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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 11(A)(19)

TO: Honorable Chairman Jean Monestime and Members, Board of County Commissioners

DATE: February 3, 2015

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Resolution directing County Mayor to review Section 2-8.2.7.01 of the Code and Implementing Order 3-53 relating to Miscellaneous Construction Contracts Program and submit proposed amendments for separate administration of the MCC Program's 7040 Plan for construction work relating to the County's water and sewer system
Resolution No. R-139-15

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 3, 2015

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County Attorney

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Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(19)
2-3-15

RESOLUTION NO. R-139-15

RESOLUTION DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO REVIEW SECTION 2-8.2.7.01 OF THE CODE OF MIAMI-DADE COUNTY AND IMPLEMENTING ORDER 3-53 RELATING TO MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM ("MCC PROGRAM") AND TO SUBMIT PROPOSED AMENDMENTS FOR SEPARATE ADMINISTRATION OF THE MCC PROGRAM'S 7040 PLAN FOR CONSTRUCTION WORK RELATING TO THE COUNTY'S WATER AND SEWER SYSTEM

WHEREAS, the water and sewer infrastructure throughout Miami-Dade County is deteriorating and in need of repair, replacement and restoration in order to continue to provide the citizens of Miami-Dade County with reliable water and sewer service and comply with federal, state and local regulatory laws including the recently approved Clean Water Act federal Consent Decree ("Consent Decree"); and

WHEREAS, the Miami-Dade Water and Sewer Department is embarking on a multi-billion dollar capital improvement program to improve the water and sewer system which includes $1.6 billion of improvements to comply with the Consent Decree; and

WHEREAS, this Board recently provided authority to the County administration to expedite the processing, procurement and award of contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department; and

WHEREAS, in 2009, this Board created the Miscellaneous Construction Contracts Program ("MCC Program") in order to enhance the contracting opportunities of Small Business Enterprises (SBE) - Construction and to facilitate and expedite the award of construction contracts to small businesses; and

WHEREAS, the MCC Program is codified in Section 2-8.2.7.01 of the Code of Miami-Dade County and administered through Implementing Order 3-53; and

WHEREAS, the MCC 7040 Plan is a one hundred percent (100%) set-aside for SBE - Construction; and

WHEREAS, this Board desires to further increase opportunities for SBE - Construction that are qualified to perform work on the County's water and sewer system and to expedite the award of contracts to such small businesses under the County's MCC program by separate administration of the 7040 Plan for construction work relating to the County's water and sewer system; and

WHEREAS, the Small Business Development Division of the Internal Services Department currently administers the overall MCC Program including the 7040 Plan,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board directs the County Mayor or Mayor's designee to:

Section 1. Review Section 2-8.2.7.01 of the Code of Miami-Dade County and Implementing Order 3-53 relating to the County's MCC Program and submit proposed amendments for separate administration of the MCC Program by a department such as the Internal Services Department - Small Business Development Division for construction work relating to the County's water and sewer system. Such amendments shall be provided to this Board within 60 days of the effective date of this Resolution and should include one tier for projects valued at $2 million and less and a second tier for projects valued greater than $2 million but less than $5 million.

Section 2. Provide this Board commencing within ninety days of Board approval of amendments to the MCC Program, a quarterly report that includes the number of awards, total dollars awarded and SBE – Construction activity under the MCC Program's 7040 Plan for construction work relating to the County's water and sewer system for the previous quarter. Each report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Audrey M. Edmonson. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**aye**
Bruno A. Barreiro	**aye**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Henry N. Gillman