MEMORANDUM

B & F
Agenda Item No. 2M

TO:	Honorable Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners	**DATE:**	December 10, 2004
FROM:	Robert A. Ginsburg County Attorney	**SUBJECT:**	Ordinance creating pilot program for expedited purchasing

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

Robert A. Ginsburg
County Attorney

RAG/bw

Memorandum

MIAMI-DADE COUNTY

Date:

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance creating pilot program for expedited purchasing

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This ordinance creating a pilot program for expedited purchasing will have no fiscal impact on the County.

Fiscal00805

MEMORANDUM

(Revised)

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

DATE: November 30, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 13(R)

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
Veto _____
Override _____

Agenda Item No. 13(R)
11-30-04

ORDINANCE NO. _____

ORDINANCE CREATING PILOT PROGRAM FOR EXPEDITED PURCHASING; DEFINING CERTAIN CONTRACTS FOR INCLUSION WITHIN PILOT PROGRAM, ESTABLISHING A TERM OF EFFECTIVENESS; AUTHORIZING THE COUNTY MANAGER TO SELECT PROPOSALS WITHOUT THE USE OF SELECTION COMMITTEES; REDUCING THE PERIOD TO FILE A BID PROTEST TO FIVE (5) DAYS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

Section 1. Section 2-8.1.6 of the Code of Miami-Dade County is hereby created to read as follows in its entirety:

2-8.1.6. Pilot Program for Expedited Purchasing

Notwithstanding any contrary provision of this Code, a pilot program for expedited purchasing is hereby created, subject to the terms and conditions of this Section. The program shall be referred to as the Expedited Purchasing Program.

(a) The County Manager is hereby authorized to utilize the Expedited Purchasing Program for the competitive purchase of supplies, materials and services, including professional services other than professional architectural, engineering and other services subject to Section 2-10.4 of this Code and Section 287.055 of the Florida Statutes, which are estimated to cost one million dollars ($1,000,000) or less.

(b) For purposes of this Program, the County Manager shall be expressly authorized to waive any irregularity in any bid or proposal submission which he or she determines to be non-material.

(c) For any purchase to be made under the Expedited Purchasing Program the County Manager shall be authorized to issue competitive solicitation documents which in the discretion of the County Manager procure the best value to Miami-Dade County for

the goods or services to be purchased. The method of solicitation shall be determined in the discretion of the Manager and may include, but not be limited to, invitations to bid, request for proposals or qualifications, negotiations, and best and final offers. In determining the best value to Miami-Dade County, the County Manager shall consider criteria to include but not be limited to price, quality, experience, the ability to deliver the required goods and services, the availability of the goods and services, and the nature and urgency of the County's needs. The selection method and criteria to be used shall be set forth in the solicitation documents.

(d) The County Manager shall make the final determination of best value in accordance with the method and criteria set forth in the solicitation documents. In making the determination of best value, the County Manager may solicit the advice of his or her technical and professional staff and of the County Attorney's Office. The County Manager shall not be required to utilize a selection committee for purchases made under the Expedited Purchasing Program where he or she determines that the additional time involved in convening the committee could compromise the delivery of an essential county service.

(e) The County Manager shall be authorized to award contracts pursuant to the determinations of best value made in accordance with this Section without further action of the Board, subject to quarterly reports to the Board.

(f) In the event the County Manager determines at any time that a waiver of the competitive process for purchases greater than $100,000 is in the best interests of the County, the Manager shall make a written recommendation to the Board for such waiver.

(g) The written recommendation of the County Manager to award a contract under the Expedited Purchasing Program shall be sufficient to commence the bid protest period and terminate the Cone of Silence as provided elsewhere in this Code.

(h) Notwithstanding any contrary provisions of the applicable administrative order, the protest of any award under the Expedited Purchasing Program shall be made within five (5) working days of an e-mail or fax transmission of the County Manager's written recommendation for award

(i) The County Manager shall be authorized to advertise and issue solicitation documents for purchases under the Expedited

Purchasing Program for a period of eighteen months following the effective date of this ordinance. In the event the County Manager determines that extending the term of the pilot program set forth in this ordinance is in the best interest of Miami-Dade County, he or she shall make the appropriate recommendations to this Board for amendment of this Section, the Code and any applicable administrative order.

(j) Any provisions of the Code or of any applicable resolution or administrative order contrary to the provisions of this ordinance shall be deemed suspended or amended as necessary to give effect to the intent of this ordinance during its effective term. Similarly, any provisions of the Code or of any applicable resolution or administrative order not deemed suspended or amended hereunder shall apply to any purchase administered under the Expedited Purchasing Program.

(k) The County Manager may, by duly executed written instrument which specifically identifies this section, delegate any and all of the responsibilities set forth in this section, whereupon the provisions of this ordinance and its limitations shall be understood to apply to the County Manager's designee. By exception, the County Manager may only delegate the authority to approve the award of contracts greater than $500,000 to an Assistant County Manager.

(l) The County Manager shall provide quarterly reports to the Board of County Commissioners regarding the application of this Section for contract awards greater than $100,000. The reports shall include a description of the goods and services procured, the procurement methodology, the existence and resolution of any bid protest, the identity of the awarded vendors and the amount of the contract awarded.

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, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

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

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency. RAG

Prepared by: HB/

Hugo Benitez

Sponsored by Commissioner Rebeca Sosa