

Maricopa County Policies & Procedures		Number: SBE 1001
Category: Small Business Enterprise Program		Revision:
Initiated by: Materials Management	Approved by: Board of Supervisors	Issued: 12/2006
		Revised:

A. Purpose

The purpose of this policy is to encourage the participation of small business enterprises in County procurement activity. This policy is consistent with the law (A.R.S. 41-2535 A. through C.), the Board of Supervisors strategic goals, and the Maricopa County Procurement Code.

B. Definitions

Article 3 Procurement - means any Maricopa County department or any County Governmental Unit delegated by the Director of Materials Management and approved by the Board of Supervisors to acquire non-construction related commodities and services.

Article 5 Procurement - means any Maricopa County department or any County Governmental Unit delegated by the County Engineer and approved by the Board of Supervisors to procure construction related commodities and services.

Certified Agency Procurement Aides (CAPA) – means individuals designated by an individual department, trained by Materials Management, and approved by the Board of Supervisors to conduct limited procurement activities.

Construction - means a process of improving, altering, remodeling, or demolishing of any public structure, highway, bridge, building or public improvement of any kind to any real property. Construction does not include the routine operation, routine repair or routine maintenance of existing structures, highways, bridges or public property.

Commodities - means all property, including equipment, supplies, printing, insurance and leases of personal property, but does not include land or other real property interests.

County Governmental Unit - means any Maricopa County Department or agency headed by an elected or appointed official.

Cooperative Purchasing - means a Procurement conducted by, or on behalf of, more than one Public Procurement Unit.

County Engineer - means the County Engineer appointed pursuant to A.R.S. § 11-561.

Emergency Procurement - See Maricopa County Procurement Code Sections MC1-344 and MC1-345.

Price - means, for the purposes of the Procurement Code, the total expenditure for a defined quantity of a commodity or service.

Procurement Officer – means any Person duly authorized by the Director to engage in specific limited procurement activity acting within the limits of authority under the Procurement Code.

Services - means the furnishing of labor, time or effort by a Contractor which does not involve the delivery of a specific end product other than required reports and performance. Services does not include employment agreements or collective bargaining agreements.

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Small Business Enterprise - For the purposes of this policy, means a concern, including its affiliates, which is not dominant in its field and which employs fewer than one hundred full-time employees or which has gross annual receipts of less than four million dollars in its last fiscal year. (A.R.S. 41-1001)

Sole Source Procurement - See Maricopa County Procurement Code Sections MCI-341 through MC1-343.

C. Policy

The Small Business Enterprise (SBE) Program shall apply to all County procurements for commodities, services, including professional services, and construction not covered by an existing contract with a one time estimated cost of \$50,000 or less. The SBE program shall not apply to leases of rental property; license and permits; concessions; franchise agreements; for investment banking services; and those exceptions as listed in Article 2, Section MC1-102 A. through D.

D. Authority and Responsibility

The Board of Supervisors, through the Director of Materials Management and the County Engineer, share the authority and responsibility to implement and enforce this policy. Operational implementation and program responsibility shall reside with the Director of Materials Management for Article 3 procurement activity and the County Engineer for Article 5 procurement activity. The Director of Materials Management shall exercise managerial and budgetary responsibility for the SBE program. The County Engineer shall provide support regarding Article 5 procurement questions, training, and vendor identification.

E. Duties and Responsibilities

The primary responsibilities of the SBE program shall include:

1. Market and increase the awareness of the County's SBE program in the vendor community.
2. Provide training to the vendor community in how to actively participate in County procurement activities.
3. Advise and support County Procurement Officers in identifying and utilizing small business enterprises.
4. Provide briefings and reports to the Board of Supervisors and senior County management on the status of the SBE program, including recommendations for program improvements.
5. Establish a working relationship with and act as the County's liaison to other groups and jurisdictions engaging in the promotion of SBE procurement activities.
6. Monitor procurement activity to determine compliance with this policy and submit reports to the Director of Materials Management and the County Engineer on progress within the respective areas of responsibility along with recommendations on improvement.

The primary responsibilities of County Procurement Officers shall include:

1. Collaborate with the SBE program to promote and encourage small business enterprises participation in County procurement activities.

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2. Comply with the requirements of this policy.
3. Provide program information and reports in compliance with requests from the SBE program.
4. Participate in training and marketing activities sponsored by, or in which, the SBE program is participating.
5. Participate in programs and activities to identify changes to the SBE program that will improve results by increasing SBE participation in County procurement activities.

F. Procedure

Procurements of \$50,000 or Less

1. The Maricopa County Procurement Code, Article 3, Section MC1-340, and Article 5, Section MC1-504.B., directs that procurements of \$50,000 or less, not included in a existing County contract, or at the discretion of the Procurement Officer or CAPA, a contract available to the County through a Cooperative Purchasing Agreement, shall seek small business enterprise participation to fulfill those requirements using informal procurement methods as specified in the Maricopa County Procurement Code or contained in policies issued by Materials Management.
2. In identifying potential small business enterprise vendors to solicit in fulfilling the procurement requirement, Procurement Officer or CAPA shall identify as least the minimum number of small business enterprises required, using as a minimum the County vendor registration application and/or qualified vendor registers. Vendors identified shall be rotated, to the extent possible, to assure fair and equitable access to County contracting opportunities.
3. The purchases meeting the SBE criteria shall be awarded to the lowest responsive and responsible small business respondent meeting the terms, conditions and evaluation criteria with the following exceptions.
 - a. When a minimum of three (3) small business enterprises cannot be identified using at a minimum the small business vendor databases defined in paragraph #2 above.
 - b. If the procurement is approved as a sole source or emergency procurement as defined by the Maricopa County Procurement Code.
4. If procurements fall within one of the exceptions shown in item #3 above, the Procurement Officer shall make the award in the manner most advantageous to Maricopa County and in compliance with the Maricopa County Procurement Code. The Procurement Officer shall provide written justification in the procurement file if the procurement falls into the exceptions listed in 3.a. or 3.b. above.

Procurements Exceeding \$50,000

The primary focus of the Maricopa County SBE program is on procurements of \$50,000 or less as defined in the previous section. However, Procurement Officers are encouraged to evaluate procurements exceeding \$50,000 to determine whether opportunities exist for small business enterprise participation. All solicitation documents will contain a statement expressing Maricopa County's desire to provide small business enterprises an opportunity to participate in procurement opportunities and encourage businesses that do not qualify for the SBE program to use SBE's when possible in fulfilling Maricopa County contract obligations.