

MEMORANDUM

Agenda Item No. 7(J)

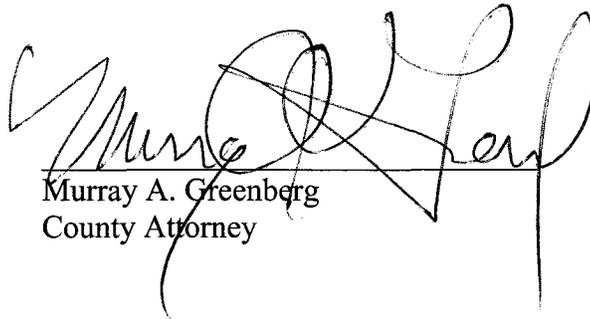
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 01-24-06)
December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Sec.
2-8.1.6 of the Code to extend
term of Expedited Purchasing
Program

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



Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: January 24, 2006

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over the printed name of the County Manager.

Subject: Ordinance Amending Section 2-8.1.6 of the Code of Miami-Dade County to Extend
the Term of Expedited Purchasing Program through February 6, 2007

This ordinance amending Section 2-8.1.6 of the Code of Miami-Dade County to extend the term of expedited purchasing program through February 6, 2007 would not have a fiscal impact on Miami-Dade County.

A handwritten signature in black ink, appearing to read "Aline T. Hudak", written over the printed name of the Assistant County Manager.

Aline T. Hudak
Assistant County Manager

Fiscal 01006



MEMORANDUM

(Revised)

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

DATE: January 24, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 7(J)

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. 7(J)
01-24-06

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.1.6 OF THE CODE OF MIAMI-DADE COUNTY TO EXTEND THE TERM OF EXPEDITED PURCHASING PROGRAM FOR A PERIOD OF TWELVE MONTHS; 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 2-8.1.6 of the Code of Miami-Dade County, Florida and Ordinance No. 05-26, are hereby amended as follows:¹

Sec. 2-8.1 Contracts and purchases generally.

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

¹ 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.

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 >>through February 6, 2007<< ~~[[for a period of twelve months following the effective date of this section]]~~. In the event the County Manager determines that extending the term of the pilot program set forth in this section 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.

* * *

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 validity.

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.

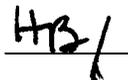
Section 4. This ordinance shall become effective within ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Sponsored by Commissioner Rebeca Sosa