

**MEMORANDUM**

Agenda Item No. 6(D)

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:**

(Second Reading 2-3-04)  
December 4, 2003

**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:**

Ordinance amending Sec.  
2-8.5 of the Code to increase  
preference accorded local  
business in County contracting

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The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Rebeca Sosa and Commissioner Jimmy L. Morales.

  
Robert A. Ginsburg  
County Attorney

RAG/bw



# MEMORANDUM

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**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed. D. and Members, Board of County Commissioners      **DATE:** February 3, 2004

**FROM:** George M. Burgess, County Manager       **SUBJECT:** Ordinance amending Sec. 2-8.5 of the Code to increase preference accorded local business in County contracting

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The accompanying ordinance amends the Local Preference Ordinance to provide increased preference to local businesses in competitive bidding and Request for Proposals, qualifications or other submittals and competitive negotiation and selection. It is expected that enhanced competition in these areas will lead to lower prices to the County and more opportunities for local businesses.



# MEMORANDUM

(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** February 3, 2004

**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(D)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 6(D)

Veto \_\_\_\_\_

2-3-04

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO INCREASE THE PREFERENCE ACCORDED LOCAL BUSINESS IN COUNTY CONTRACTING; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:**

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is amended as follows:<sup>1</sup>

**Sec. 2-8.5. Procedure to provide preference to local business in county contracts.**

\* \* \*

*(2) Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection. Except where federal or state law, or any other funding source, mandates to the contrary, preference shall be given to local businesses in the following manner:*

(a) *Competitive bid.* When a responsive, responsible non-local business submits the lowest price bid, and the bid submitted by one or more responsive, responsible local businesses is within ~~[[five]]~~ >>ten<< percent of the price submitted by the non-local business, then that non-local business and each of the aforementioned local businesses shall have the opportunity to submit, within five working

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged

days of bid opening, a best and final bid equal to or lower than the amount of the low bid previously submitted by the non-local business. Contract award shall be made to the responsive, responsible business submitting the lowest best and final bid. In the case of a tie in the best and final bid between a local business and a non-local business, contract award shall be made to the local business.

(b) *Request for proposals, qualifications or other submittals and competitive negotiation and selection.* If, following the completion of final rankings (technical and price combined, if applicable) by the selection committee, a non-local business is the highest ranked proposer, and the ranking of a local proposer is within five percent of the ranking obtained by the non-local proposer, then the highest ranked local proposer shall have the opportunity to proceed to negotiations with the County under the applicable sections of this Code.

(c) *Professional services procured pursuant to Section 287.055, Florida Statutes.* The application of local preference to professional services procured pursuant to Section 287.055, Florida Statutes shall be in accordance with the process outlined in Section 2-10.4 of the Code of Miami-Dade County.

If a tie occurs between two (2) or more local businesses, then contract award on the basis of best and final bids (paragraph (a) above), or the opportunity to proceed to negotiations (paragraph (b) above), shall be made to such local business having the greatest number of its employees that are Miami-Dade County residents.

\* \* \*

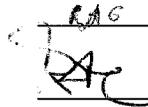
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and made a part of the Code of Miami-Dade County, Florida. The section of this ordinance may be

rendered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article" or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon on override by this Board.

Approved by the County Attorney as  
to form and legal sufficiency:



Prepared By:

R. A. Cuevas, Jr.

Sponsored by Commissioner Rebeca Sosa and Commissioner Jimmy L. Morales