



**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 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 Small Business Enterprise 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.

**III. Policy**

- A. The Pima County Procurement Department has approved the SBE Certification process from the City of Tucson.
- B. In accordance with Pima County Code Title 11.12.040, the Departments shall contact at least one SBE vendor, if available and practicable, for eligible Goods and General non-professional service procurements over \$1,000.00. A bid preference of 5% for local, certified SBEs, will be applied for all goods and general services informal solicitations exceeding \$4999.99.
  - 1. Department buyers can search for available SBE vendors online at <http://www.pima.gov/procure/sbe/sbedir.pdf>
- C. 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's. Such limited competition will not provide for a 5% preference as specified in III.B above.
- D. Architectural or Engineering professional services shall 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 small business enterprises (SBE), joint ventures of SBE and non- SBE firms, and equal opportunity compliance.
- E. The Procurement Department shall 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 in excess of \$50,000.00 to determine if subcontracting goals are feasible.

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- F. The Procurement Department shall 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. Responsibility**

##### A. Vendor Relations

1. The Vendor Relations/ SBE Division 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 Vendor Relations/ SBE Division 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 Services

###### Solicitation and Bid Preference

1. The assigned Commodity Contracts Officer or the Department Buyer is responsible for soliciting at least one Certified SBE vendor if available and practicable for every eligible solicitation over \$1,000 when SBE firms are available.
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 over \$4999.99. As defined in Policy III.C. above, the five percent bid preference does not apply to reserve contract solicitations.

###### Reserve Contracts

1. The Vendor Relations/ SBE Division is responsible for conducting outreach to all certified SBEs to inform them of the reserve contracts program and shall notify the SBEs that in order to be considered for any reserve contracts, their firm must register as a vendor with Pima County.
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 the criteria set forth below in items 4(a) through 4(c).
  - a. Requisition estimated annual total value does not exceed the bid threshold of \$50,000.
  - 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. SBE firms must be registered with Pima County at the time of the informal solicitation in order to be considered for reserve contract.

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3. The Vendor Relations/ SBE Division will audit the Materials and Services requisitions and awards to ensure compliance with the SBE Ordinance.

C. Architectural and Engineering Services

1. The assigned Commodity Contracts Officer is responsible for providing the SBE Division with copies of the Affirmative Action Statements and the Team Utilization Forms in response to each Solicitation for Qualifications (SFQ).
2. The Vendor Relations/ SBE Division shall review the Affirmative Action Statements and the Team Utilization Forms and shall assign up to 10% of the total evaluation points for the equal opportunity statement and SBE participation for each submittal.
3. Vendor Relations/SBE Division is responsible for obtaining Annual Statements of Team Utilization to ensure that SBE firms 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. (See Item IV.C.5(a) through (f) for goal setting process). Each Job Order Contract 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 shall be a factor in determining whether to renew.
  - b. Construction Manager at Risk (CMAR) SBE Goals shall be determined prior to approval of the guaranteed maximum price (GMP) using the estimate provided by the Construction Manager/Prime. (See Item IV.C.5(a) through (f) for goal setting process)
  - 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. (See Item IV.C.5(a) through (f) for goal setting process)
2. The assigned Commodity Contracts Officer is responsible to submit a copy of the cost or engineer's estimate to the SBE Program Coordinator to determine if an SBE Goal should be established for all competitive bid construction projects greater than \$50,000.
3. The assigned Commodity Contracts Officer is responsible to ensure that all contractors with Construction Manager at Risk (CMAR) contracts contact the SBE Program for determination of a goal prior to submittal of GMP for construction.

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4. The Vendor Relations/ SBE Division is responsible to ensure that all contractors with Job Order Contracts (JOC), with SBE goals, submit a reasonable estimate for a job selected by the SBE Program Coordinator to re-determine the SBE goal prior to the annual renewal of the Job Order Contract.
  - a. The assigned Commodity Contracts Officer is responsible to ensure that all Job Order Contracts (JOC) 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 Vendor Relations/ SBE Division is responsible for determining if an SBE Goal should be established for every job order contract and construction project \$50,000 or greater that does not have a DBE goal. The Vendor Relations/ SBE Division shall:
  - a. Review the project estimate trade detail and categories and may contact the Project Manager or the Commodity Contracts Officer to clarify subcontracting opportunities.
  - b. Match the present availability of qualified SBE firms to the relevant subcontracting trades, using the current City of Tucson SBE Certification List.
  - c. Any category trade that does not have at least two (2) ready, willing and available SBEs will not be utilized in the goal setting process due to insufficient competition and limited SBE availability.
  - d. SBE subcontractors must be properly licensed for the trades identified to be utilized in the goal setting process.
  - e. Determine the SBE Goal by multiplying the total number of SBE subcontractors available by the percent (%) total value of overall SBE subcontracting opportunities. (Percentage of subcontractors available is calculated by dividing the total dollar amount of SBE opportunities by the total construction cost, which may include design omissions, general conditions, contractor's fees, bonds and insurance and tax. It does not include alternates.)
  - f. Goals less than 4% or greater than 15% shall be reviewed and approved by the Procurement Director.
  
6. The Vendor Relations/ SBE Division shall 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 20.040.030(B), 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 shall meet the requirements of Title 20.24.030.

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7. The Vendor Relations/ SBE Division is responsible for maintaining records for SBE utilization to ensure compliance with the SBE requirements pursuant to the Small Business Enterprise Ordinance No 2008-265, 1997-44, Section 20.28.050 and 20.28.060, for each construction project that has an SBE goal.

**V. Procedure**

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

Effective Date: April 1, 2011