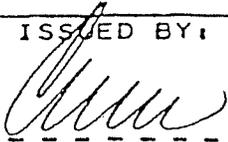
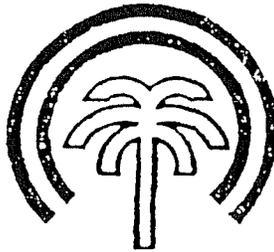


DATE, October 1, 1986

ISSUED BY:


CESAR H. ODIO
CITY MANAGER

SIGNATURE



ADMINISTRATIVE POLICY

REVISED
SECTION

All

DATE OF
REVISION

11/17/89

SUBJECT: MINORITY & WOMEN BUSINESS AFFAIRS
AND PROCUREMENT PROGRAM

PURPOSE:

To establish and to promulgate the procedures and administrative responsibilities for implementing City of Miami Ordinance #10062 - Minority and Women Business Affairs and Procurement Program Ordinance - and obtaining the annual fifty-one percent (51%) minority and female procurement goal established therein.

The procedures established herein apply to all purchases of goods, including but not limited to supplies, materials, equipment, printed materials and all purchases of services, including but not limited to personal, professional, management and technical services required by the City, routine and emergency purchases, Public Works and capital improvement projects and unified development projects, to the extent to which they utilize City of Miami funds, services and/or property.

This Administrative Policy applies to all departments and agencies under the supervision of the City Manager of the City of Miami.

Effective this date, this Administrative Policy will supersede all previous directives relating to the Minority and Women Business Affairs and Procurement Program.

THE POLICY WILL BE AS FOLLOWS:

All City of Miami departments and agencies will undertake all reasonable and necessary steps to procure goods and services from minority and women-owned enterprises on a minimum annual basis of fifty-one percent (51%), equally apportioned among Black, Hispanic and female-owned businesses and professions.



As delineated in this Administrative Policy, each City department and agency is responsible for the following:

1. Assigning a staff person to serve as liaison to the Minority and Women Procurement Advisory Committee and to the Office of Minority/Women Business Affairs (OM/WBA).
2. Notifying the OM/WBA of planned purchases through the submission of quarterly purchasing estimates, copies of procurement-related transfer of funds requests, and memoranda concerning future Public Works construction projects, unified development projects, professional services contracts, etc.
3. Including the OM/WBA Coordinator as a member of all selection committees for professional services contracts and unified development projects and any others established for the purpose of procuring or contracting for services.
4. Effective October 1, 1988, routing all purchase orders, direct payments, and contracts related to the procurement of goods and services to the Office of Minority/Women Business Affairs for approval before processing/execution.
5. Maintaining records on the achievement of minority/women procurement goals, set-asides and affirmative action requirements.
6. Preparing regular monthly reports to the OM/WBA on all procurement activities other than those accomplished through the purchase order process for the preparation of monthly memoranda to the City Manager on overall minority/women procurement goal achievement.
7. Establishing minority participation monitoring systems for applicable City contracts and submitting compliance reports to the Office of Minority/Women Business Affairs.

POLICY COMPONENTS:

The major policy components and corresponding procedures required to govern the City's procurement process and to achieve the goals of this policy are delineated in the following sections.



The responsibility for staffing the Minority and Women Procurement Advisory Committee and the Office of Minority/Women Business Affairs will reside within the Office of the City Manager. The Office of Minority/Women Business Affairs will be responsible for implementing and coordinating the procedures discussed herein.

It shall be the responsibility of each individual department and agency administrator to integrate the procedures contained in this Administrative Policy into their own to ensure the departmental/agency coordination necessary for the program to be successful on a city wide basis.

A. MINORITY AND WOMEN PROCUREMENT ADVISORY COMMITTEE

The Minority and Women Procurement Advisory Committee (MWPAC), established by Ordinance #10062, shall be chaired by a member of the City Commission selected by the City Commission and shall consist of the following city staff or their designees: Coordinator of the OM/WBA, Directors of the Departments of Development, Planning, Public Works, Parks, Recreation & Public Facilities, General Services Administration, Director of the Housing Conservation & Development Agency and the Chief Procurement Officer.

The City Manager will appoint staff and designate replacements on the MWPAC as seats are vacated. At all times, the composition of the Committee shall have full representation of Hispanics, Blacks and Women, pursuant to Ordinance #10062. The City Commission shall designate its representative.

It shall be the responsibility of the MWPAC, together with the Office of Minority/Women Business Affairs and other affected departments and/or agencies, to recommend policy for achieving the requirements of Ordinance #10062. These recommendations shall include the establishment of minority/women vendor goals, set-asides and affirmative action requirements as defined in the Ordinance, consistent with the City of Miami Code. To assist the MWPAC, the City Manager will direct all department and agency heads to provide the required technical information and staff assistance to the Committee whenever required or requested.

**B. PURCHASE OF GOODS/SERVICES UNDER \$4,500**

The City Manager has delegated his discretionary set aside authority for purchases under \$4,500 to the Chief Procurement Officer. Until the minimum annual fifty-one percent (51%) minority and women procurement goal as established by Ordinance #10062 is achieved, the Procurement Management Division of the General Services Administration Department is directed to obtain quotes from minority/female vendors as follows.

For purchases under \$250 requiring one (1) telephone quote, registered minority/women vendors will be called; for purchases between \$250 to \$1,000 requiring three (3) written or telephone quotes, where possible, one Black, one Hispanic and one woman-owned registered vendor will be included; and for expenditures between \$1,000 to \$4,500 requiring three (3) written quotations, where possible one (1) Black, one (1) Hispanic and one (1) woman-owned registered vendor will be solicited. Such procedure

Only when registered minority or female vendors are not available to provide the required goods or services, or if a sufficient number of vendors do not exist to provide a competitive bid for purchases under \$4,500, should buyers solicit quotes from a non-minority/female-owned firm.

Requests for Purchase above \$4,500 will be channeled through the Office of Minority/Women Business Affairs, prior to the advertisement for bids, to determine if a recommendation for a set-aside will be made to the City Manager.

C. MINORITY/WOMEN PROCUREMENT GOALS

Ordinance #10062 established annual Black, Hispanic and female vendor goals of seventeen percent (17%) respectively for each group. Each individual purchase/contract (blanket or field purchase order, direct payment, professional and personal services, Public Works and/or unified development projects, etc.) is therefore required to reflect these percentages or to provide a statement attesting to the unavailability or lack of registered minority or female vendors for the purchase or contract award.



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The procedure for obtaining and reporting on the attainment of these goals on an individual basis shall be as follows.

1. Departments/agencies of the City shall estimate all of their requirements for supplies, materials, equipment and contractual services on a quarterly basis, beginning the first quarter of each fiscal year, and forward them to the Office of Minority/Women Business Affairs. Emergency, personal and professional services requirements, unified development projects, Public Works projects and/or other purchases, the need for which is not foreseeable when such estimates are made, shall be submitted immediately upon their identification and prior to any public notice or request for quote or bid.
2. The Office of Minority/Women Business Affairs shall review all purchasing requirements in conjunction with current procurement statistics and the availability of potential minority and/or women vendors. The OM/WBA shall then recommend minority and/or female vendor goals or set asides, where appropriate, to the affected departments (and in the case of set asides over \$4,500 to the City Manager), along with a list of vendors registered with the City to provide the needed services/goods.
3. It shall be the responsibility of the procuring staff in each department to initiate all reasonable actions to reach these recommended goals. The reasons for failure to reach these recommended goals must be delineated in a memorandum to the City Manager which must accompany all purchase awards or recommendations for purchase of contract awards and/or all purchase requisitions not achieving the required minority and female procurement goals.

D. SET-ASIDES

Set-aside provisions will be used when appropriate to limit the bidding process for selected purchases or contracts (both total or partial) to one of the three affected classes (Black, Hispanic or female-owned businesses).



All department/agency procurement estimates over \$4,500 will be reviewed, along with the City's current minority and female procurement statistics, to determine if the criteria for a set-aside recommendation have been met. Set-aside designations will be considered only when the City's procurement statistics warrant and when there are sufficient numbers of certified minority and/or female vendors to afford competition.

The procedure for establishing a set-aside shall be as follows:

1. The Office of Minority/Women Business Affairs will conduct a review of all projected purchases and the City's minority and/or women procurement statistics to determine the need for such a recommendation and shall present its findings to the MWPAC and to the appropriate departments. This shall be done in conjunction with a review of the lists of appropriate certified minority and/or women vendors.
2. Based upon the recommendations from the MWPAC and affected departments, the Office of Minority/Women Business Affairs will make a formal recommendation to the City Manager as to the advisability and nature of the recommended set-aside. Where set-asides are approved by the City Manager, the procuring department/agency shall be instructed to include such notification in all solicitations and/or requests for bids, quotes, proposals and/or related advertisements.
3. Once determined, bids and/or proposals failing to reflect the required set-aside will be judged non-responsive unless accompanied by an acceptable good faith statement attesting to the specific attempts made to involve minority or female-owned businesses and their unavailability or unwillingness to participate.

E. AFFIRMATIVE ACTION REQUIREMENTS

Ordinance #10062 requires that all businesses and/or professions from which the City of Miami procures goods and services through the bidding process have in place nondiscrimination policies and/or plans to ensure equity in employment and the utilization of minority and women-owned businesses. The procedure for implementing this portion of the program's requirements shall be as follows:

1. All notices/advertisements for bids, quotes or proposals will contain a specific reference to the requirements of Ordinance #10062 as they relate to the affirmative action policy/plan. All RFP and written solicitations will have a copy of the Ordinance attached.
2. The Department of Internal Audits and Reviews shall review all affirmative action policies and determine if they meet the requirements of the bid/proposal specifications. This analysis will be forwarded to the OMWP and the procuring department with the appropriate recommendation.
3. Prior to contract/bid award, the Office of Minority/Women Business Affairs will review the recommended bidder/proposer's documents and shall insure the inclusion of the approved and, where necessary, amended affirmative action plan or policy.
4. The OM/WBA shall monitor the successful bidder's compliance with its own affirmative action plan and shall notify the City's Law Department regarding discrepancies found with a request that the appropriate notification and/or action required for compliance be provided.

F. CERTIFICATION

Minority/women-owned businesses and professionals must be certified before they are eligible to participate in set-asides or bid/contracts containing requirements for minority/women-owned business participation.

The procedure for receiving approved certification is as follows:

1. All minority and/or women-owned businesses certified by the State of Florida, Dade County or the Dade County School Board may be immediately certified by the City of Miami by submitting copies of current certification documentation with a completed City of Miami Vendor Application and a notarized copy of the City's Certification Affidavit.
2. All other minority and/or female-owned businesses shall complete the City's Minority and Women Certification Application and the City of Miami Vendor Application.
3. The Office of Minority/Women Business Affairs shall collect and assemble all information required by the certification process and shall be responsible for verifying the information to determine minority and/or female ownership and control of the business.
4. The Office of Minority/Women Business Affairs shall officially certify a business as minority or female-owned based upon a review of the documents and will issue a Minority/Women Certification Certificate. Such certificate shall be valid for a period of one year from the date of issuance or until such time as a change in ownership or management occurs. A list of certified minority and women-owned businesses shall be maintained and updated and provided to all relevant City of Miami departments and agencies for their use. This Office, in conjunction with the City's Law Department, will resolve all issues relating to the certification process.
5. All actions with respect to certification and the revocation of certification shall be brought to the attention of the MWPAC. This Committee shall hear appeals relating to the denial, revocation or suspension of certification.



G. EVALUATION AND REPORTING

It shall be the responsibility of all City of Miami departments and agencies to maintain records and other information pertaining to the achievement of goals, sub-vendor goals, set-asides and/or affirmative action requirements of Ordinance #10062.

Departments and agencies shall be required to provide regular monthly reports on all procurement outside of the purchase order process as reported by the Procurement Management Division of GSA. Such reports will contain a monthly accounting of all procurement expenditures, including direct payments, field purchases, state and federal contracts, consultant and professional services contracts under \$50,000. Reporting formats will be established by the Office of Minority/Women Business Affairs and shall contain the following information: vendor name and address, vendor ethnicity and gender, goods and services purchased, and the amounts.

The Procurement Management Division shall maintain and report on the number, type, dollar amount and percentage of total purchases awarded, by ethnicity and gender, on a monthly and year-to-date basis. At no time shall salaries of contracted staff be reflected in such procurement reports.

The Office of Minority/Women Business Affairs will prepare a monthly summary of all reports submitted--by department and in Citywide total--and shall submit this report to the City Manager and the MWPAC for review.

The Chairperson of the MWPAC shall be responsible for submitting an annual report to the City Manager, the City Commission and the general public describing overall program accomplishments. The annual report shall also present an evaluation of the various elements of the program's policy and procedures and shall suggest any modifications or changes that are warranted in the program's policy and procedures.