

MEMORANDUM

Amended
Agenda Item No. 7(B)

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

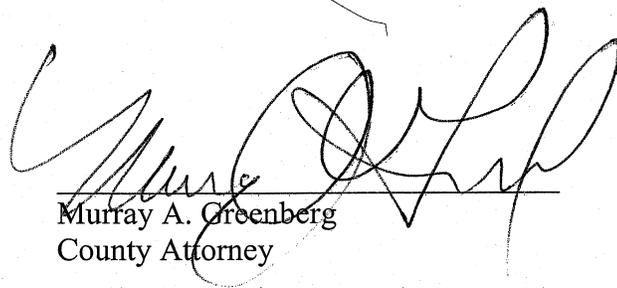
DATE: September 12, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Ordinance amending bid
protest procedures

O#06-124

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

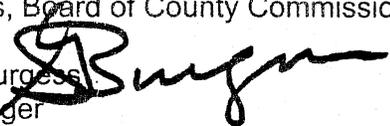


Murray A. Greenberg
County Attorney

MAG/bw

Memorandum



Date: September 12, 2006
To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
From: George M. Burgess 
County Manager
Subject: Ordinance Amending Section 2-8.4 of the Code relating to bid protest procedures

The ordinance amending Section 2-8.4 of the Code of Miami-Dade County to shorten the time to file a bid protest from ten working days to three working days will not have a fiscal impact to Miami-Dade County.


Assistant County Manager

fiscal00106

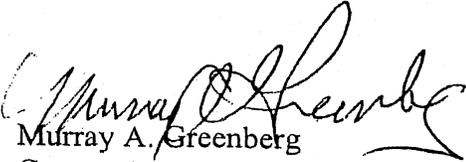


MEMORANDUM

(Revised)

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

DATE: September 12, 2006

FROM: 
Murray A. Greenberg
County Attorney

SUBJECT: Amended
Agenda Item No. 7(B)

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

Amended

Veto _____

Agenda Item No. 7(B)

Override _____

9-12-06

ORDINANCE NO. 06-124

ORDINANCE AMENDING BID PROTEST PROCEDURES IN SECTION 2-8.4 OF THE CODE OF MIAMI-DADE COUNTY TO SHORTEN THE TIME TO FILE A BID PROTEST FROM TEN DAYS TO THREE WORKING DAYS; 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 2-8.4 of the Code of Miami-Dade County, Florida, is amended as follows:¹

Sec. 2-8.4. Protest Procedures.

* * *

(b) >>A written intent to protest<< ~~[[Protests]]~~ shall be filed with the Clerk of the Board and mailed to all participants in the competitive process and to the County Attorney within ~~[[ten (10)]]~~>>three (3) working<< days of the filing of the Manager's recommendation. >>For purposes of calculating this period, the day of filing of the County Manager's recommendation with the Clerk shall not be counted.<< Such >>written intent to<< protest shall ~~[[be in writing, shall]]~~ state the particular grounds on which it is based >>and shall be accompanied by a filing fee. The protester shall then file all pertinent documents and supporting evidence with the Clerk of the Board and mail copies to all participants in the competitive process and to the County

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

Attorney within three (3) working days after the filing of a written intent to protest.<< [[shall include all pertinent documents and evidence and shall be accompanied by a fee in the amount established in this ordinance and the applicable administrative order.]] No bid protest shall be accepted unless it complies with the requirements of this Section. >>Notwithstanding the above, in the event that a public records request is made within the first three days of the above referenced period, a protester may utilize any public records obtained as evidence or additional grounds for protest, provided that, a) the protester met all the deadlines set forth above, and, b) a supplementary filing is made with the Clerk of the Board within 48 hours of receipt of the records responsive to the request.<<

* * *

Section 2. The County Manager shall amend Administrative Order 3-21 to conform with the changes made in this Ordinance.

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:

J
RTE
OK

Prepared by:

Oren Rosenthal

Sponsored by Commissioner Rebeca Sosa