



Administrative Regulation No 024.A014.0202

Minority Business Enterprise Utilization Plan

I. Purpose

The purpose and intent of this regulation is to simplify, clarify, and provide administrative guidelines for promoting the use of Certified Minority Business Enterprises in all aspects of the City's procurement policy.

1. Insure fair, equitable and uniform treatment for all persons who deal with the City's procurement system.
2. Establish the City of Sarasota as an "awarding" agency as defined by Section 287.09431, Florida Statutes.
3. Utilize the definitions as found in Section 288.703, Florida Statutes, and accept as Certified Minority Business Enterprises those firms complying with the certification requirements of Section 287.0943 and/or 287.09431, Florida Statutes.
4. Any educational institution or non profit organization ineligible for certification by the State of Florida that can provide information demonstrating that the institute or organization's minority based staffing levels exceed 51% or that it has been recognized by the State of Florida as existing to service the needs of minority persons shall be considered as meeting the eligibility criteria as a minority business enterprise.

II. Applicability

1. This regulation applies to formal and informal contracting for the procurement of commodities, supplies, goods and services, including professional services and construction. When the procurement involves the expenditure of Federal, State, or grant assistance, the procurement shall be conducted in accordance with any mandatory applicable Federal and/or State regulations. Nothing herein shall prevent the City from complying with the terms and conditions of any grant, gift or bequest that is otherwise consistent with law.

III. Procedures

1. Public Works Contracts

- (A) In each circumstance where the City seeks competitive bids for services pertaining to a public works project, responding bidders shall comply with the requirements of the City's Minority Business Enterprise Utilization Plan.
- (B) Invitations seeking competitive bids shall state that the bidder shall undertake to achieve the goals as set forth in Section 287.09451(4) (n), Florida Statutes establishing the percent of the total amount bid on the construction project that will be subcontracted with one or more certified MBE's, including suppliers of materials, goods, as well as services. The bidder shall document the use of each M.B.E. by including the full name and address of each M.B.E., along with a description of the services, supplies, materials, or goods and the allocation of the cost of the same as it relates to each M.B.E. utilized. The Contractor must include with their bid a copy of the proposed minority contractor's State of Florida MBE certification pursuant to Section 287.0943 Florida Statutes or by Statewide and Interlocal Agreement Certification as provided by Section 287.09431, Florida Statutes.
- (C) If a bidder does not place the percent of the value of the project bid as set forth in Section 287.09451 (4) (n), Florida Statutes, with an M.B.E., the bidder shall justify, in writing, as a part of the response to the Invitation to Bid, the reasons why the contractor was unable to meet the M.B.E. participation goal. Adequate justification shall include the bidder being unable to find a M.B.E. possessing the required experience

or licensing in order to provide the necessary sub-contractor or material man's services, or the bidder's inability to find any M.B.E. within a specific trade or business.

- (D) All general and prime contractors will provide a copy of their registration certificate issued by the State of Florida that establishes their firm as authorized to conduct business within the State of Florida.
- (E) Any bidder who fails to comply with the requirements of this plan shall have their bid declared nonresponsive.

2. Request for Proposals


- (A) The City applies the Consultant Competitive Negotiation Act, (CCNA), requirements as set forth in Section 287.055, Florida Statutes, when requesting proposals for architectural, professional engineering, landscape architecture or registered land surveying and mapping. When requesting professional services not subject to the CCNA, the City may nonetheless elect to evaluate proposals for such exempt services according to the requirements of the CCNA, the provisions of Section 287.057, Florida Statutes, or as provided for under Administrative Regulation 024.A003.0194.

If pricing is not the sole criteria for evaluating a proposal, then the degree to which the proposal will achieve the goals as set forth in Section 287.09451 (4) (n), Florida Statutes, will be considered in the evaluation of the proposal.

- (B) Each Request for Proposal, (RFP), will require the proposer to:
 - (1) Provide a copy of the certification that they have received from the State of Florida, in accordance with Section 287.0943, Florida Statutes, or by Statewide and Interlocal Agreement Certification, as provided for by Section 287.09431, Florida Statutes that establishes the firm as a Certified Minority Business Enterprise.
 - (2) If the prime consultant, Proposer, has solicited certified minority business enterprises to perform a certain portion of the proposed work as a subconsultant, the proposer must provide:
 - (a) the name, address and certification received from the State of Florida, in accordance with Section 287.0943 Florida Statutes, or a public entity in accordance with Section 287.09431, Florida Statutes, that establishes the subconsultant as a Certified Minority Business Enterprise .

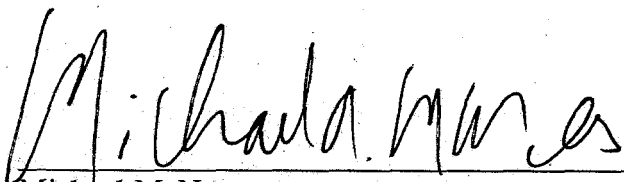
- (b) the percentage of cost or work proposed by the prime consultant, that will be performed by the Certified Minority Business Enterprise subconsultant.
- (C). Each Request for Proposal, (RFP), will require the City to:
- (1) Require the evaluation committee to take into consideration the percentage of cost or work proposed by the prime consultant to be awarded to Certified Minority Business Enterprise subconsultants and include that criteria in the overall qualification ranking of the firm proposing as the prime consultant to the City. A proposal for a Continuing Services Contract will be based on the Certified Minority Business status of the Prime Consulting firm only since this type of contract anticipates various projects throughout its term.
 - (2) No more than five points can be added to the qualification ranking points.
 - (a) The point structure will be as follows:
 - (3) The firm proposing to the City as the prime consultant, and registered with the State of Florida as an established business authorized to conduct the business as proposed in the RFP, will receive a full five rating points if they are certified as a Certified Minority Business Enterprise in accordance with Sections 287.0943 or 287.09431, Florida Statutes.
 - (4) If the proposing firm, prime consultant does not meet the criteria as a Certified Minority Business Enterprise as established under Section 287.0943 or 287.09431, Florida Statutes, but proposes to utilize certified minority business enterprise subconsultants for a portion of the proposed work then the percentage of the cost or work proposed by the prime consultant will be factored against the total five points. For example, if 50% of the cost or work will be delegated to a Certified Minority Business Enterprise subconsultant then 2.5 points will be awarded to the prime consultant proposing to the City. If 40% of the cost or work would be delegated to a Minority Business Enterprise subconsultant the points awarded would be 2.0 points, 30% of the cost or work would be eligible for 1.5 points, 25% would qualify for 1.25 points, 20% of the cost or work would qualify for one point.

- (5) Points will only be awarded in this category if evidence has been provided by the prime consultant proposer that the subconsultants to be utilized are Certified Minority Business Enterprises in accordance with Florida Statutes.
- (6) Points awarded as a result of meeting Certified Minority Business enterprise criteria will be tallied as a part of the qualification total and not as an addition to final scoring.



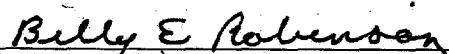
Nancy Carolan
Director of General Services

4/29/02
Date



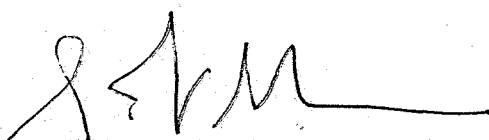
Michael McNeas
City Manager

5-31-02
Date



Billy Robinson
City Auditor & Clerk

6-3-02
Date



Signature (Chair Administrative Regulations)
Regulation disseminated this date

7-1-02
Date