

# MEMORANDUM

Agenda Item No. 11(A)(2)

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

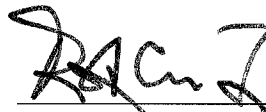
**DATE:** November 17, 2009

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

**SUBJECT:** Resolution requiring  
additional language in  
competitive solicitations  
to clarify vendor  
responsiveness

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



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R. A. Cuevas, Jr.  
County Attorney

RAC/up



**MEMORANDUM**  
(Revised)

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

**DATE:** November 17, 2009

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**SUBJECT:** Agenda Item No. 11(A)(2)

Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(2)  
11-17-09

RESOLUTION NO. \_\_\_\_\_

RESOLUTION REQUIRING ADDITIONAL LANGUAGE IN  
COMPETITIVE SOLICITATIONS TO CLARIFY VENDOR  
RESPONSIVENESS

**WHEREAS**, pursuant to Sections 2-8.1 of the Code of Miami-Dade County and Administrative Order 3-38 the County uses competitive solicitation processes to select vendors for County contracts; and

**WHEREAS**, competitive solicitations contain forms requiring vendors submitting responses to the solicitations to provide an authorized signature certifying that the vendor's proposal or qualifications are submitted in response to the solicitation and that they are bound by the offer submitted in response to the solicitation; and

**WHEREAS**, courts have found that vendors who do not provide an authorized signature binding them to the offer submitted in response to a solicitation should be deemed non-responsive absent other evidence of clear intent to be bound by their solicitation responses; and

**WHEREAS**, the Board of County Commissioners wants to include additional language in solicitations emphasizing to vendors that a failure to provide an authorized signature on the appropriate form may deem a vendor's response to a solicitation non-responsive,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the County Mayor or his designee is hereby directed to include, in the section of the solicitation that requires a vendor's authorized signature in all competitive solicitations, the following language in bold type with all capital letters: **"THE EXECUTION OF THIS FORM CONSTITUTES THE**

**UNEQUIVOCAL OFFER OF PROPOSER TO BE BOUND BY THE TERMS OF ITS PROPOSAL. FAILURE TO SIGN THIS SOLICITATION WHERE INDICATED BELOW BY AN AUTHORIZED REPRESENTATIVE SHALL RENDER THE PROPOSAL NON-RESPONSIVE. THE COUNTY MAY, HOWEVER, IN ITS SOLE DISCRETION, ACCEPT ANY PROPOSAL THAT INCLUDES AN EXECUTED DOCUMENT WHICH UNEQUIVOCALLY BINDS THE PROPOSER TO THE TERMS OF ITS OFFER.”**

The Prime Sponsor of the foregoing resolution is Commissioner Audrey M. Edmonson.

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    |
| Dorin D. Rolle                  | Natacha Seijas     |
| Katy Sorenson                   | Rebeca Sosa        |
| Sen. Javier D. Souto            |                    |

The Chairperson thereupon declared the resolution duly passed and adopted this 17<sup>th</sup> day of November, 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.



Eduardo W. Gonzalez

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