



BUSINESS DEVELOPMENT DIVISION

400 E. South Street, 2nd Floor • **Reply To:** Post Office Box 1393 • Orlando, Florida 32802-1393
Office: 407-836-7317 • Fax: 407-836-5477 • Internet: www.orangecountyfl.net
E-Mail: Businessdevelopment@ocfl.net

MEMORANDUM

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

THROUGH: Anne M. Kulikowski, Director
Administrative Services Department

FROM: Sheena Ferguson, Manager
Business Development Division

DATE: January 11, 2023

SUBJECT: **Consent Agenda Item for January 24, 2023**
Reinstatement of PMA Consultants, L.L.C. as a certified M/WBE graduate firm

PMA Consultants, L.L.C. (PMA) is a Hispanic-owned consulting firm that provides professional services in construction-related program and project management. This company was initially certified through the County's M/WBE program in 1989 and they were consistently recertified biannually through 2012. During this time, PMA progressed to "graduate" status in the program as the firm grew to have a three-year averaged annual company net worth greater than \$2,300,000.00. For context, once a County certified M/WBE firm graduates to "graduate" status, utilization of such firm only counts toward the County's M/WBE Program's utilization goals in certain instances. In the case of professional services awards, graduate firm utilization counts toward the County's goals for contract awards where the aggregate fees are greater than \$500,000.

In 2012, PMA was denied recertification due to questions County staff had at the time. PMA was granted an opportunity to appeal that recertification denial but failed to do so within the appropriate timeframe. PMA has recently requested reinstatement of their previous status as a certified graduate M/WBE firm so that they may once again be eligible to provide professional services for M/WBE graduate-eligible contracts.

Board action on this matter is being requested because: (1) PMA's administrative appeal period lapsed and staff does not have authority to reconsider PMA's request that its graduate status be reinstated; (2) the M/WBE Ordinance does not consider firms directly applying for status as certified graduate M/WBE firms, but instead expects them to apply for the normal program and then "graduate" into graduate status; and (3) because PMA's annual net worth exceeds the \$2,300,000.00 limit for applying to the County's M/WBE

program, it cannot apply for the normal County M/WBE program and then be “graduated”.

Though PMA is in no manner entitled to reconsideration of their graduate status by the County, after reviewing the County’s archived files, staff found some uncertainty regarding the County’s basis for PMA’s M/WBE status not being recertified at that time. While such concerns might have been cleared up had PMA timely appealed the decision, in the spirit of the County’s underlying objectives of the M/WBE program, staff is requesting the authority to reinstate PMA as a certified graduate M/WBE firm. Such authority shall only be used should, upon review of PMA’s application and supporting documentation, staff find that PMA meets all applicable criteria to allow such reinstatement. Specifically, that PMA meets the requirements that would have been necessary for a previously certified M/WBE firm to remain in graduate status.

Please note, nothing in this action by the Board of County Commissioners should be construed as guaranteeing reinstatement of certified graduate M/WBE firm status to PMA, nor entitling PMA to reinstatement of such status. Any entitlement or right to reconsideration PMA may have had was lost by PMA when it failed to timely appeal the County’s initial recertification denial.

ACTION REQUESTED: Approval to grant staff the authority to reinstate PMA Consultants, L.L.C. (PMA) as a certified M/WBE graduate firm should, upon receipt and review of an acceptable application and all necessary supporting documentation by PMA, staff find that PMA meets the requirements that would have been necessary for a previously certified M/WBE firm to remain in graduate status.

cc: Byron Brooks, AICP, County Administrator
Carla Bell Johnson, AICP, Deputy County Administrator