload Date	Comments
No Records Found!			

Showing 0 to 0 of 0 entries Previous Next

Entered By: AIRPORT Date: 10/28/2020 04:52 PM Changed By: Date:


Save Close






C2) How to delete the Subcontractor Schedule 2 information on the Task Order?

Locate the record you want to delete in the grid and click the trash can.

D) How do I Add Schedule 4 payments to the Task Order?

Special Note: Schedule 4s should be recorded as soon as they are received. If a late entry is needed, contact a Contract Admin to enter a late payment entry. **Late entries have a direct impact on reporting.**

- In the dashboard ledger, select the header **“Agreements”**
 - A drop-down will appear then select **“Search”**
- Use the “Search Criteria-Agreements” area to look up Agreement
 - Select **“Search”**
- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card, search steps.
 - Select an **“Agreement Name”** on the grid
- Scroll down to “Task & Change Orders” section of the screen.
 - Find the **“Task Order #”** that the **“Advantage Doc ID”** is attached to.
 - Select the **“Task Order #”**
- In the “Edit Task Order” window scroll to Subcontractors, section of the web page.
- Clicking the green expand icon  will display the second row of data.

Subcontractors for FLORIDA INTERNATIONAL CONSULTING ENGINEERS DESIGN (VS0000001063) SBE - RECERTIFIED							+Add Subcontractor
Show	25	Entries	Search:		Excel	Print	
Subcontractor	Commitment Amount	Paid To Date \$	Paid To Date %	SBE Participant	Add Payment	Action	
 WALLACE SURVEYING CORPORATION (VS00000028350) Non-SBE	\$11,699.00	\$50.00	0.43%	N	+Add Payment		
Show	25	Entries	Search:		Excel	Print	
Payment ID	SBE	Payment Amount \$	Payment Date	Schedule 3 / 3A	Schedule 4	Action	
30117	No	\$50.00	11/26/2024				
Showing 1 to 1 of 1 entries							Previous 1 Next

Special Note: If you don't see the subcontractors records in the grid, the Schedule 2 information was possibly not added to the Agreement. If you are **not** the lead department, follow up with the lead department to add the Schedule 2 subcontractors.

Subcontractors for FLORIDA INTERNATIONAL CONSULTING ENGINEERS DESIGN (VS0000001063) SBE - RECERTIFIED							+Add Subcontractor
Show	25	Entries	Search:		Excel	Print	
Subcontractor	Commitment Amount	Paid To Date \$	Paid To Date %	SBE Participant	Add Payment	Action	
WALLACE SURVEYING CORPORATION (VS00000028350) Non-SBE	\$11,699.00	\$50.00	0.43%	N	+Add Payment		
Show	25	Entries	Search:		Excel	Print	
Payment ID	SBE	Payment Amount \$	Payment Date	Schedule 3 / 3A	Schedule 4	Action	
30117	No	\$50.00	11/26/2024				
Showing 1 to 1 of 1 entries							Previous 1 Next

- Select the **"Add Payment"** button. See the screenshot above.
- Enter in the required data in the add payment window. See red * below. Subcontractor, Payment Amount, Payment Date, and Schedule 4 Attachment needs to be entered. *Certification Type, Race, and, Gender are set to the subcontractor's values currently in the EBO Admin system.*

Add Payment

Subcontractor: *

ALTIMA LIGHTING INC (ALT10002) SBE - EXPIRED SINCE 07/07/2020 (SBE Participant)

SBE: *

☐ Yes
 ☒ No
 NOTE: If Subcontractor SBE Participant is Yes, the default SBE value is based upon the OEBO certification status.

You do not have permission to change this value.

Payment Amount: *

\$

Payment Date: *

09/30/2023

You do not have permission to enter a late payment

Certification Type: *

SBE

Race: *

WHITE

Gender: *

☒ Male
 ☐ Female
 ☐ Unknown

Comments:

Add Schedule 4: *

Choose File

No file chosen

Schedule 4 Comments:

Save

Close the dialog

Special Note: A new security role **"Contract Admin"** can only enter Schedule 4 late payments and change the SBE flag. If you receive the following two error messages above on the Add Payment window, the **Contract Admin** assigned to your department can add the Schedule 4 late payment.

Late Schedule 4 Payment

1. Any payment that is paid after 9/30 of the payment's fiscal year
2. Payment's fiscal year based on the payment date
3. Comments field becomes required for the user to explain the reason behind the Late Payment.

- To add a Schedule 4 upload do the following:
 - Click “Choose File” button.

Add Payment

Subcontractor: * ALTIMA LIGHTING INC (ALT10002) SBE - EXPIRED SINCE 07/07/2020 (SBE Participant)

SBE: * ☐ Yes ☒ No **NOTE: If Subcontractor SBE Participant is Yes, the default SBE value is based upon the OEBO certification status. You do not have permission to change this value.**

Payment Amount: * \$ 15.00 **Payment Date:** * 10/01/2023

Certification Type: * SBE **Race:** * WHITE

Gender: * ☒ Male ☐ Female ☐ Unknown

Comments:

Add Schedule 4: * **Choose File** No file chosen

Schedule 4 Comments:

Save **Close the dialog**

- File Explorer window opens.
- Double click the chosen file or select the file and click Open.
- See screenshot on next page.

Open

File Explorer: Test Documents

Name	Date modified	Type
Schedule 1	12/8/2023 7:16 AM	Microsoft Word
Schedule 2	1/24/2024 8:32 AM	Microsoft Excel
Schedule 4	5/21/2024 10:06 AM	Microsoft Word

Double click the file or select the file then click Open

File name: Schedule 4 **All Files** **Open** **Cancel**

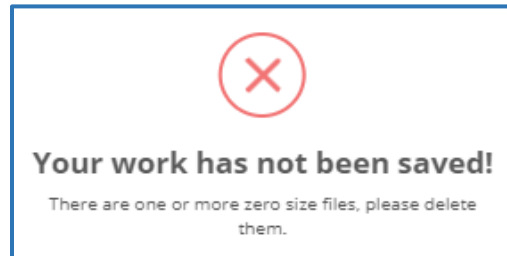
Add Schedule 4: * **Choose File** No file chosen

Schedule 4 Comments:

Save **Close the dialog**

Special Note: Only one Schedule 4 upload can be present in the Add Payment window.

Special Note: Files must be at a size greater than 0 KB. Otherwise, users will face an upload error message when clicking Save.



- Once all required sections are complete, click on the **“Save”** button in the add payment window.

D1.) How to edit the Schedule 4 Payments on the Task Order?

- To edit a Payment ID select the blue colored font under “Payment ID”

Subcontractors for SONG & ASSOCIATES INC (SONG0001) S/M/WBE - GRADUATED								+Add Subcontractor
Show	25	Entries	Search:					Excel Print
Subcontractor	Commitment Amount	Paid To Date \$	Paid To Date %	SBE Participant	Add Payment	Action		
<div> </div> SUPERIOR FIRE PROTECTION, INC. (VC0000123517) SBE - EXPIRED SINCE 07/23/2015	\$1,500.00	\$1,600.00	106.67%	Y	+Add Payment			
Show	25	Entries	Search:					Excel Print
Payment ID	SBE	Payment Amount \$	Payment Date	Schedule 3 / 3A	Schedule 4	Action		
30118	No	\$1,600.00	11/26/2024					
Showing 1 to 1 of 1 entries								Previous 1 Next

- This action will open an Edit Payment window.
- Make edits, add Comments, or add another Schedule 4. If the Paid To Date column turns yellow this is a warning that payment is over the Commitment Amount.
- To delete the original Schedule 4 upload, the user must add another Schedule 4 for the trashcan icon to become unlocked. Schedule 4 Payments require one Schedule 4 to be added at all times.

(eCMS) FAQs

Last Updated 11/26/2024

- Schedule 3/3A are optional and can be added at this time.
- Be sure to select the **“Save”** button when you are finished updating information.

Edit Payment

Subcontractor: *

WALLACE SURVEYING CORPORATION (VS0000028350) Non-SBE (NON-SBE Participant) ×

SBE: *

☐ Yes

☒ No

You do not have permission to change this value.

Payment Amount: *

\$ 50.00

Payment Date: *

11/26/2024

Certification Type: *

UNKNOWN

Race: *

UNKNOWN

Gender: *

☐ Male

☐ Female

☒ Unknown

Comments:

Schedule 4

+Add Schedule 4

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments	
(Schedule 4) ECMS_FAQ_SCH_2_4 (9)	PDF	11/26/2024 09:37		<div><div></div><div></div></div>

Showing 1 to 1 of 1 entries

Previous

1

Next

Schedule 3 / 3A

+Add Schedule 3 / 3A

Show 25 entries

Search:

File Name	File Type	Upload Date	Comments	
(Schedule 3) INV# 642828	PDF	11/26/2024 09:42		<div><div></div><div></div></div>

Showing 1 to 1 of 1 entries

Previous

1

Next

Save

Close the dialog

Special Note: For **“Contract Admins”** once you select the SBE payment flag it cannot be updated. To update, first delete the payment and re-insert the payment with the correct SBE payment flag.

E) How do I link a renewal to a parent agreement?

- In the dashboard ledger, select the header **“Agreements”**
 - A drop-down will appear then select **“Search”**
- Use the **“Search Criteria-Agreements”** area to look up Agreement
 - Select **“Search”**
- ★ Refer back to step [A) How do I Search on an Advantage Document ID?] For the Wild Card, search steps.
 - Select an **“Agreement Name”** on the grid.
 - Select the **“Parent #”** drop-down and select the Agreement you would like to make as a parent agreement.

The screenshot shows the 'Edit Agreement' form in the eCMS system. The form is titled 'Edit Agreement' and 'Facilities Development and Operations'. It contains various fields for agreement details. A red arrow points to the 'Parent #' dropdown menu, which is currently open, showing a list of agreement IDs. The fields include Agreement Name, Agreement #, Agreement Type, Agreement Status, Project/Contract #, Advantage Status, Advantage, Lead Department, Description, BCC Approval Date, BCC Resolution#, Department Director Delegation, File Date, and CDC#.

Special Note: If the Agreement is considered the “Parent” record, then there should be **no** Parent # in the parent drop-down list box. The user needs to be sure to have “Is this a renewal” flag set to “NO.”

Special Note: If the Parent renewal Agreement is **NOT FOUND** in eCMS, locate the *oldest renewal Agreement* in eCMS and ensure the “Is this a renewal flag” is set to “NO” and there is **no** Parent # in the parent drop-down list box. See screenshot on next page.

The screenshot shows a web form for managing agreements. At the top, there are several fields: 'Agreement Status' (a dropdown menu set to 'OPEN'), 'Parent #' (a dropdown menu set to 'Select One'), 'Project/Contract #' (a text field with 'FDO-17VOLT'), 'Procurement Type' (a dropdown menu set to 'PROF SERV CCNA - BCC APPROVED (82)'), and 'Advantage Status' (a dropdown menu set to 'Closed'). To the right of these fields are two buttons: 'View' and 'View Change History'. Below these are more fields: 'Advantage' (a table with columns 'Type', 'KMA', 'Dept', '#', and 'Version'), 'Lead Department' (a text field with 'Facilities Development and Operations'), and 'Description' (a large text area). Further down are 'BCC Approval Date' (a date picker), 'BCC Resolution#' (a text field with '(YYYY-9999)'), 'Department Director Delegation on File' (a checkbox), 'File Date' (a date picker), 'CDC#' (a text field), 'Maintained By Department' (a checkbox), 'Start Invoices in ECMS' (a checkbox), and 'Exempt from EBO Reporting' (a checkbox). At the bottom, there are three radio button options: 'Has Subcontractors' (with 'Yes' selected), 'Goal Setting API Applied' (with 'No' selected), and 'Is this a Renewal' (with 'No' selected). The 'Parent #' and 'Is this a Renewal' fields are highlighted with red boxes.

- Be sure to select the “Save” button when you are finished updating information.

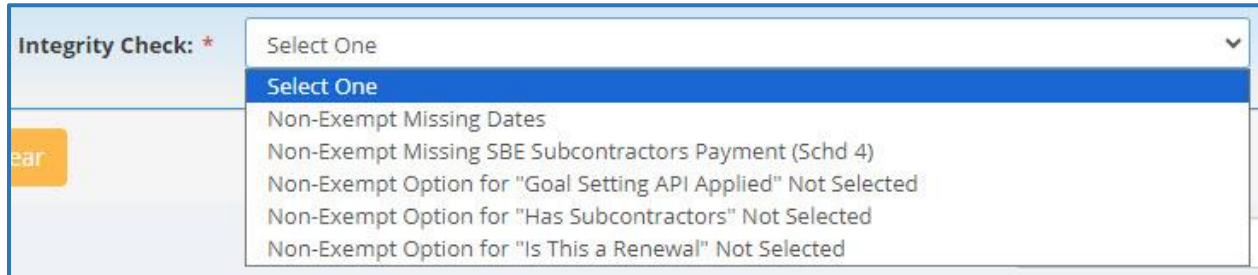
F) How to run Integrity Check Reports?

Integrity Reports are located in the Reports section.

- Select the “Reports” tab. A drop-down menu will display.
- Click “Integrity Check Report” option.



- The Integrity Check Report page will display.
 - Under the Integrity Check entry field, the user can select which report they wish to run from the list of options from the drop-down list.

A screenshot of a web application interface. On the left, there is a label 'Integrity Check: *' in a light blue box. To its right is a dropdown menu. The dropdown menu is open, showing a list of options. The top option is 'Select One' in a blue bar. Below it are five other options: 'Non-Exempt Missing Dates', 'Non-Exempt Missing SBE Subcontractors Payment (Schd 4)', 'Non-Exempt Option for "Goal Setting API Applied" Not Selected', 'Non-Exempt Option for "Has Subcontractors" Not Selected', and 'Non-Exempt Option for "Is This a Renewal" Not Selected'. The dropdown menu has a small arrow icon on the right side.

G) How to fix Integrity Check missing dates, Has Subcontractors, Is this a Renewal, and Goal Setting API Applied not selected reports?

- Once the integrity check search results display, the user can select the record for which they wish to fix.
 - Clicking on the Agreement name, will open the Agreement page in edit.
 - In the Agreement Details section, the user can modify **Has Subcontractors, Is this a Renewal, Goal Setting API Applied**, and the **Effective and End Date(s)** to fix said Integrity Report.
 - See screenshot on next page.

Edit Agreement Helpful Hints

Agreement Details

Facilities Development and Operations

Agreement Name: * 2019 CENTRAL ANNUAL AIR COMPRESSOR MAINTENANCE - MAY

Agreement #: FDO -2019-0026

Manager: * MCBEAN LEWIS C

Agreement Type: * EXPENSE, OTHER

Expense/Revenue: Expense

Agreement Status: * OPEN

Parent #: Select One [View](#)

Project/Contract #:

Procurement Type: * DECENT.PURCHASE UNDER \$5,000 (50) [View Change History](#)

Advantage Status: Closed

Advantage: Type DPO Dept 410 # 11081800000000000779 Version 1

Lead Department: * Facilities Development and Operations

Description:

BCC Approval Date: BCC Resolution#: (YYYY-9999)

Department Director Delegation on File: ☐ File Date: CDC#:

Maintained By Department: ☐

Start Invoices in ECMS: ☐

Exempt from EBO Reporting: ☐

Has Subcontractors: * ☐ Yes ☐ No ☒ Not Selected

Goal Setting API Applied: * ☐ Yes ☐ No ☐ Prior SBE Program ☒ Not Selected

Is this a Renewal: * ☐ Yes ☐ No ☒ Not Selected

Goal Setting API Change Reason: *

Special Note: By default, Has Subcontractors, Is this a Renewal, and Goal Setting API are set to Not Selected when the record is interfaced over from the Advantage System and can only be changed by the Lead Department.

- If the **Goal Setting API Applied** is flagged as “YES” additional fields will display. **SBE Goal**, **MWBE Goal**, and **Preference Comments** are not required fields, but can be added if necessary.

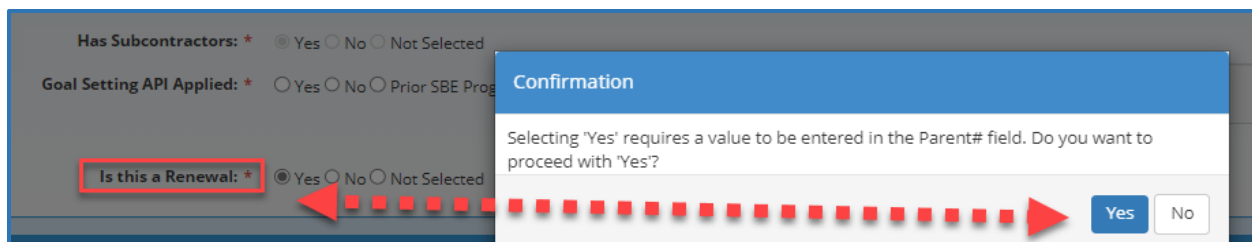
Goal Setting API Applied: * ☒ Yes ☐ No ☐ Prior SBE Program ☐ Not Selected

SBE Goal: %

MWBE Goal: %

Preference Comments:

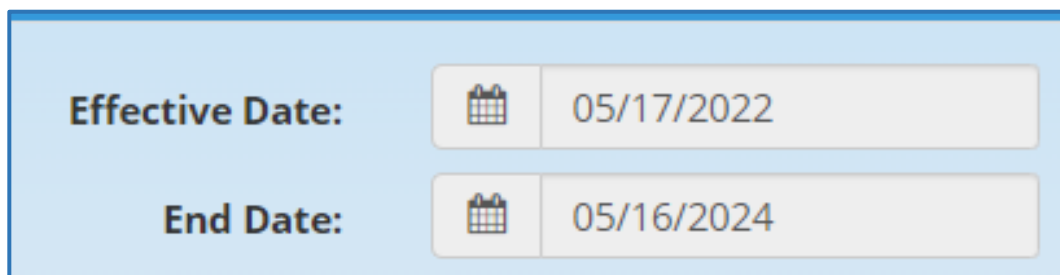
Special Note: When changing Is this a Renewal radio button to Yes, a message will display confirming with the user that the Parent # field will become required. Click ‘Yes’ to proceed. Refer to letter E in this manual on how to link a parent agreement to Parent # field.



Special Note: Goal Setting API Applied Change Reason code is required when the current value is “Yes”, “No”, or “Prior SBE Program” and the value is changed. When changing the value of the Goal Setting API Applied, a confirmation window will display confirming with the user that the reporting and use of the department’s SBE utilization will change. Click Yes to proceed. The Goal Setting API Change Reason then becomes unlocked and required.



- If the end-user runs the integrity report for missing dates, the two fields that need to be updated are the **Effective Date**, and **End Date** on the Agreement Details webpage.



- Scroll to the bottom of the Edit Agreement page, where the Save button can be found. Click .

Special Note: It is important that the user clicks “Save” as any work altered or added will not be saved, if not selected.

H) How to fix the missing Schedule 2?

- In the **Edit Agreements** page, scroll down to the **Parties** section.
- Click the **Add Subcontractors** button.

Parties							
Show 25 entries		Search:		Excel Print		+Add Party	
Party	Role	Prime's Calculated Goal (%)	SBE Goal (%)	Paid To Date	Has Subcontractors	Add Subcontractors	Action
"2" SBW & ASSOCIATES INC. (VC0000134113) S/MBE - RECERTIFIED	CONTRACTOR	0	100	\$0.00		+Add Subcontractors	

- The **Contractor Details** page will display. The user can select the Subcontractor Type, Select a Subcontractor from the drop-down list, Commitment (%) or the Commitment Amount (\$), check if the subcontractor is a Supplier, add Comments, add a Schedule 2 upload, followed by adding Schedule 2 Comments.

"2" SBW & ASSOCIATES INC. (VC0000134113) S/MBE - RECERTIFIED - Add Subcontractor

Contractor Details

Prime's Calculated Goal (%): 0

SBE Goal (%): 100

Has Subcontractors: ☐ Yes ☐ No ☒ Not Selected

Subcontractor Type: ☒ SBE ☐ Non-SBE

Subcontractor: Search and Select Subcontractor

Commitment (%): *

(OR)

Commitment Amount (\$): *

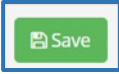
Supplier: ☐

Comments:

Add Schedule 2: * Choose File No file chosen

Schedule 2 Comments:


Save Close the dialog

- Click the  button on the **Contractor Details** page, followed by the additional Save button found at the bottom of the **Edit Agreement** page.

I) How to fix the missing Schedule 4 Integrity Reports regarding Subcontractors and Payments?

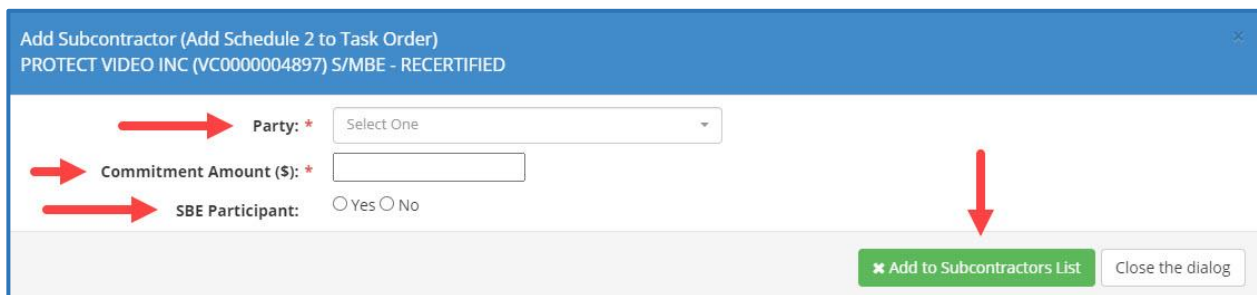
- In the **Edit Agreement Page**, find and select a Task Order/Work Order # in the Task & Change Orders section.
- In the **Edit Task Order** window, scroll down to find the Subcontractors section.

Special Note: If the Subcontractors section does not display the Subcontractor you're looking for, do the following:

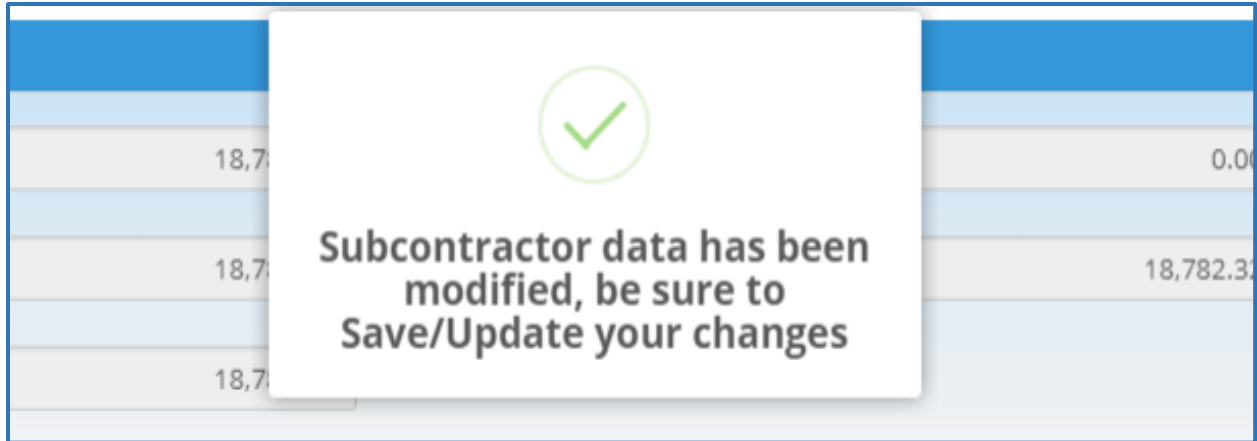
- Select the “Add Subcontractor” button. 
- In the Add Subcontractor (Add Schedule 2 to Task Order) add Party, Commitment Amount (\$), and SBE Participant.

Special Note: If you don't see subcontractor's in the Party drop-down list box, the subcontractors were not added to the Agreement. Go back to letter H and follow the steps. If you are not the lead department, follow up with the lead department to add the Schedule 2 subcontractors.

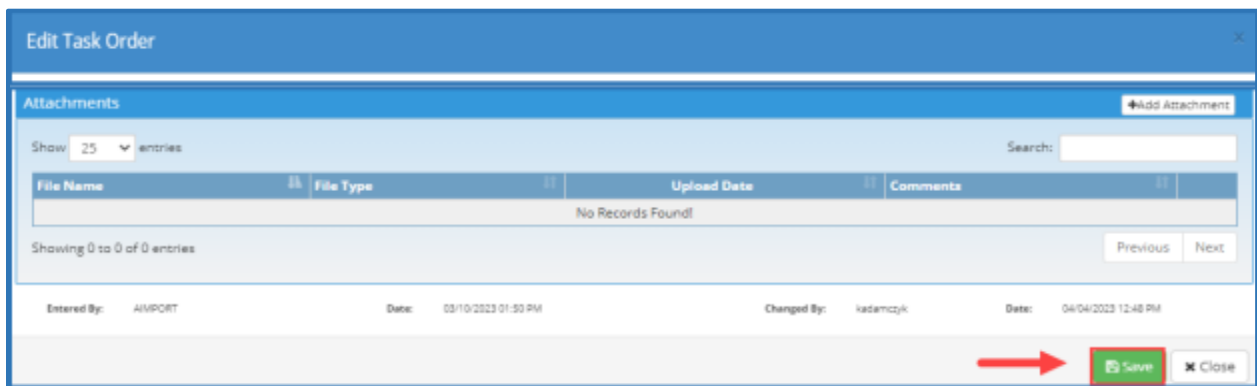
- Select the “Add Subcontractors List” button. 



- Once the “Add to Subcontractors List” button is selected, the window will close, followed by a notice confirming the “Subcontractor data has been modified, be sure to Save/Update your changes.”



- In the Edit Task Order page, click “**Save**” in order to save the data you just entered.



- Going back into the **Edit Task Order** page, scroll down to the Subcontractors section.
 - In the **Subcontractors** section, when a new Subcontractor is created, the user can use the “**Add Payment**” option, which will display within the row of the Subcontractor.
 - Click the Add Payment button. +Add Payment
 - The Add Payment page will display.

The screenshot shows the 'Add Payment' dialog box. At the top, the title is 'Add Payment'. Below it, there are several fields: 'Subcontractor' with a dropdown menu showing 'A-ROSTANT & SON'S JANITORIAL SERVICE, INC. (VC0000012350) S/MBE - EXPIRED SINCE 04/08/2024 (SBE Participant)'; 'SBE' with radio buttons for 'Yes' and 'No', and a note: 'NOTE: If Subcontractor SBE Participant is Yes, the default SBE value is based upon the OEBO certification status.'; 'Payment Amount' with a dollar sign and a text input field; 'Payment Date' with a calendar icon and a date field showing '09/30/2023'; 'Certification Type' with a dropdown menu showing 'S/MBE'; 'Race' with a dropdown menu showing 'BLACK'; 'Gender' with radio buttons for 'Male', 'Female', and 'Unknown'; 'Comments' with a large text area; 'Add Schedule 4' with a 'Choose File' button and 'No file chosen' text; and 'Schedule 4 Comments' with a text area. At the bottom right, there are two buttons: 'Save' and 'Close the dialog'. Two red boxes highlight error messages: one under the 'SBE' field saying 'You do not have permission to change this value.' and another under the 'Payment Date' field saying 'You do not have permission to enter a late payment'. The 'Save' button is highlighted with a blue box.

- Complete all required or additional entry fields in the Add Payment section before saving. For any additional steps or information needed, refer to letter D in the manual.

- Once all required fields are filled in, click the  button.

Special Note: The user must be sure to select Save as any unsaved work will not display unless saved correctly. This includes selecting Save before closing out the Edit Task Order window.



Special Note: Schedule 4s should be recorded as soon as they are received. If a late entry is needed, contact a Contract Admin to enter a late payment entry. **Late entries have a direct impact on reporting.**

Special Note: A new security role “**Contract Admin**” can only enter Schedule 4 late payments and change the SBE flag. If you receive the following two error messages above on the Add Payment window, the **Contract Admin** assigned to your department can add the Schedule 4 late payment.


Late Schedule 4 Payment

1. Any payment that is paid after 9/30 of the payment’s fiscal year
2. Payment’s fiscal year based on the payment date
3. Comments field becomes required for the user to explain the reason behind the Late Payment.

J) How do I fix an attachment regarding Schedule 2 and 4?


- In the Edit Agreement page, scroll down to the **Attachments** section.
 - In the attachments section, the file(s) will be marked as either **(Agree)**, **(Schedule 1)**, **(Schedule 2)**, **(Task)**, **(Schedule 3)**, or **(Schedule 4)**.
 - Based on the criteria of the attachment, the file will be uploaded to the particular section as requested.
- Click the  icon in the **Party's Subcontractors** grid to fix a Schedule 2 or Schedule 1/J upload.
- Click the  icon in the **Task Order's Subcontractors** grid to fix a Schedule 3/3A or Schedule 4 upload.
- To fix Schedule 2 and 4 uploads, the user must **add an additional document** which will then prompt the trashcan icon to be unlocked.
 - Add Schedule 2 or 4 window will display.
 - Select **“Choose a file or drag it here”** to add a file.
 - Once file is added click **“Save”** button on Add Schedule 2, or Schedule 4 window.

Add Schedule 4

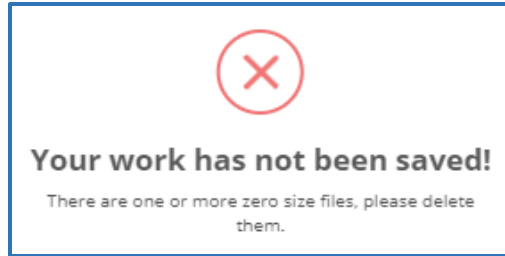
 Choose a file or drag it here

File Name	File Type	File Size	Upload Date	Comments
No Records Found!				

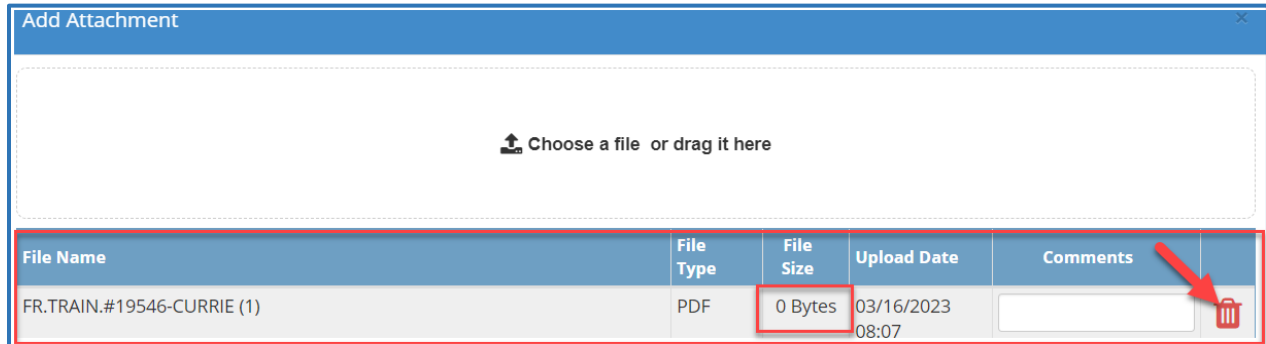
NOTE: File size cannot exceed 20MB

 Save Close the dialog

Special Note: Files must be at a size greater than 0 KB. Otherwise, users will face an upload error message when clicking Save. See the error message on next page.



Special Note: Click the red trash can to remove the file selected.



K) How do I clear cache for a Google Chrome browser when my webpage appears to be acting up?

- Sometimes web apps get stuck with stale data. This trick is very useful for when websites are not behaving the way you expect them to behave or not returning data you think it should be. We recommend trying this if the app seems to be behaving weirdly.
- Press the following keys **all** together to clear cache; Ctrl + Shift + R

L) How do I clear cache for Microsoft Edge browser when my webpage appears to be acting up?

- Open Microsoft Edge, select Menu (3 dots icon on top right corner of the browser) > Settings > Privacy, search & services.
- Under Clear browsing data, select choose what to clear.
- Select all the check boxes except for Passwords and Site Permissions, then select "Clear Now" button