

Broward County Small Business Development Advisory Board (SBDAB)

Location: Governmental Center, 115 S. Andrews Avenue, Room A680, Fort Lauderdale, FL 33301

Meeting Minutes

Date and Time: Wednesday, February 20, 2019, 3:00 p.m.

SBDAB Members	Attendance
Dana Pollitt	Present
Chelsa Arscott	Via Telephone
Darren Badore	Present
Dahlia Baker	Present
Stephen Botek	Present
Sarah Chappell	Absent
Victor Green	Present
Brian Johnson	Present

County Staff:

Tricia D. Brissett, Assistant County Attorney
Maribel Feliciano, Assistant Director
Susan Smith, Small Business Dev. Specialist

Members of the Public:

Paula Riveros, Gartek Engineering

I. Call to Order/Roll Call

The meeting was called to order by Chair Dana Pollitt at 3:00 p.m. with a quorum present.

II. Approval of Minutes

Motion: Member Johnson moved to approve the minutes from December 12, 2018. Member Botek seconded. The motion passed unanimously.

III. Adoption of Agenda

Motion: Member Johnson moved to approve the agenda for the February 20, 2019 meeting. Member Badore seconded. The motion passed unanimously.

IV. Public Comments

No public comments

V. OESBD Staff Updates

Maribel Feliciano, Assistant Director, reported that Mr. McDonald, Director, has invited the auditor, Bob Melton to attend the April 2019 Board meeting. Chair Pollitt asked staff to invite past Advisory Board members Dodie Keith; Bob Behar, and Sarah Chappell as well as consultant, Miller Legg to attend and/or provide their experiences regarding claw backs, FAR, and Safe Harbor issues.

VI. New Business:

A. Discussion: List of Priorities (Mentor/Protégé from 2017-2018 list)

Chair Pollitt said when the Board voted for the 2018-2019 list of priorities in December, the Mentor/Protégé program was inadvertently omitted.

Chair Pollitt asked for an update on OESBD's the Mentor/Protégé outreach program. Ms. Feliciano stated that a mentor/protégé networking event was held at the Main library, and Vice Mayor Dale V.C. Holness, who is very supportive of the program, attended. Staff will provide the Board with an update of this pilot program at the next meeting.

Ms. Feliciano stated that Mr. McDonald will conduct individual briefings with mentors and proteges to obtain feedback and recommendations regarding the future of the program, which is scheduled to end in March 2019.

Since the pilot program has been successful, the program may be extended. The mentors and protégés are primarily from the construction industry, and want the program continued.

Member Pollitt asked staff to notify the Board of upcoming Mentor/Protégé and other OESBD outreach activities. Ms. Feliciano will forward OESBD's calendar of workshops and other outreach activities. The Board will also be added to all email and marketing communication sent from OESBD.

Member Johnson said that the mentor/protégé program is important. Both ABC and the minority contractors' associations have advocated for this program. Member Johnson stated that a firm/prime that is spending its money and time, providing substantial participation with small businesses, transferring the firm's knowledge to small businesses and partnering with a protégé on private sector jobs, should receive points, during evaluation of the prime's solicitation, as an incentive for their efforts.

Member Johnson said the County should modify the Procurement Code to include evaluation points and give preference to firms/primed that have demonstrated a proven relationship with small businesses or has a mentor/protégé relationship and

have participated in the OESBD's mentor/protégé program. Evaluation criteria should be established to determine the authenticity of the mentor /protégé program in which the prime has participated. The prime should be required to register the program in which it has participated and compare this program to OESBD's program for preference.

Member Johnson moved to add mentor/protégé program to the 2018-2019 List of Priorities. Member Baker seconded. The motion passed unanimously.

Assistant County Attorney, Tricia Brissett, arrived at 3:10pm.

E. Discussion: Update from Miami-Dade County School Board Inter-Local Agreement

Assistant County Attorney Tricia Brissett appeared on behalf of the County and the Small Business Development Advisory Board. She stated she is available by telephone during the Board meetings, if she is contacted, and if the Board requests her to be present, she will immediately come to the conference room. Attorney Brissett expressed concerns about the Board's motion during the November 2018 meeting to support the Miami-Dade School Board Interlocal Agreement in its current form. She has vetted her concern internally with her office and, also, spoke with OESBD. The Advisory Board should have made a motion to discuss or recommend the Agreement is reviewed by the County Attorney. Legal agreements should be submitted to the County Attorney's office first. The Advisory Board does not become involved in the legal determination of a project.

Attorney Brissett said the issue with the Interlocal Agreement concerns the sharing of information. The County Attorney must know what information Miami-Dade School Board wants from the County, what information does the County want from Miami-Dade School Board, and what is the protocol for information security. Staff must create a proper scope to address these issues. The Interlocal Agreement which the Advisory Board acted upon is only a draft agreement which needs a definitive scope. Miami-Dade School Board must work with OESBD to develop and submit a clear document to the County Attorney for approval; then the Advisory Board can memorialize it.

Attorney Brissett said that normally an MOU is prepared for this type of agreement. She suggested that the Advisory Board rescind the motion and allow staff and the County Attorney to contact Miami-Dade School Board to begin drafting a scope which clarifies Broward County's expectations from the mutual exchange of data. Ms. Feliciano said Mr. McDonald wanted to remind the Board of the protocol relating to items and recommendations staff brings to the Board. Staff will periodically share items with the Board for informational purposes only

and other times staff will bring items before the Board for action and recommendations. If a motion is made and carried, then the motion is later signed by the Chair then transmitted appropriately.

Staff read the motion from the November 2018 meeting and Member Johnson stated the motion as recorded recommended further consideration of the ILA. After further discussion the Board agreed to remove "as is" from the original motion. Member Johnson moved to reconsider approval of the November 8, 2018 minutes. Member Green Seconded. The motion passed unanimously. Member Johnson then moved to approve the November 8, 2018 minutes with the following correction: strike the term "as is" from the following sentence in the record and the meeting minutes: "... member Pollitt moved to recommend further consideration of the interlocal agreement with Miami-Dade School Board, ~~as is~~, with an addition to paragraph 8 to read ...'subject to Florida's Public Resources Laws... and 49 CFR Parts 23 and 26..." so that the term "as is" will no longer be considered as part of the Board's recommendation. Member Green seconded. The motion passed unanimously.

B. Discussion: Contents of Letter to the Commission Regarding BC Cities' Accountability in Attaining 30% Small Business Participation from Penny Surtax

Member Johnson asked for the governing authority or document which gives the County authority to enforce the 30% goal for small business participation. Is it the interlocal agreement or the project contract? Member Johnson further asked what becomes the governing authority for Cities which will ensure Cities comply with the 30% goal and/or use the services of OESBD for small business participation, if these Cities do not want to pursue the 30% goal? Is it the contract they sign or the Interlocal Agreement? Attorney Brissett will investigate and provide a response.

Member Johnson stated that one of the Advisory Board's priorities is Affirmative Procurement Initiatives. At one of the meetings Commissioner Udine attended, the Board discussed an interest in incentivizing majority firms (primes) by applying points, like the model used by the Broward School Board, as an evaluating factor when awarding a contract. Member Johnson asked why the County's small business program was not applicable for the agent broker Convention Center OCIP services project, Bid #2117482P1. Ms. Feliciano said she would research the matter and send him a response. Chair Pollitt stated that there are other projects which have no goals or have less than a 25% goal. Ms. Feliciano briefly described the methodology used to recommend the goal. Member Johnson stated, for the record, that although he was not a bidder, he was concerned that major firms will not seek participation and small businesses will not have an opportunity to partner as a subcontractor on projects unless there is a requirement for small business participation.

Member Green suggested the County conduct a campaign of educating the Cities about the County's expectations and requirements from the 30% penny surtax goal, so the small businesses are certified and ready when applicable projects become available.

Member Johnson asked if the requirement for the 30% small business goal exists in the Code of Ordinance to bind these Cities to the goal. He asked that the County Attorney and staff advise the Board on what authority does the County rely to require compliance with the 30% penny surtax goal.

Member Baker asked staff to provide the Board with a calendar notifying the Board about outreach events so members may attend to support staff.

Member Johnson left at 4:10 pm. A quorum remained.

C. Discussion: Bulleted Talking Points for Use with Each Member's Appointing Commissioner

Member Baker suggested that members ask their Commissioner to: (1) support the County's small business program and encourage small businesses from their district to become certified through the County's program so they will be available for opportunities generated from the penny surtax funded projects; (2) Set goals or investigate ways to direct funds into the "distress areas."

Ms. Feliciano stated that OESBD is creating an online opportunity zone application and map which describes opportunities available to developers in the federally designated Opportunity Zones. OESBD staff will provide a demonstration at a future meeting.

Chair Pollitt said he invited Mayor Mark Bogen to attend the April 10th Board meeting, and, also, invited Vice Mayor Dale Holness to attend one of the Board meetings. The Chair asked members to invite their respective commissioner to future board meetings.

Chair Pollitt stated that Mayor Bogen is spearheading a trip to Russia, along with a group of business representatives. If members are interested, they should contact the Chair. Mayor Bogen created the first Mayors' Council with the 31 Broward municipalities. Chair Pollitt will provide a schedule of their meetings.

Chair Pollitt provided a list of projects that each Commissioner has prioritized within their Districts for 2019.

Ms. Feliciano stated that the County Administrator has instituted an employee cash incentive program, in line with the Mayor's initiative for accountability and recognition, to encourage employees to submit innovative suggestions.

D. Discussion: 2019 Meeting Calendar

The advisory Board meetings will remain as scheduled, every other month.

Chair Pollitt congratulated Ms. Feliciano for her 20 years of service with Broward County.

VII. Old Business

No old business was discussed

VIII. Future Agenda Items

- (1). Auditor Bob Melton; (2). Mentor/Protégé pilot program six -month status report;
- (3). Virtual Opportunity Zone map and update; (4). 30% compliance monitoring process

IX. Adjournment

Motion: Member Bador moved to adjourn the meeting. Member Botek seconded. The motion passed unanimously.

Meeting adjourned at 4:30 p.m.

Note: The next SBDAB meeting is scheduled for Wednesday, April 10, 2019, at 3 p.m.

Disclosure: The above captioned minutes are transcribed in a summary format. To obtain a complete audio recording of the meeting, approved summary minutes, or any presentation or handout materials, please submit a public records to Susan Smith, Small Business Development Specialist, who can be reached at svsmith@broward.org or 954-357-6400.