

MEMORANDUM

BPS
Agenda Item No. 2(DD)

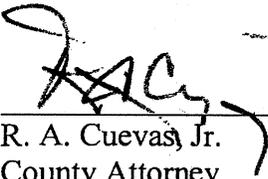
TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 10, 2009

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

SUBJECT: Resolution waiving competitive
process for qualifications for
County Bond Counsel Pool and
Authority Bond Counsel Pool
RFQ No. 53A

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Dorrin D. Rolle.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** March 3, 2009
and Members, Board of County Commissioners

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

SUBJECT: Agenda Item No.

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 Mayor'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

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
3-3-09

RESOLUTION NO. _____

RESOLUTION WAIVING COMPETITIVE PROCESS AND CERTAIN PROVISIONS OF REQUEST FOR QUALIFICATIONS FOR COUNTY BOND COUNSEL POOL AND AUTHORITY BOND COUNSEL POOL RFQ NO. 53A AND APPOINTING JOINT VENTURE OF RUDEN, MCCLOSKEY, SMITH, SCHUSTER & RUSSELL, P.A. AND STEVE E. BULLOCK P.A. TO COUNTY BOND COUNSEL POOL UNTIL EXPIRATION OF SUCH POOL

WHEREAS, the County established a bond counsel pool for County finance matters in 2003 ("County Pool") pursuant to a "Request for Qualifications for County Bond Counsel Pool and Authority Bond Counsel Pool, RFQ No. 53A" ("RFQ"); and

WHEREAS, the RFQ required that a nationally recognized bond counsel firm ("Respondent") enter into a joint venture with a local small business firm ("Associate Firm") in order to be eligible for selection to the County Pool; and

WHEREAS, one of the joint ventures selected for the County Pool consisted of Holland & Knight LLP, as the Respondent ("Holland & Knight"), and the Law Offices of Steve E. Bullock, P.A., as the Associate Firm ("Bullock"); and

WHEREAS, Holland & Knight voluntarily withdrew from the County Pool in June 2008 because of conflicts it had with other clients, which meant Bullock had to withdraw as well in accordance with the RFQ which provides that "Once selected, if the Respondent or any of its Associate Counsels, terminates, their contract establishing their business relationship for this RFQ or their municipal finance capability is materially altered for any reason whatsoever, the Respondent and its Associate Counsel(s) will no longer be eligible to serve as a member of either County Pool and its slot shall be eliminated, provided, however, if Respondent can demonstrate that the dissolution of the Associate Counsel or the termination of the contract between the

Respondent and its Associate Counsel is due to events that are beyond their control such as the death of an attorney etc., the County may, in its sole discretion, allow the Respondent to replace the Associate Counsel with an Associate Counsel that meets the requirements set forth in paragraph 2 of Section 2.2 II. In no event shall an Associate Counsel be allowed to remain in either County Pool without its Respondent (emphasis added); and

WHEREAS, Bullock wishes to remain in the County Pool by entering into a joint venture with Ruden, McClosky, Smith, Schuster & Russell, P.A. ("McClosky"), a nationally recognized bond counsel firm which meets the minimum qualifications of the RFQ, as a replacement for Holland & Knight; and

WHEREAS, McClosky is one of the firms that has served as a Respondent in the past, providing disclosure counsel services to the County and, as such, is familiar with the County's financing team; and

WHEREAS, it is the desire of this Board (i) to waive the competitive selection process set forth in the RFQ with respect to the appointment of McClosky to the County Pool as a Respondent as well as the provision cited above from the RFQ that does not allow Bullock to remain in the County Pool without its original Respondent (Holland & Knight); and (ii) to add the joint venture of McClosky and Bullock to the County Pool,

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

Section 1. The competitive process set forth in the RFQ is waived with respect to the selection of McClosky as a Respondent qualified to serve as bond counsel in the County Pool.

Section 2. The provision in the RFQ, "In no event shall an Associate Counsel be allowed to remain in either County Pool without its Respondent", is waived with respect to Bullock.

Section 3. The joint venture of McCloskey and Bullock are added as bond counsel to the County Pool until the selection of the new County Pool in early to mid 2009.

The Prime Sponsor of the foregoing resolution is Dorrin D. Rolle. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman	
Jose "Pepe" Diaz, Vice-Chairman	
Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2009. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Gerald T. Heffernan



