



PIMA COUNTY, ARIZONA
BOARD OF SUPERVISORS POLICY

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I. Purpose

To ensure the administration of the Small Business Enterprise (SBE) Participation Program, including the coordination of the program among various County departments, is in accordance with the Pima County Code, Board of Supervisors Policies and Procurement Procedures.

II. Scope

This policy applies to all eligible contract, purchase and project procurements performed by and for Pima County, except those specifically exempted in the SBE Ordinance, Title 20, which include but are not limited to; sole source contracts, petty cash purchases, emergency purchases, non-competitive purchases and medical and legal services. This policy does not apply to contracts funded with federal funds.

III. Policy

- A. The Pima County Procurement Department has approved the SBE Certification process from the City of Tucson and the use of their approved SBEs database. Approved SBEs can be located on the Procurement internet site.
- B. In accordance with Pima County Code Title 11.12.040 and 20.16.010, Departments must contact at least one SBE, if available and practicable, for purchases of materials and general services estimated annually to cost at least \$1,000.00 but less than \$100,000.00. A bid preference of 5% for local, certified SBEs, will be applied for all materials and general services solicitations from \$10,000.00 to \$500,000.00, inclusive, per contract year.
- C. In accordance with Pima County Code Title 11.12.030 and 20.20.010, purchases of professional services (not including architectural or engineering professional services), when procured by the Procurement Department, may be assigned up to 10% of the total evaluation points for the participation of certified SBE, joint ventures of SBE and non-SBE firms, and equal opportunity compliance.
- D. In accordance with Pima County Code Title 20.16.010(B), the Procurement Department may reserve up to 10% of the annual dollar value of selected goods and general (non-professional) services procurement opportunities for competition only among County certified SBE firms. Such limited competition will not provide for a 5% preference as specified in III.B above.

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- E. Architectural or Engineering professional services must be procured in accordance with Title 34 of the Arizona Revised Statutes and applicable County policies and procedures. The Procurement Department may assign up to 10% of the total evaluation points for the participation of certified, joint ventures of SBE and non-SBE firms, and equal opportunity compliance.
- F. The Procurement Department will review all Public Works construction projects, except those that require a Disadvantaged Business Enterprise (DBE) goal pursuant to State and Federal law, estimated to cost equal to or greater than \$100,000.00 to determine if subcontracting goals are feasible.
- G. The Procurement Department will ensure that construction contracts are in compliance with the set SBE goals pursuant to the SBE Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060.

IV. Procurement Department Responsibility

A. Business Enterprise

- 1. The Business Enterprise Program Coordinator is responsible for maintaining the Pima County Vendor Database to identify ready, willing and able SBEs that can be notified or utilized to meet the requirements of this policy.
- 2. The Business Enterprise Program Coordinator is responsible for ensuring that the link to the City of Tucson Certified List of SBEs is available to search for ready, willing and able SBEs.

B. Materials and General Services

Solicitation and Bid Preference

- 1. The assigned Commodity/Contracts Officer or the Department Buyer is responsible for soliciting at least one Certified SBE, if available and practicable, for every eligible solicitation equal to or greater than \$10,000.00.
- 2. The assigned Commodity/Contracts Officer is responsible for allocating a five percent bid preference on bids received from local certified SBEs for every eligible solicitation between \$10,000.00 and \$500,000.00, inclusive, per contract year. As defined in Policy III.D. above, the five percent bid preference DOES NOT apply to reserve contract solicitations.

Reserve Contracts

- 1. The Business Enterprise Program Coordinator is responsible for conducting outreach to all certified SBEs to inform them of the reserve contracts program and will notify the SBEs that to be considered for any reserve contracts, they must register as a vendor with Pima County.

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2. The assigned Commodity/Contracts Officer may reserve competition of materials and general non-professional services to local certified SBEs, when the requisition and SBE availability meet all of the criteria set forth below.
 - a) Requisition estimated annual total value does not exceed the bid threshold of \$100,000.00.
 - b) Requisition will be processed through an informal solicitation.
 - c) There must be three (3) or more certified SBEs available to provide the requested materials and/or general services. SBEs must be registered with Pima County at the time of the informal solicitation to be considered for reserve contract.
 3. The Business Enterprise Program Coordinator will audit the Materials and Services requisitions and awards to ensure compliance with the Pima County Code Title 20.
- C. Architectural and Engineering Services and Professional Services
1. The assigned Commodity/Contracts Officer is responsible for providing the Business Enterprise Program Coordinator with copies of the Affirmative Action Statements and the Team Utilization Forms in response to each Solicitation for Qualifications (SFQ) or Request for Proposal.
 2. The Business Enterprise Program Coordinator will review the Affirmative Action Statements and the Team Utilization Forms and will assign up to 10% of the total evaluation points for the equal opportunity statement and SBE participation for each submittal.
 3. The Business Enterprise Program Coordinator is responsible for obtaining Annual Statements of Team Utilization to ensure that SBEs are being utilized as listed on the Project Team Member Utilization Forms, submitted with proposals for all Architectural and Engineering Contracts.
- D. Construction Projects
1. The Departments are responsible for submitting a detailed cost or engineer's estimate for construction projects to the Procurement Department for review to determine if an SBE Goal should be established.
 - a) Job Order Contracts (JOC) SBE Goals will be determined prior to solicitation using reasonable estimates provided by the requesting Department's Project Manager. Each JOC with an established SBE goal will be reviewed annually, prior to renewal of contract, to re-determine SBE Goals using reasonable estimates from each prime contractor. Compliance with SBE goals must be a factor in determining whether to renew.

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- b) Construction Manager at Risk (CMAR) SBE Goals must be determined prior to approval of the guaranteed maximum price (GMP) using the estimate provided by the CMAR.
 - c) Competitive Bid Construction Projects SBE Goals will be determined prior to solicitation using the engineer's estimate or reasonable estimate provided by requesting Department's Project Manager.
2. The assigned Commodity/Contracts Officer is responsible to submit a copy of the cost or engineer's estimate to the Business Enterprise Program Coordinator to determine if an SBE Goal should be established for all competitive bid construction projects greater than \$100,000.
 3. The assigned Commodity/Contracts Officer is responsible to ensure that all contractors with CMAR contracts contact the Business Enterprise Program Coordinator for determination of a goal prior to submittal of GMP for construction.
 4. The assigned Commodity/Contracts Officer is responsible to contact the Business Enterprise Program Coordinator to ensure that all JOCs with assigned SBE goals have been reviewed for re-determination of the SBE goal prior to processing the annual renewal of the contract.
 5. The Business Enterprise Program Coordinator is responsible for determining if an SBE Goal should be established for every JOC and construction project \$100,000 or greater that does not have a DBE goal.
 6. Goals less than 4% or greater than 15% must be reviewed and approved by the Procurement Director.
 7. The Business Enterprise Program Coordinator will evaluate all bid submittals on projects with SBE goals to ensure that the SBE goals are met and that all of the required documentation has been submitted. All requests for full or partial waivers will be reviewed for approval or denial.
 - a) In accordance with Title 20.32.040, SBEs certified through a government agency process approved by Pima County will be considered eligible to meet the Pima County SBE goal.
 - b) All bid submittals requesting Good Faith Effort/Request for Partial or Complete Waiver of the established goal must meet the requirements of Title 20.24.030.
 8. The Business Enterprise Program Coordinator is responsible for maintaining records for SBE utilization to ensure compliance with the SBE requirements pursuant to SBE Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060, for each construction project that has an SBE goal.

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V. Procedure

Specific procedures that detail a uniform process and consistent standards for development, execution, and monitoring of all contracts to ensure compliance with SBE Title 20 pursuant to this Policy will be the responsibility of the Procurement Director.

Adopted Date: April 1, 2011
Revised Date: November 19, 2013
September 5, 2017
Effective Date: October 1, 2017