

## The Tampa-Hillsborough County Expressway Authority

### Small Business Enterprise (SBE) Policy For Design and Construction Projects

(Adopted February 25, 2002)

#### 1. Introduction

In recognition of difficulties encountered by Small Business Enterprises (hereinafter "SBEs) in the transportation construction contracting industry, the Tampa-Hillsborough County Expressway Authority ("Authority") hereby adopts this policy to provide mechanisms that will enhance contracting opportunities for SBEs on the Authority's design and construction contracts. This policy shall apply to design contracts in excess of \$250,000, and construction contracts in excess of \$1,000,000.00 (hereinafter also referred to as "Contracts " or "Design & Construction Contracts"), except that the provisions of the Sheltered Market Component covered by paragraph 4(e) hereof may involve contracts of any size and nature.

The Authority shall utilize race-neutral, ethnic-neutral and gender-neutral mechanisms to enhance contracting opportunities for SBEs on Authority Design and Construction Contracts.

#### 2. Definition of SBE

An SBE means a business enterprise that has obtained the required registration or certification from any of the following governmental entities in any one of the categories listed below:

- Hillsborough County as a WMBE or SBE
- City of Tampa as a WMBE or SBE
- Florida Department of Transportation as a DBE
- State of Florida as an MBE as defined in section 288.703(2), Florida Statutes or as an SBE as defined in section 288.703(1), Florida Statutes
- Small Business Administration as an SBE or SBA 8(a)
- Other governmental entities in the Greater Tampa Bay Area as an SBE, MBE, DBE, or WMBE. (Greater Tampa Bay Area means Hillsborough, Pinellas, Polk, Pasco, and Manatee Counties)

#### 3. SBE Outreach Liaison

The Authority shall designate an SBE Outreach Liaison to facilitate the participation of SBEs in Authority Design and Construction Contracts. The Outreach Liaison shall report directly to the Executive Director and shall manage and implement the SBE policy. The Outreach Liaison shall cooperate with firms seeking Authority contracts to assist them in identifying SBEs that are available to participate on the Project. The Authority may retain consultants, as needed, to assist in the SBE Outreach efforts.

#### 4. Mechanisms for promoting Equal Opportunities in Contracting

a) Authority's 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 Design and Construction 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 Design and Construction Contracts from the Authority for the purpose of encouraging participation from SBEs in Design and Construction Contracts.

The Authority may assist businesses, including SBEs, with learning 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 design and construction services to the Authority.

b) Outreach Plans For Prime Contractors and Firms: The Authority encourages all firms and contractors seeking Design and Construction 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 Design and Construction Contracts to determine the extent to which firms and contractors provide equal employment and contracting opportunities to SBEs.

The Authority shall collect information from firms serving as prime contractors on Design and Construction Contracts regarding their anticipated SBE participation on Authority Contracts. The information provided concerning anticipated SBE participation shall not become a mandatory part of the contract with the Authority. It shall be available to assist the Authority in tracking planned or estimated SBE utilization.

The Authority shall require firms serving as prime contractors on Design and Construction Contracts 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 Authority will also require the prime contractors and firms to 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 Design and Construction Contracts may contain such special provisions for progress payments as deemed reasonably necessary to encourage SBE participation.

e) Sheltered Market Component: The Executive 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 Executive Director may waive or modify bid bonds and performance and payment bonds under the Sheltered Market Component utilizing the same guidelines as subsection (f) below.

f) Waiver or Modification of Bonding: So long as consistent with, and within the limits established by State Law, the Executive 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 Executive

Director should take precautions to ensure that the Authority and any third parties will be adequately protected.

5. Procedures and Annual Report to the Authority Board

The Executive Director shall develop procedures as necessary to implement these policies, and shall annually report to the Board concerning the awarding of design consultant and construction contracts 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.

6. Compliance with Federal Regulations.

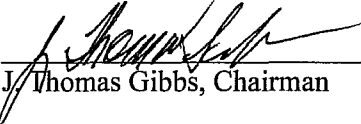
Where a Design or Construction Contract involves the expenditure of federal assistance or contract funds, the Executive Director or designated representative shall comply with any mandatory federal law and authorized regulations. The Executive Director shall modify the procedures as necessary to obtain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

7. Contracts controlled by Executive Director

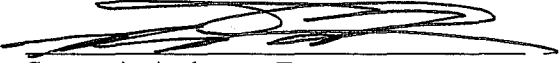
In addition to those contracts subject to the SBE Policy as set forth above, it is the intent of the Authority to authorize and encourage the Executive Director to consider opportunities to involve SBEs on those contracts that do not require Board approval but are solely within the Executive Director's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

REVISED: March 29, 2004

TAMPA HILLSBOROUGH COUNTY EXPRESSWAY AUTHORITY

  
\_\_\_\_\_  
J. Thomas Gibbs, Chairman

Approved as to Form and Legal Sufficiency:

  
\_\_\_\_\_  
Steven A. Anderson, Esq.  
Ruden McClosky Smith Schuster & Russell, P.A.  
General Counsel