MEMORANDUM

Agenda Item No. 7(E)

TO:	Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners	**DATE:**	June 5, 2007
FROM:	Murray A. Greenberg County Attorney	**SUBJECT:**	Ordinance amending Section 2-8.2.10 of the Code relating to Procurement Procedures

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Sally A. Heyman.

Murray A. Greenberg
County Attorney

MAG/jls

Memorandum

MIAMI-DADE COUNTY

Date: June 5, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 2-8.2.10 of the Code of Miami-Dade County Related to Procurement Procedures

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Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance amending Section 2-8.2.10 of the Code of Miami-Dade County. The amendment establishes provisions that would allow municipalities to use their own procurement procedures when constructing projects on behalf of the County with Building Better Communities (BBC) General Obligation Bond Program funds. The County's Community Small Business Enterprise (CSBE) and Community Small Business Enterprise – Architectural and Engineering (CBE-A/E) programs would apply unless a municipality has their own small business program approved by their board which would then be used in lieu of ours. On June 6, 2006 the Board approved an ordinance for cities to use their own procurement procedures for projects inside their municipal limits. Individual development agreements between the County and a municipality will continue to be brought to the Board for approval.

Scope

The impact of this ordinance is within the boundaries of the 35 municipalities within Miami-Dade County.

Fiscal Impact/Funding Source

The proposed legislation will permit municipalities to use their own procurement procedures to construct Building Better Communities bond projects on behalf of the County. The proposed ordinance does not exempt the municipalities from complying with the Florida Statutes that govern the selection of architects and engineers (A&Es) and contractors. Like the County, municipalities will have to use a qualifications-based selection for A&Es as prescribed by Florida Statute 287.055. Similarly, municipalities must obtain competitive, sealed bids for construction contractors as governed by Florida Statutes 255.20. Bid waivers by municipalities are only permissible to the extent that such waivers are allowed under Florida law and city ordinance.

The ordinance will save time due to the learning curve associated with utilizing unfamiliar County procurement procedures. Currently, the local economy is facing a 2% per month inflation on construction costs. The proposed ordinance allowing municipalities constructing Building Better Communities projects on behalf of the County to use their own procurement procedures will minimize these inflationary costs as well as allow the County to save the cost of training the municipalities.

The County will make disbursements to the municipalities on a reimbursement basis and the Office of the Inspector General will continue to have access to inspect, audit and review any GOB-funded project.

Track Record/Monitor
Recommending Entity – The implementing agency will be one of 35 municipalities located within Miami-Dade County.

Responsible for Monitoring – Office of Capital Improvements (OCI), Roger T. Hernstadt, Director. The Project Manager from OCI will be Ana Watson, P.E. - Senior Professional Engineer.

Background
On June 6, 2006 the Board approved Ordinance No. 06-88 enacting Section 2-8.2.10 of the Code of Miami-Dade County to establish procurement procedures for contracts related to projects funded in whole or in part by the BBC General Obligation Bond Program. The ordinance established provisions for the municipalities and certain not-for-profit organizations with projects funded by the BBC General Obligation Bond program to use their own procurement procedures for projects on their property, including application of their own small business programs.

However, Ordinance No. 06-88 did not include provisions for municipalities to use their own procurement procedures when constructing a project on behalf of the County. In order to expedite and distribute the work load of the BBC General Obligation Bond projects, the Library Department has requested to allow municipalities to construct two (2) of their projects. These projects include the Northeast Library (City of Aventura) and the Hialeah Gardens Library (City of Hialeah Gardens). Additionally, other projects may be expedited by allowing municipalities to construct projects for the County. The proposed amendment would allow municipalities to adhere to their own procurement procedures, with the exception of the CSBE and CBE-A/E programs, when constructing projects on behalf of the County. In the event a municipality has their own small business program approved by its board, it can be used in lieu of the County's programs. Although this change would waive adherence to most of the County's procurement procedures for these projects, the total dollar value of the impacted projects is very small when compared to the whole of the $2.9 billion BBC capital program. These changes should expedite the delivery of BBC Bond projects to the community since, through the use of municipal capital construction forces, the total number of projects that can be constructed at any given time would be increased.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: June 5, 2007

FROM: Murray A. Greenberg County Attorney

SUBJECT: Agenda Item No. 7(E)

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(E)
06-05-07

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.2.10 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCUREMENT PROCEDURES FOR CONTRACTS RELATED TO PROJECTS FUNDED IN WHOLE OR IN PART BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated in this Ordinance by this reference,

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

Section 1. Section 2-8.2.10 of the Code of Miami-Dade County, Florida is amended as follows:[1]

Section 2-8.2.10 Procurement policy as to contracts related to projects funded in whole or in part by Building Better Communities General Obligation Bond Program Funds.

(1) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, as to contracts related to [[~~municipal~~]] projects >>constructed by any municipality and <<funded in whole or in part by Building Better Communities General Obligation Bond Program funds, municipalities shall use their own procurement procedures, including bid waivers where permitted by municipal ordinance>>; provided, however, if a project funded in whole or in part by Building Better Communities General Obligation Bond Program

[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.

funds is constructed by any municipality on behalf of the County, the provisions of Section 2-10.4.01 and Section 10-33.02, respectively, shall apply to such project unless the municipality elects to apply the requirements of its own small business program(s) to the contracts related to such project.<<

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:

Prepared by:

GBK

Geri Bonzon-Keenan

Sponsored by Commissioner Sally A. Heyman

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