

**Palm Beach County**  
**Office of Small Business Assistance**

**Small Business Enterprise Program**  
**Policies and Procedures Manual**

January 1, 2011

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THE FOLLOWING SBE BID FORMS ARE AVAILABLE ON THE OSBA WEBSITE AT:  
(<http://www.pbcgov.com/osba/programs/compliance>)

- **SCHEDULE 1** - LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION
- **SCHEDULE 2** – LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR
- **SCHEDULE 3** – SBE-M/WBE ACTIVITY FORM
- **SCHEDULE 3(A)** – PROFESSIONAL SERVICES ACTIVITY REPORT
- **SCHEDULE 4** – SBE-M/WBE PAYMENT CERTIFICATION FORM
- SBE Vendor Performance Report
- Instructions for completing SBE-M/WBE Schedules

THE FOLLOWING SBE CERTIFICATION FORMS ARE AVAILABLE ON THE OSBA WEBSITE AT:  
(<http://www.pbcgov.com/osba/programs/certification>)

- Certification Application
- Certification Modification Application
- Recertification Application

# COUNTY ADMINISTRATOR COMMITMENT AND DEPARTMENTAL DIRECTIVE

In support of its policy to ensure the full and equitable participation of Small Business Enterprises (SBEs) in the provision of goods, services and construction to Palm Beach County, the Palm Beach County Board of County Commissioners adopted an Ordinance codified as 2-80.21 through 2-80.34 of the Palm Beach County Code.

The Small Business Enterprise Program is an aggressive attempt on the part of the Board of County Commissioners to ensure that all businesses be afforded the opportunity for full participation in our free enterprise system while providing assistance and encouragement to Palm Beach County small businesses, which represent a significant portion of our local business community. Although the M/WBE Program concluded the County continues to monitor M/WBE participation to determine whether discrimination is present in the local Palm Beach County market place resulting in disparity of M/WBEs.

It is my intention as County Administrator to administer and enforce the provisions of the Palm Beach County Code to the fullest extent provided for by law, and I direct each County department and employee with responsibilities for administering and implementing this important program to commit all necessary resources, talent and cooperation to make this program a success.

Departments/Divisions are instructed to make any necessary amendments to their internal PPMs necessary to comply with this County-wide PPM.



**ROBERT WEISMAN  
COUNTY ADMINISTRATOR**

### **Supersession History:**

1. PPM# CW-O-043, effective 10/1/91
2. PPM# CW-O-043, effective 07/17/97
3. PPM# CW-O-043, effective 07/06/98
4. PPM# CW-O-043, effective 8/27/01
5. PPM# CW-O-043, effective 3/11/03
6. PPM# CW-O-043, effective 12/15/03
7. PPM# CW-O-043, effective 07/02/04
8. PPM# CW-O-043, effective 08/05/09
9. PPM# CW-O-043, effective 01/1/11

## **1. POLICY**

It is the policy of Palm Beach County that all businesses are afforded an opportunity for full participation in the County free enterprise system. The Palm Beach County Board of County Commissioners adopted the Ordinance establishing the Palm Beach County Small Business Enterprise (SBE) Program. In any instance where there is conflict between this PPM and Palm Beach County Code 2-80.21-2-80.35 (County Code), the County Code prevails. The County is committed to ensuring full and equitable participation by small business enterprises in the provision of goods and services to the County.

### **1.1. Annual Goal**

The annual SBE Goal for County procurement of construction, professional services and commodities shall be a minimum of fifteen percent (15%). The annual goal shall be applied to the procurement of all goods, services or construction unless otherwise approved by the County Administrator. Prior to submitting a request for a goal adjustment to the County Administrator, requesting Departments shall notify the Office of Small Business Assistance (OSBA).

### **1.2. Annual Program Review**

This Program shall be reviewed quarterly and a report will be presented annually to the Board of County Commissioners. The Director of OSBA may, in consideration of all annual and other reports, other relevant information and public hearing testimony, recommend to the County Administrator appropriate programmatic modifications, if the OSBA Director finds that such modifications will improve program performance and effectiveness.

### **1.3. Administrative Responsibilities**

OSBA will be responsible for the coordination of the Small Business Enterprise Program and certification processes. OSBA's responsibilities are as follows:

- a) To provide overall coordination of the SBE Program
- b) To facilitate the full participation of SBEs in the County procurement system
- c) To provide technical assistance to SBEs
- d) To monitor and track the performance of Small, Minority, and Women-Owned Business Enterprises
- e) To prepare semi-annual reports, and present annual reports to the Board of County Commissioners

### **1.4. Objectives**

OSBA shall accomplish the following objectives:

- a) Increase SBE utilization
- b) Increase the number of certified SBEs
- c) Ensure SBE Program effectiveness
- d) Ensure that the provision for ranking of responsive bidders is effective
- e) Effectively administer a point system in the evaluation of proposals
- f) Implement an effective and efficient certification process
- g) Administer an effective and fair certification and decertification appeals process
- h) Implement an effective and efficient monitoring process

### **1.5. Applicability**

All procurements shall comply with the provisions set forth in this PPM except the exempt purchases described in Section 2-51(f) of the Purchasing Code and the alternative source selections described in Section 2-54(f) of the Purchasing Code as may be amended. Wherever

possible, the County will utilize a purchasing process which encourages SBE participation even on those items which are exempt from the requirements of the Purchasing Code.

The SBE and M/WBE reporting for these alternative source selections shall be in accordance with Section 5.14 herein.

**1.6. Certified Vendor Directory**

The OSBA Directory of certified SBE firms will be made available on-line to assist Departments and contractors in identifying certified firms.

**2. PROCUREMENTS**

**2.1** The Purchasing Department shall notify OSBA ninety (90) days in advance of contracts that will be up for renewal or new solicitations for review, comments, and recommendations, and for the purpose of having such information available to educate SBEs of upcoming opportunities.

**3. PROFESSIONAL SERVICES**

**3.1 CCNA**

Pursuant to Section 2-80.29 of the County Code, the County will provide contracting opportunities for SBEs and M/WBEs in the area of professional services pursuant to Section 287.055, Florida Statutes, as amended, known as the "Consultant's Competitive Negotiation Act" (CCNA) (see Engineering PPM #CW-O-048).

**3.2 Non-CCNA**

The solicitation of all other professional services not covered by the CCNA will have small business requirements. The County's fifteen percent (15%) minimum goal will be applicable to these contracts. It will be the responsibility of the firm submitting a proposal to furnish all the necessary information to the County in order to receive points for SBE participation. Points will not be cumulative. Points shall be assigned based on the level of SBE participation as outlined below:

**Table 1 - SBE Point System (Non-CCNA)**

<b>Scenario</b>		<b>Points</b>
<b>A</b>	Proposer is a Palm Beach County certified SBE who will be providing 51% of the work with their own workforce.	<b>10 points (or 10% if total evaluation points exceed 100)</b>
<b>B</b>	Proposer has submitted proper documentation verifying that the County's Goal of 15% has been met, utilizing Palm Beach County certified SBE subcontractors. One-half point will be awarded for each increment of five (5) percent by which said amount exceeds the established goal.	<b>5-8 points (or 5%-8% if total evaluation points exceed 100)</b>

NOTE: Final SBE points will be contingent upon a percentage of the total evaluation.

All potential and interested professional service firms or consultants shall be required to list all SBE and M/WBE sub-consultants' selected portion of work to be performed, and dollar amount or percentage for each on Schedule 1 and Schedule 2 and submitted with their proposal.

### **3.3 Required Schedules**

The successful consultant will submit with each payment request: A completed Professional Service Activity Report form (Schedule 3A) and a SBE-M/WBE payment certification form (schedule 4). The Department responsible for monitoring the contract will verify the actual presence of the SBEs in accordance with the contract. Discrepancies will be recorded on a SBE Vendor Performance Report form and submitted to OSBA. OSBA will randomly conduct on-site visits to observe and/or interview SBEs during the performance of the project.

### **3.4 Pre-Qualification**

The User Departments responsible for pre-qualifying Professional Service consultants will verify the small business status of the firm using the on-line OSBA Certification Database program. The User Department will maintain a listing of these pre-qualified firms including SBEs.

### **3.5 Pre-Selection and Selection Committees**

OSBA is a standing member of all selection committees, including Pre Selection committees. The Department responsible for letting the contract shall notify OSBA of meetings of the Pre-Selection Committee. In the notice, the pre-selected firms will be listed and their SBE status will be noted. For the purpose of selection, it is the Department's responsibility to determine if the amount of work estimated to each SBE is reflective of the types of work anticipated by the County to be awarded throughout the term of the contract/agreement, Prior to meetings of the Pre Selection Committee, the OSBA will review and calculate the level of SBE participation proposed for each submittal. Departments will provide their consultants team participation evaluation forms to OSBA 10 days in advance of the Pre Selection Committee and OSBA will provide the scores to the Department three (3) days in advance of the Pre Selection Committee meeting.

### **3.6 Points Awarded for SBE Participation**

Points awarded for SBE participation shall not exceed ten percent (10%) of the total amount of possible points awarded.

## **4. CONSTRUCTION PROCUREMENTS**

Facilities Development & Operations, Engineering & Public Works, Water Utilities, Environmental Resources Management, Airports and any other Department that may procure construction projects shall notify OSBA ninety (90) days in advance of contracts that will be up for renewal or new solicitations. At that time, OSBA staff will review, comment and make recommendations on SBE participation, and use such information to inform SBEs of future opportunities. The fifteen percent (15%) minimum goal will be applicable to these contracts.

## **5. PROGRAM MONITORING, EVALUATION, TRACKING AND MEASUREMENT**

In order to accurately track SBE-M/WBE utilization, OSBA has developed the VOLT application database that will be populated from specific entries made by all users in the Advantage Financial System. These entries are required for all new and existing Central Purchasing Master Agreement (CMA), Contract Master Agreement (KMA), Central Purchase Order (CPO), Contract

Delivery Order (KDO), Central Purchasing Delivery Order (DO), and Contract Notice (KPO) and related documents in the Advantage Financial System.

The VOLT system is designed to capture three levels of SBE participation on contracts that contain SBE language. 1) Direct payment to SBE Prime Contractors/Consultants; 2) Proposed SBE subcontractor/subconsultant utilization; 3) Exempt purchases/contracts that report subsequent utilization of SBEs.

- 5.1. Each County Department must enter the appropriate Procurement Type Code for new CPO, KPO, CMA and KMA documents in Advantage Financial System. 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 to ensuring that the resulting dollar volume and SBE-M/WBE participation is applied to the correct reporting category, 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.

- 5.2. 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.

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 and/or contractor.

- 5.3. For all new and open CMA, KMA, CPO and KPO documents that contain SBE goal language, the vendor/customer code of "SBE" shall be entered in the Sub Vendor Section of the document. The "SBE" sub-vendor code should never be removed from an Advantage document.
- 5.4. For all new and open CMA, KMA, CPO, KPO, documents that contain SBE goal language, the document shall include the contract and/or project number in the External Solicitation field location in the Award Detail Section of the document.
- 5.5. For GAX or MD payment documents created in Advantage that have the "SBE" code in the KMA, CMA, KPO, or CPO:
  - a) On a GAX document, the Accounting Reference Section of the document will be used to enter the KMA, CMA, KPO, or CPO Document Code, Department Code and Document ID with a reference type of "Memo".
  - b) On a MD document that does not reference a PRM or PRC, the Accounting Reference Section of the document will be used to enter the KMA, CMA, KPO, or CPO Document Code, Department Code, and Document ID with a Reference Type of "Memo".

- 5.6. The Contract Development & Control Division of the Office of Financial Management & Budget (hereinafter CDC) shall provide a summary of each contract Board agenda item to OSBA. All statistics in relation to SBE/M/WBE participation at the time of award for all construction and professional services contracts entered into by the County will be maintained and tracked by OSBA.
- 5.7. All required forms as mandated by the OSBA Policies and Procedures Manual shall be made part of the contract document.
- 5.8. The County's annual SBE goal is fifteen percent (15%). Any party or entity entering into a contract/agreement covered by this policy must have specific committed participation percentages incorporated into the body of the contract/agreement. If a bidder or proposer for a County contract/agreement covered by this policy exceeds the goal set by the County in their bid or proposal, the higher level of participation should be reflected in the body of the contract/agreement. It is understood that for annual, non-project specific contracts, the proposed goal is an estimate and actual participation depends on several factors.
- 5.9. Throughout the term of the procurement, SBE-M/WBE participation will be monitored through the recordation of actual payments made to SBE-M/WBEs. While it is acknowledged that the percentage of SBE-M/WBE participation at any time throughout the term of the contract may not be equivalent to the percentage complete or paid to date. Departments are required to submit a copy of the SBE-M/WBE Activity form (schedule 3) and the SBE-M/WBE payment certification form (schedule 4) submitted with all payment applications to OSBA for tracking purposes. OSBA will populate the VOLT application using the OCR Format Schedules 3 and 4 provided by the Department.
- 5.10. As part of the documentation required for Final Contract Summaries and reporting in relation to the completion and final payment for construction projects, a Payment Routing Sheet will be submitted to OSBA for verification and signed off by OSBA.
- 5.11. OSBA will prepare semiannual performance reports on the level of SBE and M/WBE participation achieved on completed contracts in County contracting and procurement as a means of reporting performance, and will present an annual utilization report to the Board of County Commissioners.
- 5.12. Tracking of Participation by M/WBEs will take into consideration businesses who maintain their certification. OSBA shall also track the participation of SBEs to determine overall program effectiveness.
- 5.13. OSBA shall also track other programmatic areas to determine overall program effectiveness. These programmatic areas include participation, technical assistance, training, financing, outreach and business development.
- 5.14. Each County Department making an exempt purchase or an alternative source selection as described in Section 1.5 herein shall submit a quarterly report to OSBA identifying the SBE participation. The supplemental report must include a breakdown (by race and gender) of SBE or MWBE participation within each category reported.



## **6. COUNTING SBE PARTICIPATION (and M/WBE Participation for Tracking Purposes)**

- 6.1. Once a firm is determined to be an eligible SBE according to the Palm Beach County certification procedures, the County or the Prime may count towards its SBE goals only that portion of the total dollar value of a contract performed by the SBE. Total dollar value of a contract shall mean Gross Receipts for retail contracts. OSBA shall consult with the user department to determine the total value of all other contracts.
- 6.2. The County may count toward its SBE goals the total value of a contract awarded to an eligible SBE firm that subsequently is decertified or whose certification has expired after a contract award date or during the performance of the contract.
- 6.3. The Prime may count toward its SBE 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 SBE partner of the joint venture.
- 6.4. The Prime may count toward its SBE goal the entire expenditures for materials and equipment purchased by an SBE subcontractor, provided that the SBE subcontractor has the responsibility for the installation of the purchased materials and equipment.
- 6.5. The Prime may count the entire expenditure to an SBE manufacturer (i.e. a supplier that produces goods from raw materials or substantially alters the goods before resale).
- 6.6. The Prime may count sixty percent (60%) of its expenditure to SBE distributors that are not manufacturers, and perform a commercially useful business function.
- 6.7. The Prime may count towards its SBE goal second and third tiered SBE subcontractors, provided that the Prime submits a completed schedule 2 form for each subcontractor.
- 6.8. The County or Prime may only count towards its SBE goal the value of the goods and services in which the SBE is certified to provide.

## **7. CERTIFICATION**

- 7.1. Certification is an integral part of the SBE program and a business' entry into the program. It is vitally important that prompt action be taken on certification applications.
- 7.2. **Certification Customers**  
All for-profit businesses within Palm Beach County who consider themselves a small, minority or woman business enterprise and are interested in doing business with Palm Beach County are invited and encouraged to apply for SBE-M/WBE Certification.
- 7.3. **Certification Purpose**  
The certification process is used to verify the business is indeed a small business and/or an M/WBE, per the requirements set forth by Palm Beach County and as determined by OSBA.

Although preferences will not be extended to certified M/WBEs, unless otherwise provided by law, businesses eligible for certification as an M/WBE are encouraged to maintain their certification in order to assist in the tracking of M/WBE availability and awards of contracts to M/WBEs. This information is vital to determining whether race and gender neutral programs

assist M/WBE firms or whether race and gender preferences are necessary in order to address any continued discrimination in the market area.

**7.4. Certification Process Period**

Upon receipt of an application for certification, all supporting documents will be logged in as appropriate. OSBA will preview the application to determine whether any additional information is needed and notify the applicant of any needed information within 10 business days of receipt. If the applicant timely submits the required information, OSBA will endeavor to make a determination on the certification application within 90 business days of the original submission. Any applicant failing to submit the requested documentation within thirty (30) business days of the notice shall be deemed to have abandoned its application.

**7.5. Interlocal Certification**

In an effort to ease the burden of multiple certification processes and documentation requirements of various agencies, PBC, The School District of Palm Beach County and the City of West Palm Beach established reciprocity for Small Business Enterprise Certification, and where applicable, Minority and/or Women Business Enterprise Certification. **Each agency will accept the certification of SBEs and M/WBEs except where differences in support documentation, size standards and domicile requirements occur.** In the case of documentation requirement discrepancies, the three agencies have agreed to provide a cover sheet explaining what, if any additional documents will be required by the next agency. Palm Beach County will not accept the certification of a vendor who may have been certified by the School District or the City of West Palm Beach if that vendor is domiciled outside of Palm Beach County. When applying for Certification through the Interlocal Certification agreement, clients must present any additional back documentation along with the Interlocal Certification cover sheet.

**7.6. Certification Checklist**

References will be called and information verified by third parties, when appropriate. Every item must be reviewed and appropriately checked off on the Certification checklist.

**7.7. Certification Assistance**

OSBA can provide certification assistance and may provide periodic workshops which may cover SBE Program guidelines, certification requirements, program developments and other topics providing value to workshop attendants.

**7.8. Certification Standards**

Applications for certification and recertification will be on standard forms available at OSBA and on the OSBA website. If approved, certification will be granted for a period of three (3) years provided that the SBE continues to meet the eligibility requirements throughout the term of their certification period. OSBA will maintain the certification records for a period of three (3) years after the certification period has ended for each business.

All certified SBE firms will be required to update their business information continually including changes of addresses, email addresses, telephone numbers and changes of ownership, control and operation. Vendors must notify the Office of Small Business Assistance and the Purchasing Department of any changes including changes in business structure during the business term of certification. If a vendor creates a new structure (ex. a sole proprietorship creates a corporation,) the new business structure must apply for and receive certification as an SBE in order to be counted as an SBE on any solicitation. Upon successful review of the application and backup documentation, a new three (3) year certification period will begin. In those instances when the

vendor completely ceases operation of the business under the prior structure, the certification for the prior business structure will be decertified. In addition, the new business structure must apply for and become a Palm Beach County Registered Vendor with the Purchasing Department. Changes in business structure, ownership, control, location, or services require Modification of Certification to be filed with OSBA.

**7.9. Certification Classification**

The Office of Small Business Assistance 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 Small Business Assistance will appropriately limit the certification to those goods or services for which the application performs a commercially useful business function.

**7.10. Eligibility Standards**

An eligible small business is a for profit business concern which whose gross receipts are within the standards as defined in Section 2-80.21 of the Palm Beach County Code and who has been in business for at least one year or whose owner has previous business experience, a business degree, a certificate of small business competency issued by the Small Business Development Center, , Palm Beach State College or other Office of Small Business Assistance approved courses.

An eligible small business for this program shall be an independent business. Recognition of the business as a separate legal entity for tax or corporate purposes is not necessarily sufficient for recognition as a small business. When evaluating the independence of a business, the following will be considered, but not limited to:

- a) The date the business was established;
- b) The adequacy of its resources for the type of work specified, and the degree to which financial equipment leasing and other relationships with other businesses vary from established industry practices.
- c) Ownership of the business and control of the day to day operation of the business.

**7.11.** An eligible small business for this program must perform a value-added commercially useful business function by maintaining storage inventory and/or being responsible for the execution of a distinct element of work of a contract and carrying out its responsibility by actually performing and managing and supervising the work performed.

**7.12.** To become eligible for the SBE Program a Small Business Enterprise must demonstrate that it meets the size requirements set forth by the Palm Beach County Code in Section 2-80.21.

**7.13.** A business applying for certification as a Small Business Enterprise must establish that it has a permanent business location within the geographical limits of Palm Beach County. In order to demonstrate a permanent place of business in Palm Beach County, the following factors will be considered:

- a) It has a Palm Beach County Business Tax Receipt bearing the same address;
- b) Demonstrate business activities during the preceding twelve months at the Palm Beach County location,

- c) Proof of location (e.g. lease agreement, utility bill, property tax bill, etc.); client invoices, payroll records,
- d) Must be identifiable to the general public (e.g. signage, listing in telephone directory, etc.).
- e) Mailbox facilities, telephone lines or other similar arrangements do not constitute a physical presence. On-site visits may be conducted prior to and during the term of three (3) year certification to determine continued adherence to domicile and any other ordinance requirements. Additional backup documentation may be requested on a case-by-case basis.

- 7.14.** All Small Business Enterprises must be independently owned and operated for-profit business concerns organized to engage in commercial transactions. Ownership and control shall be real, substantial and continuing and shall go beyond the “pro forma” ownership as reflected in the ownership document. The Small Business Enterprise owners shall share in the risks and profits commensurate with their ownership interest as demonstrated by an examination of the substance rather than form of arrangements.
- 7.15.** Small Business Enterprise owners shall possess the power to direct or cause the direction of the management and policies of the firm and to make the day-to-day as well as major decisions on matters of management, policy, and operation. There shall be no restrictions through, for example, by-law provisions, partnerships, arrangements or charter requirements for cumulative voting rights or otherwise that prevent the Small Business Enterprise owners, from making a business decision of the firm.
- 7.16.** Where the actual management of the firm is contracted out to individuals other than the owner, those persons who have the ultimate power to hire and fire the managers can, for the purpose of this part, be considered controlling the business.
- 7.17.** All securities that constitute ownership and/or control of a corporation shall be held directly by the owners. No securities held in an irrevocable trust, or by any guardian for a minor, shall be considered as held by an owner in determining the ownership or control of a corporation.
- 7.18.** The contributions of capital or expertise by the owners to acquire their interest in the firm shall be real and substantial. Examples of insufficient contributions include a promise to contribute capital, a note payable to firm, or the mere participation as an employee, rather than as a manager.
- 7.19.** In addition to the above standards, the SBE Program may give special consideration to the following circumstances in determining eligibility under this part:
- Newly formed firms and firms whose ownership and/or control have changed since the date of the advertisement of the contract are closely scrutinized to determine the reasons for the timing of the formation of or change in the firm.
  - A previous and/or continuing employer-employee relationship between or among present owners is carefully reviewed to ensure that the employee-owner has management responsibilities and capabilities discussed in this section.
  - Any relationship between a Small Business Enterprise and a business which is not a Small Business Enterprise, which has an interest in the Small Business Enterprise, is carefully reviewed to determine if the interest of the non-Small Business Enterprise conflicts with the ownership and control requirements of this section.

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

#### **7.20. M/WBE Certification:**

In addition to the foregoing SBE requirements, the ownership and control by minorities and/or women must be at least 51% and shall be real, substantial and continuing, and shall continue beyond the *pro forma* ownership of the firm as reflected in its ownership documents. The minority or women owners shall enjoy the customary incident of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance rather than form or arrangements. Additional proof of ethnicity is required.

Recognition of the business as a separate legal entity for tax or corporate purposes is not necessarily sufficient for recognition as an M/WBE.

A M/WBE must be owned and controlled by an individual who is a citizen or a lawful permanent resident of the United States.

#### **7.21. Grounds For Decertification**

If during the period of certification the County has reason to believe that an SBE received certification improperly or that there has been such a substantial change in circumstances in the operation, ownership, control, activities, domicile or gross receipts that continued certification would be contrary to the County's small business policy, then the Office of Small Business Assistance may conduct an investigation.

OSBA may decertify if the investigation indicates that any of the following exists:

- a) The small business cannot be contacted at the last known address in Palm Beach County;
- b) A site visit has revealed no business being conducted at the Palm Beach County address;
- c) The small business is no longer in business;
- d) The small business is no longer licensed to do the type of business for which it was certified;
- e) The small business obtained its original certification and/or recertification through false representation or deceit;
- f) The small business has been debarred or suspended as a vendor by the County Purchasing Department. At the expiration of any suspension, the firm may reapply for certification.
- g) The small business does not meet the current eligibility standards for certification as a small business.
- h) The small business does not perform a commercially useful business function.
- i) The small business refuses to allow an on-site inspection.
- j) The small business has failed to notify the OSBA of any change in ownership, location, structure, or any other aspect of the small business which would affect its small business certification.

The OSBA Director shall notify the small business by certified mail that it has been decertified. The small business may file an appeal within fifteen (15) business days of receipt of the notice. The resolution of the appeal shall be conducted in the manner described in

Section 7.16 below. Nothing in this section shall prevent OSBA from commencing an investigation regarding the legitimacy of a small business certification. A business decertified pursuant to this section may not re-apply for certification for one year from the date of decertification.

#### **7.22. Appeal Of Certification and Decertification Decisions**

Applicants denied certification or Decertified shall be notified by certified mail and informed of their right to appeal the denial. An applicant denied certification or Decertified may not reapply for certification for one year from the date of denial.

Any firm that believes that it has been wrongly denied certification or Decertified as a small business may file an appeal no later than fifteen (15) business days from the date of the receipt of notification.

If an appeal is filed, an administrative review will be conducted by the Director of the Office of Small Business Assistance. The administrative review will be conducted within forty-five (45) business days of the filing of the request for appeal. The Director of the Office of Small Business Assistance may take one of the following actions on the request for appeal:

- a) Uphold the appeal, if a determination is made that certification was denied, or the decertification was contrary to the provisions of the code, the director may uphold the appeal. If the appeal is upheld, a certification certificate shall be issued.
- b) Deny the appeal. If the appeal is denied, the applicant has the right to request the appeal be referred to a special master in accordance with Subsection 2-80.30(j) of the Palm Beach County Code.
- c) Refer the appeal directly to a Special Master with no determination made by the director of the Office of Small Business, in accordance with Subsection 2-80.30(j) of the Palm Beach County Code.

#### **8. SUSPENSION/DISBARMENT**

The County reserves the right to suspend or debar any vendor who has previously failed to perform properly and who has done so by commission or omission of an act of such serious and compelling nature that the act indicates a serious lack of business integrity or honesty. Such acts include, but are not limited to:

- 8.1. Violation of any applicable law, regulation or contract provision relating to the performance of obligations incurred pursuant to an agreement with a recipient under a County contract.
- 8.2. Making or procuring to make any false statement or use of deceit.
- 8.3. Making false representations as a small business for purposes of qualifying for certification as such a business under a program that is designed to assist SBEs in the receipt of contracts with the County for the provision of goods or services.
- 8.4. Representing a SBE as performing a commercially useful function when such business is merely acting as a conduit in order to participate in the County's SBE program or receive a preference or benefit under the SBE program.

- 8.5. Repeatedly failing to meet SBE goals when submitting bids when there is documented availability of SBEs as shown by other bidders on the same projects meeting the stated goals.
- 8.6. Failing to comply with the SBE requirements of an awarded contract. The Director of the Office of Small Business Assistance may refer a business or firm to the Director of Purchasing for consideration of suspension or debarment. The procedures for suspension or debarment are provided for in the purchasing ordinance

## **9. SBE OPPORTUNITY ADVISORY COMMITTEE (SOC)**

- 9.1. The SBE Opportunity Advisory Committee (SOC) shall be an advisory committee appointed by the County Administrator or his designee. The committee shall meet as often as is necessary to satisfy its duties and responsibilities. The OSBA Director shall serve as chairperson for the committee.
- 9.2. The SOC shall be comprised of the following members or their respective designee as necessary:
  - a) County Attorney;
  - b) Director of the Office of Small Business Assistance;
  - c) Director of Water Utilities Department;
  - d) Director of Facilities Development and Operations;
  - e) Director of Purchasing;
  - f) County Engineer;
  - g) Director of Environmental Resources Management;
  - h) Director of Parks & Recreation;
  - i) Director of Risk Management;
  - j) Director of Contractor Development and Controls.
- 9.3. Duties and responsibilities of the SOC are as follows:
  - a) Identifying and designating sheltered market opportunities for qualified SBEs for County procurements for construction, commodities and professional services;
  - b) Identifying procurements for inclusion in the Sheltered Market Program once a user department administratively designates a contract for the Bond Waiver Program.
  - c) Making recommendations for insurance requirements;
  - d) Identifying opportunities within their respective Departments, Divisions or Offices and maximizing the participation of qualified SBEs in all procurement opportunities;
  - e) Making recommendations for program modifications or recommending strategies which will encourage maximum qualified SBE participation;
  - f) Providing SBE performance feedback to the OSBA Director to assist in monitoring the program's effectiveness
  - g) Participating in various procurement and program initiatives to reach SBEs; and Assigning staff to serve as the primary contact person for issues pertaining to the County's SBE program.

## SHELTERED MARKET PROGRAM

The Sheltered Market Program is intended to assist Palm Beach County in meeting its SBE goals. The Sheltered Market will only be used for those departments or purchase areas where goals are not met on a regular basis. OSBA will notify the SOC Committee of any County Departments or Divisions who have not met the SBE utilization goal of 15% for an entire fiscal year. The Notified Department or Division will then submit eligible budgeted County projects to the SOC Committee to determine which projects shall be sheltered in the subsequent fiscal year. The report shall also indicate which proposed projects are recommended for sheltering. Task Orders and the Palm Beach County Job Order Contracting Program ("JOC") are exempt from the Sheltered Market Program.

### **9.4. County Construction Projects**

County construction projects with an estimated cost not to exceed \$250,000 may be eligible for the Sheltered Market Program. These projects shall be economically feasible contracts that qualified SBEs are capable of performing. In order to ensure a competitive process, at least three qualified SBEs must be available and capable of performing the type of work within the scope of the respective construction project to be solicited. If the aforementioned criteria are not met, the construction cannot be sheltered.

The Project Manager shall determine and advise the SOC whether at least three qualified SBEs are available to participate on the project. The respective user will determine through their normal bid-evaluation process if the qualified SBEs are responsive and responsible for performing the type of work within the scope of each proposed construction project

If the SOC and the user Department determines that the bids received for the sheltered project are deemed non-responsive, or non-responsible, excessive or unreasonable based upon the nature or cost of similar construction projects in the market area, all bids shall be rejected and the new solicitation will be issued and open to all bidders.

When necessary, all construction user Departments shall submit a report to the OSBA Director regarding any proposed modifications to sheltered projects. The SOC shall determine whether such modifications are appropriate and make recommendations to address any concerns regarding said modifications.

In accordance with Palm Beach County PPM CW-F-016 "Bond Waiver Program" county construction projects of \$200,000 or less may be waived for the Sheltered Market Program once a user department administratively designates a contract for the Bond Waiver Program.

### **9.5. County Purchasing And Non-Professional Services**

The SOC may shelter purchasing of goods and services within an estimated cost ranging from \$50,000 and not to exceed \$250,000 for qualified SBEs who are capable of performing. Such purchases shall be economically feasible. In order to ensure a competitive process, at least three qualified SBEs must be available and capable of providing the goods or services to be solicited. If the aforementioned criteria are not met, the purchase cannot be sheltered.



The Project Manager shall determine and advise the SOC whether at least three qualified SBEs are available to participate in providing the goods or services. The respective user will determine through their normal bid-evaluation process, if the qualified SBEs are responsive and responsible for providing the goods or services.

If in the judgment of the SOC and the user Department, bids received in response to the solicitation for sheltered purchases are deemed to be non-responsive, non-responsible, excessive or unreasonable based upon the nature purchase price of similar purchases in the market area, all bids shall be rejected and a new solicitation shall be open to all bidders.

The following procedures shall apply to goods and services with an estimated cost of \$1,000 to \$49,999.

- a. Upon receipt of requests for purchases of goods and services with an estimated cost of \$1,000 to \$49,999 from user Departments and Offices, the Director of Purchasing shall cause copies thereof to be provided to the OSBA Program Manager for review.
- b. On a monthly basis, all user departments shall submit a report to the OSBA Program Manager for review by the SOC of all potential purchases within commodity codes containing three qualified local business enterprises. Upon concurrence by the SOC committee, the Director of Purchasing shall shelter all such purchases, whether conducted by a user Department, Office or the Purchasing Department, for qualified SBE participation. For each procurement opportunity awarded by the Department or Office to a qualified SBE, the user Department shall submit proper documentation to the Purchasing Department to facilitate the acquisition of such goods or services from a qualified SBE that has received the award.
- c. If in the judgment of the Purchasing Director, bids received are deemed to be non-responsive, excessive or unreasonable based upon the nature or purchase price of similar procurements in the market area, all bids shall be rejected and a new bid shall be open to all bidders. In the event all such bids are rejected, the Director of Purchasing shall provide a report to the SOC with a justification for such rejection. The report will be provided to the SOC for review and follow-up as deemed necessary.

#### **9.6. County Professional Services Projects**

Unless precluded by applicable law, the SOC may shelter solicitation of professional services, including but not limited to, consulting services, with an estimated cost not to exceed \$250,000 for qualified SBEs who are capable of performing. These projects shall be economically feasible contracts that qualified SBEs are capable of performing. In order to ensure a competitive process, at least three qualified SBEs must be available and capable of providing the professional services to be solicited. If the aforementioned criteria are not met, the solicitation cannot be sheltered.

The Program Manager shall determine and advise the SOC whether at least three qualified SBEs are available to participate on the project. The respective user will determine through their normal bid-evaluation process, if the qualified SBEs are responsive and responsible for performing the type of work within the scope of each proposed professional services solicitation.

The SOC shall also determine whether any proposed modifications to previously approved sheltered solicitation opportunities professional services are appropriate, and make any necessary modifications.

If in the judgment of the SOC or the user Department, bids received in response to the solicitation for sheltered solicitations are deemed to be non-responsive, non-responsible,

excessive or unreasonable based upon the nature purchase price of similar solicitations in the market area, all bids shall be rejected and a new solicitation shall be open to all bidders.

## **SBE BID DOCUMENT LANGUAGE PREFACE**

Note: The provided Contract Document Language shall be used in every bid document and shall not be modified without prior approval from the County Administrator. If the language, or a portion of the language, for some reason does not appear applicable to a particular bid document, the procuring department should contact the OSBA and discuss potential alternative language to be presented to the County Administrator for consideration.

### **Item 1 - Policy**

It is the policy of the Board of County Commissioners of Palm Beach County, Florida, that SBE(s) have the maximum practical opportunity to participate in the competitive process of supplying goods, services and construction to the County. To that end, the Board of County Commissioners adopted a Small Business Ordinance which is codified in Sections 2-80.21 through 2-80.34 (as amended) of the Palm Beach County Code, which sets forth the County's requirements for the SBE program, and is incorporated in this solicitation. Compliance with the requirements contained in this section shall result in a bidder being deemed responsive to SBE requirements. The provisions of this Ordinance are applicable to this solicitation, and shall have precedence over the provisions of this solicitation in the event of a conflict.

Although preferences will not be extended to certified M/WBEs, unless otherwise provided by law, businesses eligible for certification as an M/WBE are encouraged to maintain their certification in order to assist in the tracking of M/WBE availability and awards of contracts to M/WBEs. This information is vital to determining whether race and gender neutral programs assist M/WBE firms or whether race and gender preferences are necessary in order to address any continued discrimination in the market.

### **Item 2 - SBE Goals**

The County has established a minimum goal of 15% SBE participation for all County solicitations, inclusive of all alternates and change orders. This goal is a minimum, and no rounding will be accepted.

### **Item 3 - Ranking of Responsive Bidders**

Bidders who meet the SBE goal will be deemed to be responsive to the SBE requirement.

- a. In evaluating competitive bids or quotes between one-thousand dollars (\$1,000) and one million dollars (\$1,000,000) where the low bidder is non-responsive to the SBE requirement, the contract shall be awarded to the low bidder responsive to the SBE requirement as long as the bid does not exceed the low bid amount by 10%; or
- b. In the event there are no bidders responsive to the SBE goal, the contract shall be awarded to the bidder with the greatest SBE participation in excess of seven percent (7%) participation, provided that such bid does not exceed the lowest responsive bid by more than ten percent (10%).
- c. In evaluating bids in excess of one million dollars (\$1,000,000), the contract shall 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 one hundred thousand dollars (\$100,000) plus three percent (3%) of the total bid in excess of one million dollars (\$1,000,000);
- d. In the event there are no bidders responsive to the SBE goal, the contract shall be awarded to the bidder with the greatest SBE participation in excess of seven percent (7%) participation, provided that such bid does not exceed the lowest responsive bid

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

This section applies only when price is the determining factor.

#### **Item 4 - Bid Submission Documentation**

SBE bidders, bidding as prime contractors, are advised that they must complete Schedule 1 listing the work to be performed by their own workforce as well as the work to be performed by any SBE or M/WBE subcontractor. Failure to include this information on Schedule 1 will result in the participation by the SBE prime bidder's own workforce NOT being counted towards meeting the SBE goal. This requirement applies even if the SBE contractor intends to perform 100% of the work with their own workforce.

Bidders are required to submit with their bid the appropriate SBE-M/WBE schedules in order to be deemed responsive to the SBE requirements. SBE-M/WBE documentation to be submitted is as follows:

#### **Schedule 1 - List of Proposed SBE and M/WBE Participation**

This list shall contain the names of all SBE and M/WBE prime and subcontractors intended to be used in performance of the contract, if awarded. This schedule shall also be used if an SBE prime bidder is utilizing ANY subcontractors.

**(Only Job Order Contracting (JOC) contracts, Task Authorizations, and Work Orders for annual contracts may be excluded from this requirement.)**

#### **Schedule(s) 2 - Letter(s) of Intent to Perform as an SBE or M/WBE Subcontractor**

A Schedule 2 for each SBE and/or M/WBE Subcontractor listed on Schedule 1 shall be completed and signed by the proposed SBE and/or M/WBE Subcontractor. Subcontractors shall specify the type of work to be performed, the cost or percentage shall also be specified. Additional sheets may be used as needed.

#### **Item 5 - SBE Certification**

Only those firms certified by Palm Beach County at the time of bid opening shall be counted toward the established SBE goals. Upon receipt of a complete application, **IT TAKES UP TO NINETY (90) BUSINESS DAYS TO BECOME CERTIFIED AS AN SBE WITH PALM BEACH COUNTY.** It is the responsibility of the bidder to confirm the certification of any proposed SBE; therefore, it is recommended that bidders visit the on-line Vendor Directory at [www.pbcgov.org/osba](http://www.pbcgov.org/osba) to verify SBE certification status.

#### **Item 6 - Counting SBE Participation (and M/WBE Participation for Tracking Purposes)**

- a. Once a firm is determined to be an eligible SBE according to the Palm Beach County certification procedures, the Prime may count toward its SBE goals only that portion of the total dollar value of a contract performed by the SBE. Prior to issue, total dollar value of a contract will be determined by the PBC user department by defining factors to be considered as value. Total dollar value of retail contracts shall be determined by Gross Receipts.

The Prime may count toward its SBE goal a portion of the total dollar value of a contract with a joint venture, eligible under the standards for certification, equal to the percentage of the ownership and control of the SBE partner in the joint venture.

- b. The Prime may count toward its SBE goal the entire expenditures for materials and equipment purchased by an SBE subcontractor, provided that the SBE subcontractor has the responsibility for the installation of the purchased materials and equipment.

- c. The Prime may count the entire expenditure to an SBE manufacturer (i.e., a supplier/distributor that produces goods from raw materials or substantially alters the goods before resale).
- d. The Prime may count sixty percent (60%) of its expenditure to SBE suppliers/distributors that are not manufacturers.
- e. The Prime may count toward its SBE goal second and third tiered SBE subcontractors; provided that the Prime submits a completed Schedule 2 form for each SBE subcontractor.
- f. The Prime may only count towards its SBE goal the goods and services in which the SBE is certified.

## **Item 7 - Responsibilities After Contract Award**

### **Schedule 3 – SBE-M/WBE Activity Form**

This form shall be submitted by the Prime contractor with each invoice, or payment application when SBE and/or M/WBE subcontractors are utilized in the performance of the contract. This form shall contain the names of all SBE and M/WBE subcontractors specify the subcontracted dollar amount for each subcontractor, approved change orders; revised SBE contract amount; amount drawn this period; amount drawn to date; and payments to date issued to SBE subcontractors with their starting date. This form is intended to be utilized on all non-professional services contracts.

### **Schedule 3(A) – Professional Services Activity Report**

This form shall be submitted by the Prime consultants with each invoice, or payment application when SBE and/or M/WBE sub-consultants are utilized in the performance of the contract. This form shall contain the names of all SBE and M/WBE sub-consultants, specify the subcontracted dollar amount for each sub consultant and show amount drawn and payments to date issued to sub-consultants. This form is intended to be utilized on all professional services contracts.

### **Schedule 4 – SBE-M/WBE Payment Certification**

A schedule 4 for each SBE and/or M/WBE sub shall be completed and signed by the proposed SBE and/or M/WBE after receipt of payment from the prime. When applicable, the prime shall submit this form with each application submitted to the county for payment to document payment issued to a sub in the performance of the contract.

All contractors hereby assure that they will meet the SBE participation percentages submitted in their respective bids with the subcontractors contained on Schedules 1 and 2 and at the dollar value and/or percentage specified. Contractors agree to provide any additional information requested by the County to substantiate participation.

The successful contractor shall submit an SBE-M/WBE Activity Form (Schedule 3) and SBE-M/WBE Payment Certification Forms (Schedule 4) with each payment application. Failure to provide these forms may result in a delay in processing payment or disapproval of the invoice until they are submitted. The SBE-M/WBE Activity Form is to be filled out by the Prime Contractor and the SBE-M/WBE Payment Certification Forms are to be executed by the SBE or M/WBE firm to verify receipt of payment.

**Item 8 - SBE Substitutions or Modifications**

After contract award, the Prime will only be permitted to replace a certified SBE subcontractor who is unwilling or unable to perform. Such substitution must be done with other certified SBE's in order to maintain the SBE percentages submitted with the bid. Requests for substitutions must be submitted to the user Department and OSBA for approval. Upon receiving approval of substitution for the SBE subcontractor, the Prime must submit a completed and signed Schedule 2 by the proposed SBE subcontractor. Subcontractors shall specify the type of work to be performed, the cost or percentage shall also be specified.

If the County's issuance of an alternate or change orders on a project results in changes in the scope of work to be performed by SBE's subcontractor listed at bid opening, the Prime must submit a modified completed and signed Schedule 2 that specifies the revised scope of work to be performed by the SBE, along with the price and/or percentage.

## PROFESSIONAL SERVICE CONTRACTS LANGUAGE

1. The Palm Beach County Board of County Commissioners has established a minimum goal for SBE participation of 15% on all County solicitations.
2. The consultant agrees to abide by all provisions of the Palm Beach County Code establishing the SBE Program, as amended, and understands that failure to comply with any of the requirements will be considered a breach of contract.
3. The consultant incorporates Schedule 1 List of proposed SBE-M/WBE Prime/Subcontractors) and Schedule 2 (Letter of Intent) attached hereto and made a part hereof, the names, addresses, scope of work, percentage and/or dollar value of the SBE-M/WBE participation on Schedule 1 and the Letter of Intent, Schedule 2, signed by each of the listed SBE-M/WBE sub-consultants on Schedule 1 agreeing to perform the contract at the listed percentage and/or dollar value.

The consultant understands that each SBE firm utilized on this contract must be certified by Palm Beach County in order to be counted toward the SBE participation goal.

4. The consultant understands that it is the responsibility of the department letting the contract and the Office of Small Business Assistance (OSBA) to monitor compliance with the SBE Ordinance requirements. In that regard, the consultant agrees to furnish progress payment reports to both parties on the progress of the SBE-M/WBE participation on each pay application submitted.
5. The consultant further agrees to provide OSBA with a copy of their contract with the SBE sub-consultant or any other related documentation upon request.
6. After contract award, the successful consultant will only be permitted to replace a certified SBE subcontractor who is unwilling or unable to perform. Such substitution must be done with other certified SBEs in order to maintain the proposed SBE percentages submitted with the proposal. Requests for substitutions must be submitted to the department issuing the request for proposal and the OSBA.
7. The consultant understands that s/he is prohibited from making any agreements with the SBE in which the SBE promises not to provide sub consultant quotations to other proposers or potential proposers.
8. The consultant agrees to maintain all relevant records and information necessary to document compliance with this Ordinance and will allow the County to inspect such records.
9. It will be the responsibility of the firm submitting a proposal to furnish all the necessary information to the County in order to receive points for SBE participation. The firm may choose only one level of participation. Points will not be cumulative.

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE PRIME AND / OR SUBCONTRACTORS

PROJECT NAME OR BID NAME: \_\_\_\_\_ PROJECT NO. OR BID NO.: \_\_\_\_\_  
 NAME OF PRIME BIDDER: \_\_\_\_\_ ADDRESS: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ PHONE NO: \_\_\_\_\_ FAX NO: \_\_\_\_\_  
 BID OPENING DATE: \_\_\_\_\_ DEPARTMENT: \_\_\_\_\_

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES

Name, Address and Phone Number	(Check one or both Categories)		Dollar Amount				
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
2.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
5.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Please use additional sheets if necessary)	Total		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total Bid Price \$ \_\_\_\_\_ Total Value of SBE Participation \_\_\_\_\_

- NOTE: 1. The amount listed on this form for a Subcontractor must be supported by price or percentage included on Schedule 2 or a proposal from each Subcontractor listed in order to be counted toward goal attainment.  
 2. Firms may be certified by Palm Beach County as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.  
 3. M/WBE information is being collected for tracking purposes only.



**SCHEDULE # 2**

**LETTER OF INTENT TO PERFORM AS AN SBE OR M/WBE SUBCONTRACTOR**

PROJECT NO. OR BID NO.: \_\_\_\_\_ PROJECT NAME OR BID NAME: \_\_\_\_\_

TO: \_\_\_\_\_  
(Name of Prime Bidder)

The undersigned is certified by Palm Beach County as a(n) - (check one or more, as applicable):

Small Business Enterprise \_\_\_\_\_ Minority Business Enterprise \_\_\_\_\_

Black \_\_\_\_\_ Hispanic \_\_\_\_\_ Women \_\_\_\_\_ Caucasian \_\_\_\_\_ Other (Please Specify) \_\_\_\_\_

Date of Palm Beach County Certification: \_\_\_\_\_

The undersigned is prepared to perform the following described work in connection with the above project  
**(Specify in detail, particular work items or parts thereof to be performed):**

Additional Sheets May Be Used As Necessary

**Line Item/  
Lot No.**

**Item Description**

**Qty/Units**

**Unit Price**

**Total Price**

Line Item/ Lot No.	Item Description	Qty/Units	Unit Price	Total Price
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

at the following price/percent \$ \_\_\_\_\_  
(Subcontractor's quote)

and will enter into a formal agreement for work with you conditioned upon your execution of a contract with Palm Beach County.

If undersigned intends to sub-subcontract any portion of this subcontract to a non-certified SBE subcontractor, the amount of any such subcontract must be stated: \$ \_\_\_\_\_.

The undersigned subcontractor understands that the provision of this form to prime bidder does not prevent subcontractor from providing quotations to other bidders

\_\_\_\_\_  
(Print name of SBE-M/WBE Subcontractor)

By: \_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name/title of person executing on behalf of SBE-M/WBE Subcontractor)

Date: \_\_\_\_\_

**SCHEDULE 3  
SBE-M/WBE ACTIVITY FORM**

SBE-M/WBE ACTIVITY FOR MONTH ENDING \_\_\_\_\_ PROJECT#: \_\_\_\_\_

PROJECT NAME \_\_\_\_\_

PRIME CONTRACTOR NAME \_\_\_\_\_

PROJECT SUPERVISOR \_\_\_\_\_

**Schedule 3 is used to show the monthly payment activity to each SBE-M/WBE Subcontractor on the project. It also shows approved change orders as they impact the SBE-M/WBE Subcontractors. It is to be submitted by the Prime with each monthly payment request to Palm Beach County. In the SBE-M/WBE Subcontracting Information section, list the name(s) of each SBE-M/WBE Subcontractor on the project and the total contracted amount for each SBE-M/WBE Subcontractor on the project. As the project proceeds, please complete each column under the SBE-M/WBE Subcontracting Information section accordingly. In the SBE-M/WBE Category, please check the appropriate category that represents each SBE-M/WBE Subcontractor.**

SBE-M/WBE SUBCONTRACTING INFORMATION								SBE-M/WBE Category (check all applicable)						
Name of SBE-M/WBE Subcontractor	SBE-M/WBE Total Contract Amount	Approved Change Orders	Revised SBE-M/WBE Contract Amount	Amount drawn for SBE-M/WBE Sub This Period	Amount drawn for SBE-M/WBE Sub to Date	Amount Paid to Date for SBE-M/WBE Subcontractor	Actual Starting Date	Minority Business (√)	Small Business (√)	Black	Hispanic	Women	Caucasian	Other (Please Specify)

I hereby certify that the above information is true to the best of my knowledge \_\_\_\_\_  
(Signature and Title)

Return to: Palm Beach County

Additional Sheets May Be Used As Necessary

**NOTE: Firms may be certified as an SBE and/or an M/WBE. If firms are certified as both an SBE and M/WBE, the dollar amount will not be counted twice.**

## INSTRUCTIONS ON COMPLETING SBE-M/WBE SCHEDULES 1 – 4

Bidders are required to accurately complete the SBE-M/WBE schedules in order to be deemed responsive to the SBE requirements. SBE-M/WBE schedules 1 and 2 are submitted prior to contract award with the bid proposals. SBE-M/WBE schedules 3, 3(a) and 4 are submitted after contract award.

### Important Points to Remember

- A. Schedule 1** is completed by the Prime Contractor and submitted with the bid packet.
  - 1. List the name, contact information and dollar amount or percentage of work to be completed by all SBE-M/WBE subcontractors on the project.
  - 2. If the prime is an SBE-M/WBE, they must also list their name, contact information and dollar amount or percentage of work to be performed on the project.
  - 3. Please check if the SBE subcontractor(s) is only an SBE or is both an SBE and M/WBE in the first column.
  - 4. If the SBE subcontractor is also an M/WBE, please place the dollar amount or percentage of work in the appropriate category in the second column.
  - 5. Make sure to write the total bid price dollar amount and SBE-M/WBE Participation dollar amount or Percentage of work at the bottom of the schedule.
- B. Schedule 2** is completed by each SBE-M/WBE subcontractor and submitted with the bid packet and listed on schedule 1.
  - 1. Specify in detail the line items and work to be performed along with the dollar amount or percentage of work for all items. Make sure to give a total dollar amount or percentage.
  - 2. If there is a portion of the work that will not be performed by the SBE-M/WBE subcontractor, and will be sub-contracted to a non certified SBE subcontractor, that dollar amount or percentage must be written in the appropriate line on the schedule 2.
  - 3. The SBE-M/WBE subcontractor must print, sign and date the form.
- C. Schedule 3** is completed by the Prime and submitted with each payment request made to Palm Beach County.
  - 1. In the SBE-M/WBE Subcontracting Information section, list the Name(s) of each SBE-M/WBE subcontractor on the project and the total contracted amount for each SBE-M/WBE Subcontractor.
  - 2. As the project proceeds, complete each column under the SBE-M/WBE Subcontracting Information section accordingly to show, approved change orders, revised contract amounts, amounts drawn this pay period, amounts drawn to date, amounts paid to day and the starting date of the SBE-M/WBE subcontractors.
  - 3. In the SBE-M/WBE section, check the appropriate category the represents the type of certification each subcontractor has with Palm Beach county.
  - 4. The Schedule 3 must be signed by the person completing the form on behalf of the prime contractor and must include the person's title.
- D. Schedule 3(a)** is used for professional services contracts only. This schedule is completed by the Prime and submitted with each payment request made to Palm Beach County.

1. The prime lists the percentage of work performed by the prime and the percentage of work performed by the SBE-M/WBE subconsultants.
  2. The type of professional service is checked.
  3. The prime marks whether the SBE-M/WBE subconsultant has started work on the project.
  4. If yes, they provide the SBE-M/WBE subconsultant's name and contact information, start date, contract amount, scope of work, percentage of work completed and amount paid to date.
  5. The schedule 3(a) must be signed by the person completing the form on behalf of the Prime consultant and must include the person's title.
- E. **Schedule 4** is now a fillable Adobe form that allows the Prime to type in specific information which is then submitted, by the prime, with each payment request to Palm Beach County to reflect actual payments made to the SBE-M/WBE Subcontractor.
1. The prime contractor is not to request signature from an SBE-M/WBE Subcontractor unless it has made payment to the SBE-M/WBE subcontractor.
  2. A separate schedule 4 is required for each SBE-M/WBE subcontractor.
  3. A fillable adobe form will be emailed to the prime contractor by the user department. The user department will pre-fill the spaces on the form that pertain to the Department number, project number, and prime contractor's vendor code.
  4. The prime contractor will type in the SBE-M/WBE subcontractor name, payment amount, payment date, project name, project number, and SBE-M/WBE subcontractor vendor code in the fillable form fields. The SBE-M/WBE vendor code will be available through the OSBA website @ [www.pbcgov.com/osba](http://www.pbcgov.com/osba).
  5. The prime contractor will print the form and have the SBE-M/WBE subcontractor sign and notarized the form to verifying that the information is correct. **(This portion must be completed with a medium point blue ink pen.)**
  6. The **original** completed schedule 4 is submitted to Palm Beach County with the prime's payment request documents.

SCHEDULE 4 - SBE-M/WBE PAYMENT CERTIFICATION

The Prime Contractor is to submit Schedule 4 with its Monthly Payment Request to Palm Beach County to reflect actual payments made to the SBE-M/WBE Subcontractor. The Prime Contractor is not to request signature from an SBE-M/WBE Subcontractor unless it has made a payment to the SBE-M/WBE Subcontractor. The SBE-M/WBE Subcontractor is not to complete and sign this form unless it has received a payment from the Prime Contractor. A separate Schedule 4 is required for each SBE-M/WBE Subcontractor payment.

This is to certify that \_\_\_\_\_ received  
(SBE or M/WBE Subcontractor Name)

(Monthly) or (Final) payment of \$ \_\_\_\_\_ . \_\_\_\_\_

On \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ from \_\_\_\_\_  
MM DD YYYY (Prime Contractor Name)

For labor and/or materials used on \_\_\_\_\_ / \_\_\_\_\_  
(Project Name) (Work Order)

DEPT.: \_\_\_\_\_ PROJECT NO.: \_\_\_\_\_

PRIME CONTRACTOR VENDOR CODE: \_\_\_\_\_

SBE OR M/WBE SUBCONTRACTOR VENDOR CODE: \_\_\_\_\_

=====  
If the SBE Subcontractor intends to disburse any funds associated with this payment to any non-SBE Subcontractor for labor provided on this project, please provide the following information:

Non-SBE Subcontractor Name: \_\_\_\_\_ Amount to be paid: \_\_\_\_\_

=====  
By: \_\_\_\_\_  
(Signature of Subcontractor) (Print Name & Title of Person executing on behalf of Subcontractor)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Florida

\_\_\_\_\_  
Print, Type or Stamp Commissioned Name of Notary

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ Type of Identification \_\_\_\_\_

**Schedule 3(A)**  
**PROFESSIONAL SERVICES ACTIVITY REPORT**

APPLICATION #: \_\_\_\_\_

REPORTING PERIOD: \_\_\_\_\_

Prime Consultant Address: \_\_\_\_\_

City/State: \_\_\_\_\_ Zip \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone # \_\_\_\_\_

Contract Name: \_\_\_\_\_

Contract Term: \_\_\_\_\_ Contract \$ Amount \_\_\_\_\_

Total Percentage performed by the Prime's Firm: \_\_\_\_\_ SBE-M/WBE Firm: \_\_\_\_\_

Total # of Sub-Consultants: \_\_\_\_\_ SBE-M/WBE Subs \_\_\_\_\_

Service Type: Architectural \_\_\_\_\_ Engineering \_\_\_\_\_ Planning \_\_\_\_\_

Other (Specify) \_\_\_\_\_

Have Sub-Consultants completed work for this application? \_\_\_\_\_ Yes

No

Note: If yes, complete below:

**SUB-CONSULTANTS**

1. Firms Name: \_\_\_\_\_

Address/Tel: \_\_\_\_\_

Estimated Start Time: \_\_\_\_\_ Contract Amount: \_\_\_\_\_

**SCOPE OF WORK:** \_\_\_\_\_

Percentage/Hrs Completed: \_\_\_\_\_ Amount Paid To Date \_\_\_\_\_

2. Firm's Name: \_\_\_\_\_

Address//Tel: \_\_\_\_\_

Estimated Start Time: \_\_\_\_\_ Contract Amount: \_\_\_\_\_

**SCOPE OF WORK:** \_\_\_\_\_

Percentage/Hrs Completed: \_\_\_\_\_ Amount Paid To Date \_\_\_\_\_

3. Firm's Name: \_\_\_\_\_

Address/Tel: \_\_\_\_\_

Estimated Start Time: \_\_\_\_\_ Contract Amount \_\_\_\_\_

**SCOPE OF WORK:** \_\_\_\_\_

Percentage/Hrs Completed: \_\_\_\_\_ Amount Paid To Date \_\_\_\_\_

I certify that the above is true to the best of my knowledge

\_\_\_\_\_  
Signature/Title