

MEMORANDUM **B & F**
Agenda Item No. 2J

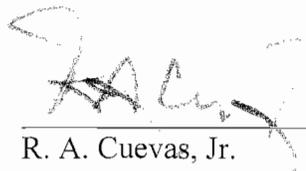
TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: **June 10, 2008**

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

SUBJECT: Ordinance amending
Sections 2-8.1.1 and 10-33.1
the Code of Miami-Dade
County relating to bids from
related parties

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



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date:

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

From: George M. Borges
County Manager

Subject: Ordinance amending section 2-8.1.1 and 10-33.1 of the Code of Miami-Dade County relating to bids from related parties

The ordinance related to bids from related parties will not have a fiscal impact to Miami-Dade County.



Susanne M. Torriente
Chief Assistant County Manager

fis03908



MEMORANDUM

(Revised)

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

DATE: May 6, 2008

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

SUBJECT: Agenda Item No. 4(D)

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. 4(D)
5-6-08

ORDINANCE NO. _____

ORDINANCE AMENDING SECTIONS 2-8.1.1 AND 10-33.1 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO BIDS FROM RELATED PARTIES TO REQUIRE THAT RECOMMENDED BIDDERS SUBMIT AN AFFIDAVIT REGARDING THEIR RELATION TO OTHER BIDDERS; 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 2-8.1.1 of the Code of Miami-Dade County, Florida, is amended as follows:¹

Sec. 2-8.1.1. Bids from related parties for leases, permits, concessions and management agreements.

>>(a)<< Notwithstanding any other provision of this Code, where two (2) or more related parties each submit a bid or proposal for any County lease, permit, concession or management agreement, such bids or proposals shall be presumed to be collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers or the principals thereof which have a direct or indirect ownership interest in another bidder or proposer for the same agreement or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership interest in another bidder or proposer for the same agreement. Bids or proposals found to be collusive shall be rejected.

>>(b) A contractor recommended for award as the result of a competitive solicitation for any County purchase, lease, permit, concession or management agreement shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on

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.

a form provided by the County, stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties which bid in the solicitation. In the event a recommended contractor identifies related parties in the competitive solicitation its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in accordance with the provisions of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.<<

Section 2. Section 10-33.1 of the Code of Miami-Dade County, Florida, is amended as follows:

Sec. 10-33.1. Bids precluded from related parties.

>>(a)<< Notwithstanding any other provision of this Code, when two (2) or more related parties each submit a bid or proposal for any construction contract subject to this article, such bid or proposal shall be presumed collusive. The foregoing presumption may be rebutted by presentation of evidence as to the extent of ownership, control and management of such related parties in the preparation and submittal of such bids or proposals. Related parties shall mean bidders or proposers, or principals thereof which have a direct or indirect ownership interest in another bidder or proposer for the same contract or in which a parent company or the principals thereof of one (1) bidder or proposer have a direct or indirect ownership in another bidder or proposer for the same contract. Bids or proposals found to be collusive shall be rejected.

>>(b) A contractor recommended for award as the result of a competitive solicitation for any County construction contract shall, within five (5) business days of the filing of such recommendation, submit an affidavit under the penalty of perjury, on a form provided by the County, stating either that the contractor is not related to any of the other parties bidding in the competitive solicitation or identifying all related parties which bid in the solicitation. In the event a recommended contractor identifies related parties in the competitive solicitation its bid shall be presumed to be collusive and the recommended contractor shall be ineligible for award unless that presumption is rebutted in accordance with the provisions of this Section. Any person or entity that fails to submit the required affidavit shall be ineligible for contract award.<<

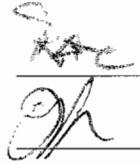
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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:

Handwritten signature of the County Attorney, appearing to be "S. H. C.", written above a horizontal line.

Prepared by:

Oren Rosenthal

Sponsored by Commissioner Joe A. Martinez