Section 16 MINORITY, WOMEN AND SMALL BUSINESS ENTERPRISE PROGRAM

J. Certification Criteria – For Certification as a MBE, WBE or SBE, the Applicant must meet all of the following *Criteria as noted; businesses may be Certified as a:* (1) MBE; (2) WBE; (3) SBE; (4) MBE/SBE; or (5) WBE/SBE:

MBE, WBE and SBE Certification Eligibility Criteria			
Certification Eligibility Criteria	Type of Certification (must meet ALL marked criteria)		
	MBE	*WBE*	*SBE*
Majority Owner(s) must be a Minority or Minorities who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.	X		
Majority Owner(s) must be a Woman or Women who manage and Control the business. In the case of a publicly owned business, at least 51% of all classes of the stock which is owned shall be owned by one or more of such persons.		X	
Majority Ownership in the business shall not have been transferred to a woman or minority, except by descent or a bona fide sale within the previous 2 years.	X	X	
Majority Owner(s) must reside in Leon, Gadsden, Jefferson or Wakulla County Florida.	X	X	X
Majority Owner(s) must be a United States citizen or lawfully admitted permanent resident of the United States.	X	X	X
Business must be legally structured *either as a corporation, organized under the* laws of Florida, or a partnership, sole proprietorship, limited liability, or any other business or professional entity as required by Florida law.	X	X	X
Business must be Independent and not an Affiliate, Front, façade, broker, or pass through.	X	X	X
Business must be a for-profit business concern.	X	X	X
Business must be currently located within the Market Area.	X	X	X
Business must have all licenses required by local, state and federal law.	X	X	X
Business must currently be licensed and engaging in commercial transactions typical of the field, with customers in the Local Market Area other than state or government agencies, for each specialty area in which Certification is sought. Further, if a Supplier, business must be making sales regularly from goods maintained in stock.	X	X	X
Business must have expertise normally required by the industry for the field for which Certification is sought.	X	X	X
Business must have a net worth no more than $2 million.	X	X	X
Business must employ 50 or fewer full- or part-time employees, including leased employees.	X	X	X
Annual gross receipts on average, over the immediately preceding three (3) year period, shall not exceed: - For businesses performing Construction – $2,000,000/year. - For businesses providing Other Services or Materials & Supplies - $2,000,000/year. - For businesses providing Professional Services – $1,000,000/year.	X	X	X
~~Small Business Management Training completed and accepted or waived by the FAMU Small Business Development Center~~Business must have been established for a period of one (1) calendar year prior to submitting its application for SBE certification.			X
Business must have a record of satisfactory performance on no less than three (3) projects, in the business area for which it seeks certification, during the past twelve (12) calendar months.			X

K. Certification and Recertification Process

a. Application –
   i. Persons seeking Certification shall complete a Certification Application, which provides the MWSBE Division with information regarding the name and address of the company and its owner(s), the gender/race of the Owner(s), a listing of the type of commodities/services it provides, the Vendor's work/contract history and past earnings, and other relevant information necessary for the determination of Certification eligibility.
   ii. Certification Application attachments, such as "Proof of Ownership" with the Applicant's name listed on it, a copy of the applicant's most recent pictured identification also indicating race and gender (if seeking MBE or WBE Certification), the most recent financial statements for the company, as well as the other required documents listed on the Certification Application, shall accompany the completed and notarized Certification Application. Copies of MWSBE Certifications(s) from other governmental agencies shall also be included, where applicable.

b. Application Evaluation Period – The MWSBE Division shall review, evaluate and make a determination as to whether an Applicant is certifiable within thirty (30) days of receipt of a complete Certification Application, with all applicable attachments.

c. Certification Approvals - If the Applicant is deemed certifiable, they will be notified of their Certification approval in writing through a letter of Certification and a certificate, which indicates the expiration date of their certification.

d. Certification Denials - If an Applicant who has submitted a Certification Application is determined not certifiable based on information provided on the Certification Application, including attachments, or as a result of the MWBSE Division's investigation and research, the Certification Application will be denied. Submission of fraudulent information, by or on the behalf of the Applicant as part of the Certification process, is grounds for Certification denial. The Applicant will then be notified in writing of the denial of their Certification. Such official denial notification shall include notice to the Applicant of their right to appeal their denial and of the appeal process.

e. Appeals of Certification Denials - An Applicant may appeal their Certification denial by presenting written notice of their appeal to the MWSBE Director within ten (10) business days after the Applicant's receipt of the Certification denial letter. An appeal of a Certification denial will be heard by the MWSBE Citizen Advisory Committee.

f. Denied Application May Not Resubmit - Applicants whose request for Certification has been denied by the MWSBE Division shall not be eligible to submit a new Certification Application for six (6) months after the notice of Certification denial.

g. Certification Period - Unless otherwise provided, Certification is valid for two years.

h. Recertification –
   i. MBEs, WBEs and SBEs are required to submit a Certification Application biannually for a review of and potential continuation of the Certification status.
   ii. The MWSBE Division will send written notification to the Certified MBE, WBE or SBE, no later than sixty (60) days prior to the Certification expiration date, along with a Certification Application and instructions for completion and submission.
   iii. Certification Applications submitted for recertification consideration shall be received by the MWSBE Division no later than the last effective date of the current Certification. Certification Applications submitted for recertification consideration received after expiration of the current Certification will not be considered, unless the reason for the delay is accepted and approved by the MWBE Division, at which time a one-time extension of their certification not to exceed 30 days may be granted.
   iv. Procedures relevant to the review of the Certification Application, Certification Approvals, Certification Denials, Appeals of Certification Denials, and Certification Periods, provided

for in this Section, shall be the same for the Applications for recertification as for the initial Certification Application.

i. Notification of Changes – MBEs, WBEs and SBEs shall notify the MWSBE Division of any changes in the Certified business, during the Certification period, which may impact the Certification (such as a change in Ownership or in the types of services and/or commodities being provided). If such changes occur during the Certification period, the business' Certification status may be reevaluated.

j. Certification Reevaluation - The County reserves the right to reevaluate an MWSBE's Certification at any time during the Certification period, and to rescind Certification if it is found that the business is not certifiable.

k. Certification From Other Agencies - The MWSBE Program may accept MBE, WBE and SBE Certifications from parties to THE MWBE INTER-LOCAL AGREEMENT (such parties currently include the City of Tallahassee, Leon County, and the Leon County School Board; however, such parties may change from time to time without notice or revision to this policy). Further, the MWSBE Division reserves the right to review the Certification process and documentation utilized by an outside certifying agency; request clarification or additional information from the certified business; to delay acceptance of certification while it is being reviewed; and to deny certification any time during the Certification period.

l. The MWSBE Division may, based upon the provisions of this policy, determine to approve certifications that only apply to the County procurement process due to the difference in the policies between the County, City of Tallahassee and the Leon County School Board.

L. Decertification and Right of Appeal

a. The MWSBE Program reserves the right to revoke Certification at any time such action is deemed reasonably necessary. Grounds for revocation of Certification include, but are not limited to, the following:
   i. Submission of fraudulent information, by or on the behalf of the Applicant for Certification or by or on the behalf of the MBE, WBE or SBE either as part of the Certification process or as part of a procurement or contract process.
   ii. Failure to promptly report any change in Ownership or Control of the business.
   iii. Failure to promptly report any name, address or telephone number changes of the business.
   iv. Failure to respond to requests for information from the MWSBE Division.
   v. Fraudulent representation or participation on County projects or contracts, or breach of contract with the County.
   vi. Revocation by a party to the MWBE INTER-LOCAL AGREEMENT

b. Any business having its Certification revoked by the MWSBE Division shall have the right to appeal such Certification revocation, following the same process as Appeals of Certification Denials.

M. Small Business Enterprise (SBE)

a. SBE Orientation - The County shall conduct periodic meetings to educate SBE's about the program and about general matters relating to participating in County procurement opportunities. SBEs shall be required to attend at least one such meeting prior to or within ninety (90) days after becoming Certified. The MWSBE Division may require SBEs to attend periodic follow-up meetings, but no more than once every two years. Failure to attend such meetings shall be grounds for decertification for such up to twelve (12) months, as determined appropriate by the MWSBE Division.

b. Small Business Development –
   i. The County shall enter into an agreement with the Florida A&M University Small Business Development Center (SBDC) to provide training assistance to individuals with small businesses located in Leon County interested in beginning a small business for the first time or improving or expanding an existing small business.
   ii. SBDC services are anticipated to include:
      1) Completing a business needs assessment on all new clients to identify deficiencies and tailor appropriate training, counseling and technical assistance.
      2) Providing counseling, training and technical assistance in all aspects of small business management, the development of business plans, small business assistance for financial, marketing, productions, organization, engineering and technical issues and feasibility studies.
      3) Tracking the client's success throughout the training.
      4) Certifying the client, upon successful completion of the training and counseling, as a small business and referring them to the MWSBE Program for Certification and participation in Leon County purchasing and contracting opportunities.
      5) Completing a progress report and referral of the client to SBDC partners for subsequent levels of support and competitive procurement opportunities.
      6) Providing bonding assistance to small businesses and identify quality surety companies to participate in the bonding program.

c. SBE Graduation - A SBE that has participated in the SBE Program for a total of six years shall graduate from the SBE Program and is no longer eligible for Certification as a SBE. Graduation of an SBE shall not effect the contribution made by the SBE toward satisfaction of an Aspirational Target if the work was identified in a bid or RFP proposed to be performed by the SBE prior to the date of SBE Graduation and the bid or RFP opening date occurred prior to the SBE Graduation date.

d. Reserving Procurement Opportunities for Exclusive Competition Among SBEs - Procurement opportunities may be reserved for exclusive competition among SBEs when:
   i. At least three SBEs, with Certification in the relevant area, are available to compete for the procurement opportunity;
   ii. Permissible by law; and
   iii. Such limited competition has been recommended by the appropriate authority as stipulated:

Criteria for Reserving Procurement Opportunities for Exclusive Competition Among SBEs			
Business Category	Estimated Procurement Value (Estimated Contract Cost)	Minimum Number of Available SBEs, Certified in Procurement Opportunity Area	Authority that Recommends Reserving Procurement Opportunity for Exclusive Competition Among SBEs
Construction - Prime Contractor	$100,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Professional Services	$50,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Other Services	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director and Project Director or Division Director responsible for the project/budgeted expense)
Materials & Supplies	$25,000 or less	Three (3)	[1] Committee Concurrence (MWSBE Director, Purchasing Director, Project Director or Division Director responsible for the project/budgeted expense)
[1] Committee Concurrence – If consensus can not be reached, the ~~Management Services Director~~ County Administrator or his/her designee shall make the final decision. Such agreement between the committee members can be gained via any reasonable means of communication, such as a face-to-meeting, over the phone or via e-mail. Documentation of such concurrence shall be retained with the procurement records.			

N. Outreach - A continuing effort of the County involves identifying SBEs, MBEs and WBEs capable of providing goods and services and ensuring that staff, through business community interactions, are knowledgeable about and support the MWSBE Program. The MWSBE Division will network with state and local governments, nonprofit organizations, professional and trade organizations and participate in *conventions and seminars sponsored and widely attended by small, minority, and women business owners.* Staff coordination may include, but is not limited to:

a. Coordination with the user departments on increasing awareness of program policies, directives and program targets and objectives for County staff;

b. Development of an internal education program to promote the awareness of all staff about SBE and MBE, and WBE firms and the commitment to their full participation in its activities.

c. Determine prospective program participants as well as assist them in understanding regulations and the certification process.

d. Develop directories of certified minority, women-owned, and SBE's firms capable of providing services.

e. Assist program participants in understanding and meeting the County's contracting need.

f. Develop promotional campaigns, forums or seminars to inform the small, minority and women-owned business community of the County's needs and its commitment to involve such firms in its contracting activities, along with receiving feedback from the business community.

g. Target appropriate firms for participation in the County's contractor training effort;

h. Identify categories in which firms are underrepresented;

i. Develop special events to meet special needs or concerns including contracting trade fair open houses;

j. Coordinate events with other governmental entities and private and nonprofits organizations.