

MEMORANDUM

B&F

Agenda Item No. 2(G)

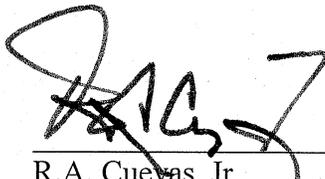
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: September 11, 2007

FROM: R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Ordinance establishing
criteria and procedure for use
of procurement methodology
in purchase of goods and
services

The accompanying ordinance was prepared and placed on the agenda at the request of Vice-Chairwoman Barbara J. Jordan



R.A. Cuevas, Jr.
Acting County Attorney

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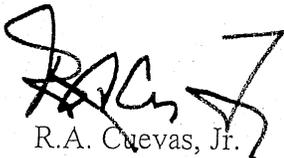


MEMORANDUM

(Revised)

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

DATE: July 10, 2007

FROM: 
R.A. Cuevas, Jr.
Acting County Attorney

SUBJECT: Agenda Item No. 4(A)

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

Agenda Item No. 4(A)

Veto _____

7-10-07

Override _____

ORDINANCE NO. _____

ORDINANCE ESTABLISHING CRITERIA AND PROCEDURE FOR THE USE OF PROCUREMENT METHODOLOGY IN THE PURCHASE OF GOODS AND SERVICES; AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AN EFFECTIVE DATE, AND A SUNSET PROVISION

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

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida is 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 section when the transaction involves the expenditure of two hundred fifty thousand dollars (\$250,000) 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 all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The

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.

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 a quarterly 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), 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 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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>>(j) The County Manager shall use the invitation to bid as the method for competitive selection unless otherwise provided in this subsection. An invitation to bid means a written solicitation for competitive sealed bids where the County specifically defines the scope of work for which a contractual service is required or where the County establishes precise specifications defining the goods required. The County Manager shall be authorized to use other methods of competitive selection, including requests for proposal, requests for qualifications, and invitations to negotiate where: (1) the use of invitation to bids is prohibited by law; or (2) it is not practicable for the County to specifically define the scope of work for which a contractual service is required or the precise specifications for the goods required; or (3) it is in the best interest of the County to compare factors other than price in determining the best value to the County. Except in the solicitation of goods and services subject to Section 2-10.4 of this Code and Section 287.055 of the Florida Statutes, the County Manager shall obtain the approval of the Board of County Commissioners in advance of using any method of solicitation other than an invitation to bid, by written recommendation to the Board setting forth the reason for the choice of such method.<<

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 word.

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.

Section 5. This Ordinance shall sunset one year after its effective date. The County Manager shall prepare an annual report for consideration by the Board prior to renewal.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Sponsored by Vice-Chairwoman Barbara J. Jordan