

Office of School Facilities
Jaime G. Torrens, Chief Facilities Officer

**SUBJECT: PROPOSED PROMULGATION OF NEW BOARD RULE: FINAL
READING, 6Gx13- 3C-1.131, VENDOR PREFERENCE FOR
CERTIFIED SERVICE-DISABLED VETERAN BUSINESS
ENTERPRISES**

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS**

**LINK TO DISTRICT
STRATEGIC PLAN: IMPROVE FINANCIAL SERVICES**

The School Board of Miami-Dade County, Florida, announced on July 15, 2009, its intention to establish School Board Rule 6Gx13- 3C-1.131, Vendor Preference for Certified Service-Disabled Veteran Business Enterprises, at the meeting of September 9, 2009.

This new Board rule codifies the relevant portions of §295.187, Florida Statutes, the "Florida Service-Disabled Veteran Business Enterprise Opportunity Act," and grants a vendor selection preference to certified service-disabled veteran businesses. This preference would apply whenever the School Board is considering two or more bids, proposals or replies for procurement of commodities or contractual services in the event price, quality and service are equal.

In addition, the proposed rule contains a participation goal for service-disabled veteran business enterprises as provided in federal law.

The Notice of Intended Action was published in the *Miami Daily Business Review* on July 20, 2009, posted in various places for public information, and mailed to various organizations representing persons affected by the new rule and to individuals requesting information.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with provisions of the Administrative Procedure Act, this new rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

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Attached are the Notice of Intended Action and the proposed new rule.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt new School Board Rule 6Gx13- 3C-1.131, *Vendor Preference for Certified Service-Disabled Veteran*, to be effective September 9, 2009.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 15, 2009, its intention to promulgate new Board Rule 6Gx13- 3C-1.131, *Vendor Preference for Certified Service-Disabled Veteran Business Enterprises*, at its meeting of September 9, 2009.

PURPOSE AND EFFECT: The purpose of enacting this School Board Rule is to implement the relevant tenets of §295.187, Florida Statutes, the "Florida Service- Disabled Veteran Business Enterprise Opportunity Act," which requires state agencies, and encourages political subdivisions, to provide veterans a vendor preference when considering two or more bids, proposals or replies for procurement of commodities or contractual services in the event price, quality and service are equal. The proposed rule also includes a participation goal for service-disabled veteran business enterprises.

SUMMARY: This School Board Rule is being promulgated to grant a vendor selection preference to certified service-disabled veteran businesses in the award for procurement of commodities and contractual services when identical prices are received from two or more vendors when one or more vendors are certified service-disabled veteran business enterprises and all other factors are equal. In addition, a goal for participation by service-disabled veteran business enterprises is included.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.42(25); 1001.43(10), F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 295.187, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF September 9, 2009, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by August 10, 2009, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED NEW RULE is available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Dr. Solomon C. Stinson
Date: July 1, 2009

Non-salaried Expenditures**VENDOR PREFERENCE FOR CERTIFIED SERVICE-DISABLED VETERAN BUSINESS ENTERPRISES**

The Board adopts the relevant portions of "The Florida Service-Disabled Veteran Business Enterprise Opportunity Act," section 295.187, Florida Statutes, which provides a vendor preference in favor of certified service-disabled veteran businesses. The state, through its Department of Management Services, will develop a certification procedure.

In assessing priorities for award, when identical prices are received from two or more vendors and all other factors are equal, priority for award shall be given to a certified service-disabled veteran business enterprise as defined by §295.187, Fla. Stat. In the event there are two or more certified-disabled veteran business enterprises entitled to the preference, then the award shall be given to the business having the smallest net worth.

The vendor preference for certified service-disabled veteran businesses shall be subordinate only to the vendor preference for businesses implementing a drug-free workplace.

In adopting a major tenet of the Veterans Entrepreneurship and Small Business Development Act of 1999, (Public Law 106-50), which applies to federal agencies, the School Board goal for participation by service-disabled veteran business enterprises shall be established at three percent (3%) of the total value of all prime contract/subcontract awards for each fiscal year.

To the extent that this rule is inconsistent with the provisions of any other Board rule, the provisions of this rule shall supersede.

Specific Authority: 1001.41(1), (2); 1001.42(25); 1001.43(10), F.S.
Law Implemented, Interpreted, or Made Specific: 295.187, F.S.

History
New:

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA