

## MEMORANDUM

**TO:** Governing Board Members  
**FROM:** Doug Bergstrom, Director, Administrative Services  
**DATE:** August 9, 2012  
**SUBJECT:** Authorize publication of the Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend the Small Business Enterprise Rule.

### **Background:**

On July 15, 2005, the District was granted legislative authority to implement a small business program. The purpose of this program is help small businesses including those owned by women and minorities, to participate in SFWMD's procurement and contract activities.

The District's Procurement Bureau developed and implemented a race and gender neutral contracting program that focuses on small businesses. This was codified in 40E.7, Part VI, F.A.C..

As part of the continuing evaluation of the program required by the rule and in order to determine what, if any, specific provisions require modification, Procurement has identified two areas of the existing rule that need to be revisited. The proposed amendments are in the following sections:

- 40E.7.670 (Competitive Solicitation Preferences) - changes are needed in section 1, subsection (3)(b) regarding subcontracting for proposals
- 40E.7.672 (Compliance) – changes are needed in this section for monitoring and evaluation of prime contractor performance

**How does this help meet the District's Mission:** The proposed rule amendments will help streamline and make the SBE program more effective.

**Funding Source:** No additional District funds are needed to implement these changes.

This Board item impacts what areas of the District? Both resources areas and geography: The impacts of this item will be recognized throughout all District areas, especially in Procurement, Finance and Project Management. Geographically the Small Business Enterprise and Emerging Business Enterprise Program will impact all areas of the District.

**What concerns could this Board item raise?** Constituents may be concerned that the SBE Contracting Rule is changing.

**Why should the Governing Board approve this item?** The proposed rule amendments will help streamline and make the SBE program more effective.