

MBE Qualifications

This section has been taken from METROPLAN ORLANDO's Internal Operating Procedures.

I. MINORITY BUSINESS ENTERPRISE PROGRAM

1. Definitions and Purposes.

(a) Definitions. For the purpose of these procedures:

(1.) "Small Business" means an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification, and as further defined in Section 288.703, Florida Statutes.

(2.) "Minority Business Enterprise" means any small business concern as defined in subsection (a) which is organized to engage in commercial transactions, which is domiciled in Florida, and which is at least 51 percent owned by minority persons who are members of an insular group that is of a particular racial, ethnic, or gender makeup or national origin, which has been subjected historically to disparate treatment due to identification in and with that group resulting in an underrepresentation of commercial enterprises under the group's control, and whose management and daily operations are controlled by such persons, and as further defined in Section 288.703, Florida Statutes.

(3.) “Minority Person” means a lawful, permanent resident of Florida who is

- (a.) African-American
- (b.) Hispanic-American
- (c.) Asian-American
- (d.) Native-American
- (e.) American woman

all as further defined in Section 288.703, Florida Statutes.

(4.) For the purpose of these procedures the term “MBE” shall mean Minority Business Enterprises; the term “USDOT” shall mean the United States Department of Transportation; the term “FTA” shall mean the Federal Transit Administration; and the term “FHWA” shall mean the Federal Highway Administration.

(b) Purposes. It is the policy of METROPLAN ORLANDO that Minority Business Enterprises shall have the maximum opportunity to participate in all phases of its procurement activities and in contracting opportunities. METROPLAN ORLANDO will use its best efforts to ensure that disadvantaged business enterprises and women business enterprises are informed of current and future procurement activity through contacts with print and electronic media, including minority focused media, assistance agencies and through direct contact. METROPLAN ORLANDO will provide special assistance, when requested to disadvantaged business enterprises and women business enterprises in providing instructions on the preparation of bid specifications, procurement policies, and

general bid requirements. METROPLAN ORLANDO and its contractors shall not discriminate on the basis of race, color, national origin or sex in the award and performance of contracts.

2. Affirmative Action Techniques to Assure MBE Participation.

(a) The MBE Program Liaison Officer will be responsible for carrying out the following affirmative action techniques developed to assure MBE participation in all METROPLAN ORLANDO procurement activities:

(1.) Solicitation arrangements, times for the presentation of bids, quantities and specifications and delivery schedules which shall be designed so as to facilitate MBE participation.

(2.) Upon request, MBE firms may be referred for certification, financing or technical assistance to the appropriate agency.

(3.) Information and communication programs on contracting opportunities and procedures will be carried out in a timely manner. Classified ads, in minority and majority focused media, will be used to keep minority owned and controlled businesses informed.

(b) When METROPLAN ORLANDO requires the regular purchase of goods and services, the MBE Program Liaison Officer will follow those bidding procedures listed in its Purchasing Policy defined in Resolution 05-01, or as subsequently amended.

3. MBE Certification and Directory. METROPLAN ORLANDO will utilize MBE certifications and Directories ("Directories") developed by local governments and

agencies for aiding its MBE procurement participation. These Directories are generally arranged by service and vendor reference, and include a note as to whether or not the vendor is a certified MBE and by what authority the vendor is certified. It shall be METROPLAN ORLANDO'S policy to obtain certification from all MBE vendors to grant evaluation criteria credits. MBE bid applicants will be encouraged to apply for certification through the Unified Certification Program (UCP), managed by FDOT as formally approved by the USDOT March 25, 2004.

4. Percentage Goals for the Dollar Value of Work to be Awarded to MBE.

METROPLAN ORLANDO has established an overall goal of twenty percent (20%) of the dollar value of work awarded for participation by minority business enterprises in contracting opportunities for goods and services that are bid in accordance with METROPLAN ORLANDO's procurement policy. For contracting opportunities where evaluation criteria are established, MBE participation shall be a separate criterion and shall carry the weight of at least 15 points out of 100. Points shall be awarded as follows:

MBE PARTICIPATION PERCENTAGE	EVALUATION POINTS EARNED
0 %	0
1% – 10%	5
11% – 19%	10
20% OR >	15

5. Identification of MBE by Competitors for Special Contracts.

(a.) METROPLAN ORLANDO will, in its solicitation of special contract bids, indicate separate goals for the use of firms owned and controlled by disadvantaged business enterprises and firms owned and controlled by women. All bidders will be required to submit a written assurance to make good faith efforts to meet the goals in their bids or

proposals. The bid solicitation will also state that before a binding contract or agreement is signed with the apparent successful bidder, minority business participation information must be submitted to METROPLAN ORLANDO and that award of the contract is conditional upon satisfaction of METROPLAN ORLANDO's requirements. The apparent successful bidder shall provide the following information:

- (1.) The names and addresses of minority owned firms that will participate in the contract.
 - (2.) A description of the work each participant firm will perform.
 - (3.) The dollar amount of participation by each named minority owned firm.
- (b) All proposed MBE subcontracts must be submitted to METROPLAN ORLANDO for approval. Upon approval, the successful contractor shall enter into each approved subcontract and shall neither terminate nor reduce the price to be paid under such contract without in each instance the prior consultation with and written approval of METROPLAN ORLANDO.
- (c) METROPLAN ORLANDO will encourage joint ventures and subcontracts involving minority owned and controlled firms by assisting the prime contractor in identification of interested minority owned and controlled firms and making available the Directories.

(d) Pre-bid conferences for all special contracts will be held, if necessary, at a minimum of two weeks prior to bid opening dates, to discuss bid specifications of the project. The MBE Program Liaison Officer will play an integral role in all pre-bid conferences by answering questions on MBE policy and offering individual assistance when necessary.

7. Award Selection Procedures.

(a.) Contract Award- MBE Requirements

(1.) METROPLAN ORLANDO's procurement procedure is to formally advertise bids for all expenditures exceeding \$25,000.00 and to award or let to the lowest and best responsive bidder.

(2.) A responsive bidder is defined as a potential contractor who possesses potential ability to perform successfully under the terms and conditions of a proposed procurement. If it is determined that a responsive bidder or contractor firm has the lowest bid and the best bid, but has not met the MBE Program contract goals, the bidder or contractor firm may still be awarded the contract.

(b.) To ensure that all obligations under contracts awarded to MBE firms are met, the contractor's MBE Program involvement efforts throughout the performance of the contract shall be reviewed. The contractor shall bring to METROPLAN ORLANDO's attention any

situation in which regularly scheduled progress payments are not made to MBE subcontractors.

(c.) Contractors must make good faith efforts to replace a defaulting MBE subcontractor with another MBE firm. Any such substitution must be approved by METROPLAN ORLANDO before such subcontractor is signed. The contractor must first provide METROPLAN ORLANDO with copies of the new or amended contract and MBE certification forms from the substitute MBE firm.

(d.) There are no preconditions to subgrants or contracts pertaining to the use of MBE other than those previously stated in these Procedures.

These Internal Operating Procedures were formerly Rules 35I-1.005, 35I-1.006, 35I-1.012, 35I-2.001, 35I-2.002, 35I-2.003, 35I-2.004, 35I-2.005, 35I-2.006, 35I-2.007, 35I-2.008, 35I-2.009, Florida Administrative Code and are hereby readopted as Internal Operating Procedures of METROPLAN ORLANDO.

Approved by METROPLAN ORLANDO this 12th day of January 2005.

Randall C. Morris
Chairman

Virginia L. Whittington, Manager of Board
Services and Recording Secretary