MEMORANDUM

Amended
Agenda Item No. 7(K)

(Second Reading 01-24-06)

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

DATE: December 6, 2005

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending Ord. No. 05-15, which delegates to the County Manager the authority to advertise contracts greater than $1 million in value without prior BCC approval

O#06-16

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

MIAMI-DADE COUNTY

Date: January 24, 2006

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending Ordinance No. 05-015, which Delegates to the County Manager the Authority to Advertise Contracts Greater than $1 million In Value Without Prior BCC Approval

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This ordinance amending Ordinance No. 05-015 of the Code of Miami-Dade County, which delegates authority to the County Manager to advertise contracts greater than $1 million in value without prior BCC approval, would not have a fiscal impact on Miami-Dade County.

Assistant County Manager

Fiscal 00906

MEMORANDUM

(Revised)

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

DATE: January 24, 2006

FROM: Murray A. Greenberg County Attorney

Amended

SUBJECT: Agenda Item No. 7(K)

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 _____

Amended
Agenda Item No. 7(K)
1-24-06

ORDINANCE NO. **06-16**

ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY TO CHANGE THE TIMING OF THE REPORTING REQUIREMENT FOR CONTRACTS VALUED OVER $1 MILLION ADVERTISED BY THE COUNTY MANAGER WITHOUT PRIOR COMMISSION APPROVAL; DELETING THE SUNSET PROVISION CONTAINED IN ORDINANCE NO. 05-15 WHICH DELEGATES TO THE COUNTY MANAGER THE AUTHORITY TO ADVERTISE CONTRACTS FOR PUBLIC IMPROVEMENTS AND PURCHASES OF SUPPLIES, MATERIALS AND SERVICES INCLUDING PROFESSIONAL SERVICES WITHOUT PRIOR COMMISSION APPROVAL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida and Ordinance No. 05-15, are hereby amended as follows:[1]

Sec. 2-8.1 Contracts and purchases generally.

(a) *Scope*. Except as provided in subsections (b), (f), and (h), this section shall apply to all contracts for public improvements and purchases of all supplies, materials and services other than professional services.

(b) *Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases.* Formal sealed bids shall be secured for all contracts and purchases within the scope of this

[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.

section when the transaction involves the expenditure of one hundred thousand dollars ($100,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the County Manager, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. The County Manager is hereby delegated the authority to advertise for bid contracts for public improvements (construction) and purchases of supplies, materials and services (including professional services) without the need for action by the County Commission. The County Manager shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The County Manager shall further be required to report to this Board on >>quarterly<< [[~~a monthly~~]] basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the Manager's exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The County Manager is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction) costing five hundred thousand dollars ($500,000) or less and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to Sec. 2-10.4 and Sec. 287.055 Fla. Stats.) costing one million dollars ($1,000,000) or less without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the County Manager to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars ($1,000,000), and in such instances the County Manager shall obtain the prior authorization of the County Commission to exercise such option. The County Manager may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Manager deems it to be in the best interests of the County. The Inspector General shall be

invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The County Manager is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements involving the expenditure of five hundred thousand dollars ($500,000.00) or less: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The County Manager shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the County manager requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The County Manager may designate appropriate County staff to exercise the authority delegated hereunder by administrative order, approved by the Board of County Commissioners.

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Section 2. Ordinance No. 05-15, which amended Section 2-8.1 of the Code of Miami-Dade County, Florida delegating to the County Manager the authority to advertise contracts for public improvements and purchases of supplies, materials and services without prior Commission approval, is hereby amended to delete its sunset provision as follows:

Sec. 2-8.1 Contracts and purchases generally.

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. [[~~This ordinance shall sunset and be of no further force or effect twelve (12) months following its effective date.~~]] >>In the event the electorate of Miami-Dade County approve an amendment to the Home Rule Charter which modifies or affects the relative powers, duties or obligations of the Mayor, the Board of County Commissioners, or the Manager

in awarding County contracts, then the provisions of Ordinance 5-15, which amended this Section to delegate to the County Manager the authority to advertise contracts for public improvements and purchases of supplies, materials and services without prior Commission approval, shall stand repealed and be of no further force or effect.<<

Section 3. 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 4. 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. 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 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