



BUSINESS DEVELOPMENT DIVISION SBE GUIDELINES HANDOUT

Business Development's purpose is to support and strengthen Small Business Enterprises so they can compete, grow, and contribute to Orange County's economy. Respondents submitting responses to the County are encouraged to comply with SBE subcontracting goals established by the County Small Business Enterprise Ordinance, Chapter 17 Articles III, Division 6 of the Orange County Code of Ordinances. Each solicitation shall prescribe the applicable SBE participation goal. The prescribed SBE goal shall apply to the total awarded contract value, inclusive of the Base Bid and any awarded additives, deductives, or alternates, and shall be achieved through participation by SBE subcontractors and suppliers. Upon Contract award, the Contractor must meet the SBE expenditure required by the Contract. Each SBE utilized to meet the project goal must be listed as a subcontractor or subsupplier on Attachment CONTRACT AND SUBCONTRACT GOAL PARTICIPATION SCHEDULE. If there are any pre-qualifications required by the firm, then this must be provided to the SBE when they are solicited for interest in the bid. This required information must be completed prior to bid submittal.

1. Orange County SBE Certification Requirement

1. All participating SBE's must be certified by Orange County. The Business Development SBE Directory is available through the Orange County web site at <https://ocfl.gob2g.com/>.
2. Only firms having established offices **headquartered** in the Orlando MSA (Orange, Lake, Seminole and Osceola Counties) are eligible for Orange County certification. All SBE's must be certified prior to bid opening. If a firm claims to be certified, but is not listed in the Directory, Contractor should obtain a copy of their Certificate and/or contact the Business Development Division Liaison for verification of certification.

2. Meeting SBE Goals

Goals may be met in the following manner:

1. Use of SBE certified entities as subcontractors by the Respondent
2. A Respondent who is certified as an Orange County SBE may perform a percentage of the work equal to the goal for the project;
3. A Respondent who has historically performed the work may self-perform the work; or
4. A Respondent may demonstrate good faith effort in accordance with the requirements in this solicitation.

3. Good Faith Effort

If a Respondent is unable to meet the goal provided in this solicitation and cannot meet the goal through the means set forth in paragraphs above the Respondent may request a waiver of the goal at least **ten calendar days prior** to due date of bids by completing the form located at <https://forms.ocfl.net/260074597427161>.

An SBE Respondent competing as a prime must identify the percentage, scope, and dollar value of the work it intends to self-perform. Failure to provide this information will result in the SBE Respondent receiving zero SBE participation for the bid.

4. Waiver of SBE Goal

A Respondent may request a full or partial waiver of the SBE goal for good cause by submitting the appropriate form(s) and documentation with the waiver request. Under no circumstances shall a waiver of a goal be granted without submission of adequate documentation of Good Faith Effort by the respondent and careful review by the Business Development Division. The Business Development Division shall base its determination of a waiver request on criteria such as, but not limited to:

1. Whether the requestor of the waiver has made Good Faith Effort to subcontract with qualified and available SBE's. Good Faith Effort will be demonstrated by producing a log that indicates which SBE's were contacted, the date, time and method of the contact;
2. Whether subcontracting would be inappropriate and/or not provide a "Commercially Useful Function" under the scope of the contract; and
3. Whether there are no certified SBE firms that are qualified and available to provide the goods or services required.

Waiver to be utilized and submitted at least ten (10) calendar days prior to due date of bids:
<https://forms.ocfl.net/260074597427161>

5. Subcontracts/Purchase Orders

The successful Contractor shall provide a copy of all fully executed subcontracts and/or purchase orders issued to SBE's listed on Attachment CONTRACT AND SUBCONTRACT GOAL PARTICIPATION SCHEDULE to the Business Development Division Liaison. Submittal of these subcontracts/purchase orders is a condition precedent to execution of the prime Contract by the County.

The Contractor must include in the subcontract agreement:

1. A Prompt Payment Clause shall be included in all SBE subcontracts and purchase orders, requiring payment to SBE subcontractors and suppliers within seventy-two (72) hours of the Contractor's receipt of payment from the County.
2. The sub-contract agreement shall include: (a) the percentage of the overall contract value; and (b) the dollar amount based on the percentage of the contract value (if available at the time of the sub-contract agreement).

3. The scope of service(s) the SBE will be utilized for in the contract.
4. The following statements:
 - a. The SBE is responsible for responding electronically in the B2Gnow system within five business days of receiving notification from the Prime contractor to verify monthly payments received.
 - b. Failure by the SBE to verify payment in the B2Gnow system within the required timeframe may negatively impact the SBE's re-certification.
 - c. Notwithstanding any termination provisions of this Subcontract Agreement, the Prime Contractor shall not, without the **prior written authorization** of the Orange County Business Development Division Manager: (i) **terminate this Subcontract Agreement**; (ii) **amend this Subcontract Agreement**; or (iii) **reduce the Scope of Work or the monetary value awarded under this Subcontract Agreement**.

This provision in no way creates any contractual relationship between any Subcontractor and Orange County or any liability on Orange County for the Contractor's failure to make timely payments. The timeliness of such payments may be evaluated by the Business Development Division in considering compliance with the Ordinance.
 - d. All subcontract agreements shall be contingent upon the term (whether terminated, renewed or extended) of the Prime's contract with the County.

Contractors should make whatever additional efforts are necessary to achieve the goals and it is recommended that these efforts be documented. However, this documentation shall not replace the required GFE documentation if the goals are not met. Contractors are encouraged to contact the Business Development Division for guidance and assistance. Additional efforts by Contractors may include but are not limited to the following:

- Contractors should provide interested SBE's with assistance in reviewing the Contract plans and specifications.
- Contractors should assist interested SBE's in obtaining required lines of credit, insurance or bonding.
- Contractors should solicit only types of work that match the capabilities of the SBE's and for which they are certified.

6. BID PREFERENCE FOR REGISTERED SERVICE-DISABLED VETERANS (SDV)

The Orange County Registered Service-Disabled Veteran Business Program Ordinance sets vendor preferences for registered service-disabled veteran business enterprises registered with Orange County Business Development Division.

As part of this program, Contractors are required to complete the Attachment CONTRACT AND SUBCONTRACT GOAL PARTICIPATION SCHEDULE listing **ALL** subcontractors (majority, small business, and registered service-disabled veteran) their firm will utilize in fulfillment of the requirements of this solicitation.

Also, in accordance with the County SDV Ordinance, preferences for registered service-disabled veteran business enterprises shall be applied on bid awards (sealed bids). The following bid preference scale shall apply to bids submitted by Prime registered service-disabled veteran business enterprises as long as the bid does not exceed the low bid by more than 8% on bid awards up to \$100,000; 7% on bid awards from \$100,000.01 to \$500,000; 6% on bid awards from \$500,000.01 to \$750,000; 5% on bid awards from \$750,000.01 to \$2,000,000; 4% on contract awards from \$2,000,000.01 to \$5,000,000.00 and 3% on bid awards over \$5,000,000.01.

Prime Registered service-disabled veteran business enterprises may be awarded or recommended for award of contracts when their bids are within the above allowed percentage in comparison to the low responsive and responsible bid(s).

If a prime registered service-disabled veteran business enterprise, entitled to the vendor preference under this section, and one (1) or more other businesses also entitled to this preference, or another vendor preference provided by the Orange County Code, submit bids, proposals, or replies for procurement of commodities or contractual services which are otherwise equal with respect to all relevant considerations, including price, quality, and service, then the Procurement Division Manager shall award the procurement or contract to the business having the smallest network

**ORANGE COUNTY BOARD OF COUNTY
COMMISSIONERS' BUSINESS DEVELOPMENT
DIVISION WELCOMES YOU TO OUR INTERNET
ACCESS WHERE YOU WILL FIND SBE DIRECTORY
AND MORE**

1. Visit <https://ocfl.gob2g.com/> and click on the **Search Vendor Directory**.



Pre-Bid Information for SBE Utilization

Nuggets to take away...

1. SBE goals can be found on the on-line advertised solicitation in OPENGOV Procurement.
2. The successful Contractor shall provide executed **subcontracts and/or P.O.'s** to SBE's listed on Attachment CONTRACT AND SUBCONTRACT GOAL PARTICIPATION SCHEDULE. The SBE's sub-agreements must have the specified language outlined in the Subcontracts/Purchase Orders section.
****The Procurement Division will not execute the master contract until all sub-agreements have been submitted to Business Development Division with the required language.****
3. Service-Disabled Veteran's must be registered by OC prior to bid opening. (Review the Business Development SBE section in the advertised solicitation). SDV's can bid as a Prime and or be utilized as a sub. However, SDV's that are utilized as a Prime or sub **will not** be counted toward meeting the SBE goals. **It's a separate program.**
4. Forms used to document small business participation/information are located on-line through OPENGOV Procurement.
5. **Carefully review all forms required for your bid submission.** Pay close attention to whether the solicitation includes **alternates, additives, or deductions**, as these may require the completion of an additional **Contract and Subcontract Goal Participation Schedule**. Be sure to complete and submit the schedule that corresponds with the requirements of the solicitation. All participating SBE's must be certified by OC. The MSA is Orange, Osceola, Lake & Seminole County. This certification must take place **prior** to bid opening*
6. Solicit **SBE's for work that matches their capabilities and areas of certification**. Contractors should target scopes that the SBE is qualified and certified to perform in to receive credit for utilization.
7. If the SBE goal is not met, GFE must be submitted.

Questions?

Contact Business
Development Division at
407-836-7317