MEMORANDUM

Agenda Item No. 5(A)

TO:	Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners	**DATE:**	March 3, 2009
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance amending Section 2-8.1.6 of the Code of Miami-Dade County to remove the provision that limits the term of the Expedited Purchasing Program

This ordinance was amended by the Budget, Planning and Sustainability Committee to extend the sunset provision of the ordinance to January 1, 2013 rather than eliminating the sunset provision in its entirety.

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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Memorandum

MIAMI-DADE COUNTY

Date: March 3, 2009

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

From: George M. Burgess
County Manager

Subject: Ordinance Amending Section 2-8 1.6 of the Miami-Dade County Code to remove the provision that Limits the Term of the Expedited Purchasing Program

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The fiscal impact of the ordinance amending Section 2-8 1.6 of the Miami-Dade County Code to remove the provision that limits the term of the Expedited Purchasing Program (EPP) cannot be easily quantified. However, while the EPP does not allow for a reduction in resources devoted to the procurement process, it allows us to use our resources more efficiently. During the period October 1, 2006 to September 30, 2008, procurement cycle times for Request for Proposals processed through the EPP were reduced by an average 57 days.

Susanne M. Torriente
Assistant County Manager

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MEMORANDUM
(Revised)

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

DATE: March 3, 2009

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

SUBJECT: Agenda Item No. 5(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 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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
3-3-09

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.1.6 OF THE CODE OF MIAMI-DADE COUNTY TO REMOVE THE PROVISION THAT LIMITS THE TERM OF THE EXPEDITED PURCHASING PROGRAM, PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-8.1.6 of the Code of Miami-Dade County, Florida and Ordinance Nos. 05-26, 07-49 and 08-42, are hereby amended as follows:[1]

Sec. 2-8.1.6 Program for Expedited Purchasing.

Notwithstanding any contrary provision of this Code, a program for expedited purchasing is hereby created, subject to the terms and conditions of this Section. The program shall be referred to as the Expedited Purchasing Program.

(a) The County Manager is hereby authorized to utilize the Expedited Purchasing Program for the competitive purchase of supplies, materials and services, including professional services other than professional architectural, engineering and other services subject to Section 2-10.4 of this Code and Section 287.055 of the Florida Statutes, which are estimated to cost one million dollars ($1,000,000) or less.

(b) For purposes of this Program, the County Manager shall be expressly authorized to waive any irregularity in any bid or proposal submission which he or she determines to be non-material.

(c) For any purchase to be made under the Expedited Purchasing Program the County Manager shall be authorized to issue competitive solicitation documents which in the discretion of the County Manager procure 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.

best value to Miami-Dade County for the goods or services to be purchased. The method of solicitation shall be determined in the discretion of the Manager and may include, but not be limited to, invitations to bid, request for proposals or qualifications, negotiations, and best and final offers. In determining the best value to Miami-Dade County, the County Manager shall consider criteria to include but not be limited to price, quality, experience, the ability to deliver the required goods and services, the availability of the goods and services, and the nature and urgency of the County's needs. The selection method and criteria to be used shall be set forth in the solicitation documents.

(d) The County Manager shall make the final determination of best value in accordance with the method and criteria set forth in the solicitation documents. In making the determination of best value, the County Manager shall utilize a review team of his or her technical and professional staff and of the County Attorney's Office for purchases made under the Expedited Purchasing Program.

(e) The County Manager shall be authorized to award contracts pursuant to the determinations of best value made in accordance with this Section without further action of the Board, subject to quarterly reports to the Board.

(f) In the event the County Manager determines at any time that a waiver of the competitive process for purchases greater than $100,000 is in the best interests of the County, the Manager shall make a written recommendation to the Board for such waiver.

(g) The written recommendation of the County Manager to award a contract under the Expedited Purchasing Program shall be sufficient to commence the bid protest period and terminate the Cone of Silence as provided elsewhere in this Code.

(h) The protest of any award under the Expedited Purchasing Program shall be made in accordance with the provisions of Section 2-8.4 of the Code of Miami-Dade County.

(i) The County Manager shall be authorized to advertise and issue solicitation documents for purchases under the

Expedited Purchasing Program [[~~through March 16, 2009~~]]>>through January 1, 2013<<.

(j) Any provisions of the Code or of any applicable resolution or administrative order contrary to the provisions of this section shall be deemed suspended or amended as necessary to give effect to the intent of this section. Similarly, any provisions of the Code or of any applicable resolution or administrative order not deemed suspended or amended hereunder shall apply to any purchase administered under the Expedited Purchasing Program.

(k) The County Manager may, by duly executed written instrument which specifically identifies this section, delegate any and all of the responsibilities set forth in this section, whereupon the provisions of this section and its limitations shall be understood to apply to the County Manager's designee. By exception, the County Manager may only delegate the authority to approve the award of contracts greater than $500,000 to an Assistant County Manager.

(l) The County Manager shall provide quarterly reports to the Board of County Commissioners regarding the application of this Section for contract awards greater than $100,000. The reports shall include a description of the goods and services procured, the procurement methodology, the existence and resolution of any bid protest, the identity of the awarded vendors and the amount of the contract awarded. The Commission Auditor shall >>include the Expedited Purchasing Program within his/her review of the County Manager's exercise of delegated authorities pursuant to Section 2-8.1(b)<<[[~~review and evaluate the operation of the Expedited Purchasing Program and report the results of his or her evaluation to the Board of County Commissioners~~]].

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. RAC

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa