GREATER MIAMI EXPRESSWAY

LOCAL BUSINESS PARTICIPATION POLICY

AS AMENDED BY THE GMX BOARD ON SEPTEMBER 27, 2023

Policy #2023-15

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1. Purpose

The Greater Miami Expressway Agency (GMX) is committed to carrying out its mission in a manner that provides value to its toll customers and simultaneously provides an economic engine for the Miami-Dade and portion of Monroe County community it serves. In order to support the economic growth of Miami-Dade County, GMX adopts this Local Business Participation Policy.

2. Local Business Eligibility Criteria

A firm meeting two (2) of the three (3) following criteria is eligible for Local Business Certification by GMX:

A. The individuals who collectively own a minimum of sixty percent (60%) of the firm must reside in Miami-Dade County or Monroe County (for example: if ten (10) persons are owners of the firm, and one (1) of those persons is an eighty percent (80%) owner, that individual must reside in Miami-Dade County or Monroe County); and

B. The firm's main office must be located in Miami-Dade County or Monroe County for a minimum of two (2) years. For the purpose of this Policy, main office is defined as the full operational office of the firm where the majority of its employees and principals are located; and

C. At the time of certification as a Local Business the majority of the firm's employees must reside in the tri-county area (Monroe, Miami-Dade, and Broward counties).

3. Local Business Participation Requirements

Except where applicable laws or regulations mandate to the contrary, GMX will evaluate procurement for contracts valued at more than twenty-five thousand dollars ($25,000) prior to advertisement to determine if Local Business participation is appropriate. GMX will consider the factors and restrictions herein to determine a specific percentage of the contract value that must be dedicated to Local Businesses (the "Local Business Participation Requirement"). GMX will only award to a firm, if that firm agrees to meet the Local Business Participation Requirement in that contract.

3.1 Factors for Local Business Participation Requirement

In determining the Local Business Participation Requirement, GMX will consider the following factors:

i. Availability of Local Businesses to provide the goods or services solicited;

ii. Applicability of Small Business participation requirements to the procurement.

3.2 Restrictions for Local Business Participation Requirements

The Local Business Participation Requirement shall not be applied to procurements under the following circumstance:

i. Where such application is prohibited by law;

ii. Emergency Procurements; or

iii. Sole Source Procurements; or

iv. Cooperative Purchasing (Piggy-Back contracts), or

iii. Single Source Procurements.

3.3 Implementation of Local Business Participation Requirement

i. In contracts where both a Local Business Participation Requirement and a Small Business Participation Requirement are included, the same firm may not be used to meet both requirements. Firms must only count toward meeting one certification requirement.

ii. A firm certified as a Local Business submitting a proposal/bid to GMX as a prime in response to a solicitation that includes Local Business Participation Requirement, may meet one hundred percent (100%) of the Local Business Participation Requirement of the contract.

3.4 Enforceability of Local Business Participation Requirement

Solicitation Documents shall state the Local Business Participation Requirement for the contract.

Firms must comply with the requirements in the Solicitation Documents, including completion and submission of required forms, to demonstrate their commitment to meeting the Local Business Participation Requirement.

GMX will strictly enforce the Local Business Participation Requirement in its contracts. All procurements and resulting contracts will include procedures for both the firm and GMX to follow in the enforceability of the Local Business Participation Requirement.

GMX may apply individual or multiple sanctions to firms that do not comply with the Local Business Participation Requirement. Some of the applicable sanctions are follows:

- Assessment of liquidated damages;

- Condition future awards: If at the conclusion of a contract, a firm did not meet the entire Local Business Participation Requirement, GMX reserves the right to condition future contract awards to the firm upon the firm's ability to make up the Local Business Participation Requirement deficit in future contracts. Should GMX exercise this option, GMX will increase the Local Business Participation Requirement for the future contract by a percentage equal to the deficient dollar amount in the previous contract.

  Example:

  - Future Contract Amount = $2,500,000
  - Future Contract Local Business Participation Requirement = 15%
  - Deficit = $150,000
  - 150,000/2,500,000 = 6%
  - New Future Contract Local Business Participation Requirement = 21%

4. Local Business Certification

4.1. Certification Process

GMX has developed a certification process that allows review and verification of information from firms to ensure compliance with the criteria herein for eligibility to Local Business certification. The certification process may be amended from time to time to meet the intent of this Policy.

4.2 Certification Expiration

Local Businesses that are currently providing goods/services under a GMX contract, and whose certifications have expired may be granted a thirty (30) calendar-day grace period after expiration to renew their certification.

During the grace period, their expired certifications will continue to count towards the Local Business Participation Requirement for the contract.

Certifications expired beyond thirty (30) calendar days will not be considered for the Local Business Participation Requirement on the contract.

4.3 Non-Eligibility for Certification Renewal

If a firm's Local Business certification expires while providing services under a GMX contract and the firm is no longer eligible to renew the certification due to non-compliance with the criteria established herein, GMX at its sole discretion, may either allow the firm to complete the contract as a Local Business, or allow the firm to continue counting as a Local Business under the contract for a period of one (1) year, whichever comes first. However the non-eligible firm will not count as Local Business for new contracts.

4.4 Misrepresentation of Information

A firm that provides fraudulent information on the Local Business Certification application or misrepresents its qualifications as a Local Business in a proposal or bid submitted to GMX will lose the privilege to Local Business Certification for a period of up to two (2) years, as determined by the Executive Director in his or her reasonable discretion. The Executive Director, in his or her reasonable discretion, may also recommend to the GMX Board that the firm be suspended from all future GMX procurements for a period not to exceed two (2) years from the date the misrepresentation was discovered by GMX.

5. Effective Date.

This policy shall be effective on the date on which it is adopted by the GMX Governing Board.

Adopted by Governing Board on 27th of September, 2023.