MEMORANDUM

Agenda Item No. 11(A)(10)

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

DATE: June 2, 2009

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

SUBJECT: Resolution defining procedure for County Commissioner purchases of goods and services from spending accounts and office budgets

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

R. A. Cuevas, Jr.
County Attorney

RAC/jls

MEMORANDUM

(Revised)

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

DATE: June 2, 2009

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

SUBJECT: Agenda Item No. 11(A)(10)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(10)
6-2-09

RESOLUTION NO. _____

RESOLUTION DEFINING PROCEDURE FOR COUNTY COMMISSIONER PURCHASES OF GOODS AND SERVICES FROM SPENDING ACCOUNTS AND OFFICE BUDGETS AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO ESTABLISH IMPLEMENTING ORDER CONSISTENT WITH RESOLUTION

WHEREAS, Administrative Order 3-38 was established pursuant to Section 2-8.1 of the Code of Miami-Dade County to establish purchasing procedures; and

WHEREAS, the Board of County Commission wants to clarify and define the procedures for purchases of goods and services from their discretionary spending accounts and office budgets,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that members of the Board of County Commissioners and/or their designees shall be authorized to purchase goods and services from their discretionary spending accounts and office budgets in accordance with the provisions of this resolution provided such purchases do not exceed the threshold amount requiring formal sealed written bids set forth in the Code of Miami-Dade County. Whenever practicable, the person initiating such purchase shall use existing County vendors, provided such vendors are able to deliver the required goods and services within available time frames and at a competitive price. The person initiating the purchase shall make all reasonable efforts to obtain a competitive price for the good or service procured, and shall maintain a written record describing those efforts. Efforts to obtain a competitive price shall include but not be limited to the solicitation of competitive quotations, and the comparison of prices to list prices or to prices

offered in existing County contracts. The County Mayor or Mayor's designee is directed to prepare and/or update Implementing Order(s) consistent with this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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 2nd day of June, 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.

EWG

Eduardo W. Gonzalez

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	**11A10**
File Number:	**091294**
Committee(s) of Reference:	**BCC**
Date of Analysis:	**May 18, 2009**
Type of Item:	**Establishing Procedures**
Sponsor:	**Commissioner Joe A. Martinez**
Commission District:	**Countywide**

Summary

This resolution urges the Board of County Commissioners (BCC) to procure goods and services, whenever practical, from existing County vendors, or from other contracts and agreements that have been competitively procured, awarded and contracted by governmental entities or using agencies. The resolution also urges the BCC to solicit competitive quotations comparing prices to list prices or prices offered in existing County contracts; and to maintain a written record describing these efforts. However, if it is not practical nor advantageous to procure any specific supplies or services by a competitive procurement process, a Commissioner may purchase the service or good directly, without following the procurement methods prescribed under the resolution.

Background and Relevant Legislation

Each Commission district is allocated a budget consisting of (1) discretionary accounts which include district and countywide in-kind reserves, mom and pop funds, and County services reserves; and (2) an office operating account. The discretionary accounts are pre-determined, fixed, spending accounts in which Commissioners award funding to Community-Based Organizations or other qualifying entities which provide a community benefit. The office operating budget expenditures, other than personnel pay and benefits, generally consist of the following expenditures: office rent, rental vehicles, janitorial services, bottled water, fuel, postage, office equipment (such as computers, copiers, fax machines), maintenance costs, telephones, cell phones, subscriptions, parking, outside printing, and office supplies. The actual allowance for these office expenditures differ from district to district and are contingent upon the district's or Commissioner's needs.

Under the proposed resolution, in order to obtain competitive and reasonable prices, the BCC is encouraged to implement the general principals set forth under Administrative Order (AO) 3-38

(entitled Master Procurement Administrative Order) as to the spending allowance budgeted for discretionary operating expenditures. AO 3-38 delineates the manner, method and policy for purchasing goods and services for County-government needs. Goods and services which exceed certain threshold dollar amounts are subject to the formal procurement process set forth in the AO. Although in many instances, goods and services purchased by County Commissioners are actually exempt from the procurement code constraints due to the amount of money expended or the type of service procured, this resolution urges the Commissioners to make an effort to obtain competitive prices.

Policy Change and Implication

This resolution would require the BCC when purchasing goods and services from their spending account and office budgets to apply the methods and principals embodied in the County's procurement process, when practical.

Budgetary Impact

Collectively, the BCC's office operating budget (which would fall under the directive of this resolution) totals $12,090,000 for FY 08-09. (Source: Adopted Budget FY08-09, Vol. II, p.12)

Survey

A survey of other county commission's procurement policies disclosed that Broward County's procurement code applies "to every procurement of the Board of County Commissioners irrespective of the source of the funds." (Broward County Code, Chapter 21, Sect. 21.6 – Application of this Code)

Prepared by: Lauren Young-Allen