



Number Section II

Effective 1 Nov 2013

Revised Third

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SUBJECT: SMALL BUSINESS ENTERPRISE (SBE)

POLICY STATEMENT:

In an effort to increase contracting and procurement opportunities for Small Business Enterprises (hereinafter "SBEs"), the Tampa Port Authority (hereinafter "Authority"), hereby adopts this policy to provide mechanisms that will enhance contracting opportunities for SBEs in the Authority's construction, architecture, engineering, and goods and services contracts. This policy shall apply to all contracts.

The Authority shall utilize race-neutral, ethnic-neutral and gender-neutral mechanisms to enhance contracting opportunities for SBEs on Authority contracts. The Authority is an equal opportunity employer and expects that the businesses with whom it does business to operate in the same manner. Additionally, this program will help ensure that small business enterprises will be provided opportunities to compete as prime contractors and subcontractors on Authority projects. The Authority wide goal is nine-percent (9%) SBE participation.

PROCEDURES FOR IMPLEMENTATION:

Definition of SBE

An eligible Small Business Enterprise (SBE) for all Authority transactions is one that is independently owned and operated, that employs twenty-five (25) or fewer permanent full-time employees at the time of contract award, and a) whose gross annual sales in goods/services/supplies averaged over the previous three (3) year period is three million dollars (\$3,000,000) or less; and b) whose gross annual sales in construction services and materials averaged over the previous three (3) year period is five million dollars (\$5,000,000) or less. A business entity must be in business at least six (6) months before an SBE application for that entity will be considered. Any qualified business entity within the TPA's seven county area will be considered for SBE status. The seven county area includes: Hillsborough, Hernando, Pinellas, Pasco, Polk, Manatee and Sarasota Counties. Any small business with a certificate/registration as an SBE for the City of Tampa or Hillsborough County may be added to the Authority's SBE list. This provision will become null and void if at any time either entity's standards no longer match those of the Authority.

Program Administration

This SBE Policy shall be implemented by written procedures to ensure that SBEs have the opportunity to participate in the performance of contracts and the procurement of goods and services with the Authority. The Authority shall designate an employee to facilitate the participation of SBEs in Authority contracts. The employee responsible for SBE facilitation shall cooperate with firms seeking Authority contracts to assist them in identifying SBEs that are available to participate in the Project. The Authority may retain consultants, as needed, to assist in this effort.

Program Development

SBE Program participation is intended to and shall be designed to assist SBEs to overcome their economic disadvantage and to strengthen their financial and managerial skills by providing such assistance to compete in the private sector as may be necessary and appropriate to secure Authority contracts. This policy shall be implemented by procedures that address the following program objectives:

a) Outreach:

To the extent deemed appropriate and as may be required by regulation, the Authority shall include SBEs on solicitation mailing lists and solicit their participation in contracts for which such businesses may be suited. The Authority shall maintain a list of SBEs that have indicated an ability and willingness to participate in Authority projects and shall make the list available to firms seeking contracts from the Authority for the purpose of encouraging participation from SBEs.

The Authority shall advertise contract opportunities in local small business and minority focused media in an effort to notify and encourage participation on Authority contracts.

The Authority may offer training to assist businesses, including SBEs, on how to do business with the Authority. The Authority may refer SBEs to available training programs that may improve the ability of SBEs to provide services to the Authority.

b) Good Faith Efforts

Each contract of the Authority will attempt to include SBE participation to the extent feasible. Pursuant to Florida law, Authority contracts will be awarded to the lowest responsible bidder. The term "responsible" shall include a determination of whether or not the contractor used good faith efforts to utilize SBEs to meet the Authority's SBE policy stated herein. "Good faith efforts" are those efforts that could reasonably be expected from a contractor who actively and aggressively seeks to obtain SBE participation goals.

The Authority requires all firms and contractors seeking contracts to actively pursue obtaining bids and quotes from SBEs. The Authority shall require such firms and contractors to submit an SBE Outreach Action Plan that outlines their efforts in actively pursuing such bids and quotes.

c) Monitoring and Collection of Information:

The Authority shall monitor utilization of SBEs on contracts to determine the extent to which firms and contractors provide equal employment and contracting opportunities to SBEs.

The Authority shall require firms proposing or bidding as prime contractors to identify an SBE liaison. The Authority shall collect information from firms serving as prime contractors on contracts regarding their anticipated SBE participation on Authority contracts. The proposed SBE participation submitted in the bid shall become a mandatory part of the contract with the Tampa Port Authority and shall be made available to assist the Authority in tracking SBE utilization.

The Authority shall require firms serving as prime contractors to provide a Bidders' Opportunity List that includes all subcontractors or consultants who submitted bids or quotes to the prime contractor or firm for the Authority contract. The prime contractors and firms shall report actual payments, retainage, SBE status, and the work type of all SBE subcontractors.

The Authority shall require that information provided on SBEs be broken down into appropriate subcategories as established by the Authority.

d) Progress Payments:

The Authority's contracts may contain such special provisions for progress payments as deemed reasonably necessary to encourage SBE participation.

e) Waiver or Modification of Bonding:

So long as consistent with, and within the limits established by state law, the Port Director may waive or modify bid bonds and performance and payment bonds normally required or accept alternative forms of security to the extent reasonably necessary to encourage participation from SBEs. An alternative form of security shall be in the form of cash, cashier's check, or irrevocable letter of credit, and shall be subject to the same conditions as the bond required for the contract. In reducing the level or types of bid bonds and performance and payment bonds normally required of SBEs, the Port Director should take precautions to ensure that the Authority and any third parties will be adequately protected.

f) Sheltered Market Objective:

The Authority's Port Director may recommend to the Board, from time to time, that certain contracts be made available only to SBEs. Such designated projects and/or contracts or portions of contracts shall be based on economic feasibility. The Port Director may waive or modify bid bonds and performance and payment bonds under the Sheltered Market Objective utilizing the same guidelines as subsection (e).

Prompt Payment

Every construction or consulting contract shall contain a provision requiring the contractor to certify in writing that all subcontractors have been paid for acceptable work and material from previous progress payments received prior to receipt of any further progress payments. During the contract and upon completion of the contract, the Authority shall require documentation to verify payments to such subcontractors have been made. This provision does not create a contractual relationship between subcontractor and the Authority.

Procedures and Annual Report to the Tampa Port Authority Board:

The Port Director or designee shall develop procedures as necessary to implement these policies, and shall annually report to the Board concerning the awarding of contracts and subcontracts in construction, architectural and engineering, goods and services to SBEs during the preceding fiscal year. To the extent practicable, the report required by this Section should include the total dollar value of awards made in the fiscal year to SBEs and comparison to overall value of dollars contracted.

Contract Compliance

Where a contract involves the expenditure of federal or state funds, the Port Director or designated representative shall comply with any mandatory federal law and authorized regulations. The Port Director shall modify the procedures as necessary to obtain federal approval, consistent with these policies, and shall bring recommendations for any required modification of these policies to the Board for consideration.

Additionally, the Port Director shall develop a procedure that identifies the circumstances under which the failure of a contractor to comply with this SBE policy and procedures may result in the Port taking remedial action, including debarment from bidding on future Port projects.

Contracts Controlled by Port Director

In addition to those contracts subject to the SBE Policy as set forth above, it is the intent of the Authority to authorize and encourage the Port Director to consider opportunities to involve SBEs on those contracts that do not require Board approval but are solely within the Port Director's Authority.

APPROVED: _____



DATE: _____

1/28/14