

Item #5₍₆₎

**ADDITIONAL MATERIAL
2:00 P.M. PUBLIC HEARING
APRIL 8, 2014**

**SUBMITTED AT THE REQUEST OF
MAYOR SHARIEF**

From: Carol Bowen <cbowen@abceastflorida.com>
Sent: Monday, April 07, 2014 2:53 PM
To: Sharief, Barbara
Cc: Pierson, Kelly
Subject: Public Hearing Item 5

Good Afternoon Mayor Sharief,

I apologize for the late contact but I have been in Tallahassee for Legislative session up until this week.

I write to you regarding Public Hearing item 5 on tomorrow's agenda. Both the item offered by Commissioner Holness and Commissioner Wexler. Generally, I have serious concerns with both items which I will enumerate below. However, I am more supportive of the item offered by Commissioner Wexler at this time and would ask that if you are going to support either item that you support her effort. The industry is facing a skilled worker shortage and construction is one of the few remaining trades that offers good and high paying jobs to individuals looking for work. It is one of the last remaining trades where an individual can start from nothing, learn a skill and one day own his own company. But I always question when the public sector is pushing forward a new mandate not just on the private sector of our industry but apparently only on a partial segment of that industry. Please consider the concerns enumerated below prior to your vote tomorrow.

General Concerns:

(1) **Hiring Mandate by Government on Private Sector:** I have heard on more than one occasion that local governments legally cannot tell private business who to hire. Yet both items not only tell the private sector whom they should consider hiring, they allow for punishment should the company fall short for some reason. In the case of Commissioner Holness' item participation is mandatory if a company wants to be considered a responsive bidder, failure to meet the terms of the program result not just in material breach but also can and do result in a financial fine. If that isn't the county telling a company who to hire - it's dangerously close. In Commissioner Wexler's item we find more comfort for the lack of fiscal punishment and the Good Faith Standard imposed.

(2) **In both items it appears that Labor Unions are not being held to the same standard.** So often I hear that the labor unions represent the working class person and are there to help out yet they seem to be precluded from doing so in both items. If these programs are so good and promise to do so much for people wanting to work in Broward County it should apply to everyone including government hires. If it's good for one, it should be good for all.

(3) **Burden on Smaller Businesses:** Broward County has done a tremendous job creating effective programs for small businesses. This item however is going to be a big lift for your smaller companies. Both items require a lot of additional and mandatory reporting requirements which could require additional company staff support. Both items apply to contracts with a lesser dollar threshold amount and will impact your smaller contracts. Both items either allow for fiscal penalties to be imposed or future bidding penalties that would preclude the company from bidding work in Broward.

(4) **Limitation of Competition:** I also often hear from folks that if companies don't like the regulatory process at the county then they don't have to bid the work. That always strikes me as odd because a public entity should want the most competitive procurement process possible. Increased competition delivers a better pool of talent, tends to drive down prices and produce a higher quality product for those taxpayers who fund the work. This item is an additional layer of regulations on an already heavily regulated procurement process. It is also inherently unfair to preempt a certain segment of the industry while imposing these requirements on the other.

I ask that if you are going to lend your support to either item that you offer your support to Commissioner Wexler. It is a less aggressive program that gives both the county, the industry, and Career Source the opportunity to figure out where the bumps in the road may be without financial penalties of sanctions against individual companies. There are some areas of both proposals that pit private against public, union against non-union, and smaller against larger companies. Any legislative effort that has these potential impacts should be reviewed closely and carefully and acted on with extreme caution.

Thank you.

All the best,

Carol Bowen, J.D.
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