

Memorandum



Date: June 3, 2010

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

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "Burgess", written over the printed name of George M. Burgess.

Subject: Ordinance Extending for an Additional Two Years Authority Delegated to Award and Reject Miscellaneous Construction Contracts Designed to Provide Opportunities for Community Small Business Enterprises.

Agenda Item No. 7(I)

This substitute differs from the original in that it corrects a scrivener error referencing the MCC program monitor's name and title and deletes a repetitive phrase in the second paragraph of the background section.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached ordinance, extending the sunset provision for the delegation of authority to the Mayor or Mayor's designee relating to the Miscellaneous Construction Contract Program (MCC) to July 1, 2012. The Board extended this delegation of authority to award and reject miscellaneous construction contracts costing \$2.5 million or less to July 1, 2010, via Ordinance 09-55. In addition, the Board revised and codified the County's MCC Program via Ordinance 09-101 on November 3, 2009. The modified program increased oversight responsibilities, updated contract language and set an Overall Program Expenditure Limit (OPEL).

Scope

The MCC process has a direct beneficial impact on all Commission Districts by accelerating small construction projects, facility repairs and neighborhood improvements valued up to \$2.5 million throughout Miami-Dade County.

Fiscal Impact/Funding Source

There is no direct funding provided to this Program in that each work issuance identifies the appropriate capital funding source for the project.

Track Record/Monitor

The Office of Capital Improvements (OCI), George Navarrete, Assistant Director, administers and monitors the MCC Program. On a quarterly basis, the Board is advised of the progress of the MCC Programs through quarterly reports detailing the contracting activities including the application of program measures.

Delegation of Authority

This item extends the sunset provision for the authority previously granted the County Mayor or Mayor's designee to award and reject bids or proposals for contracts for public improvements (construction) costing \$2.5 million or less without the need for action by the Board of County Commission.

Background

Recognizing that departments rely extensively on contractors to accomplish their missions and that small businesses are critical to the County's economic strength, the Board authorized the County Mayor or Mayor's designee to award and reject bids for contracts up to two and one half million dollars (\$2,500,000) as part of the MCC Program.

The MCC process is a consistent and effective means of competitively distributing work to the construction trades for small projects including renovations, repairs and maintenance. The new Program consists of competitively bid small construction projects under two plans: the 7360 Plan is open to all vendors and is only used when federal funding is involved or when 100% CSBE goal is not attainable, and; the 7040 Plan is a rotation based Community Small Business Enterprise set-aside pool of contractors.

This extension will allow the County Mayor or Mayor's designee to continue utilizing the existing processes for the expenditure of the authorized OPEL funds.



Assistant County Manager



MEMORANDUM
(Revised)

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

DATE: June 3, 2010

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

SUBJECT: Agenda Item No. 7(I)

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. 7(I)
6-3-10

ORDINANCE NO. _____

ORDINANCE EXTENDING FOR ADDITIONAL TWO YEARS
AUTHORITY DELEGATED TO AWARD AND REJECT
MISCELLANEOUS CONSTRUCTION CONTRACTS
DESIGNED TO PROVIDE OPPORTUNITIES FOR
COMMUNITY SMALL BUSINESS ENTERPRISES;
PROVIDING SEVERABILITY, INCLUSION IN THE CODE
AND AN EFFECTIVE DATE

WHEREAS, on July 1, 2008 the Board of County Commissioners enacted Ordinance 08-81 increasing the authority of the County Manager to award miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises from one million to two and one half million (\$2,500,000) dollars; and

WHEREAS, on June 30, 2009 the Board extended the delegated authority for an additional year via Ordinance 09-55; and

WHEREAS, the Board enacted Ordinance 09-101 revising and codifying the County's Miscellaneous Construction Contracts Program, modifying the procurement methodology to provide opportunities for small contractors in a more efficient and meaningful manner; and

WHEREAS, this Board wishes to extend for an additional two years the provisions of Ordinance 09-55 and the amendments to Section 2-8.1 effected thereby,

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

Section 1. The Code of Miami-Dade County, Florida, is hereby amended as follows:¹

Section 2-8.1. Contracts and purchases generally.

(b) Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases. Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of two hundred fifty thousand dollars (\$250,000) or more, except that the Board of County Commissioners, upon written recommendation of the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<<, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall further be required to report to this Board on a quarterly basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the ~~[[Manager's]]~~ >>Mayor's or Mayor's designee<< exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to Sec. 2-10.4

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.

and Sec. 287.055 Fla. Stats.) costing one million dollars (\$1,000,000) or less or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution two and one half million dollars (\$2,500,000) or less, without the need for action by the County Commission. The delegation to award and reject bids or proposals for contracts up to two and one half million dollars (\$2,500,000) set forth in the preceding sentence shall expire on ~~[[July 1, 2010]]~~ >>July 1, 2012<<. The authority to award contracts provided in the preceding sentence shall not constitute authority for the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars (\$1,000,000), and in such instances the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall obtain the prior authorization of the County Commission to exercise such option. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the ~~[[Manager]]~~ >>Mayor or Mayor's designee<< deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The ~~[[County Manager]]~~ >>Mayor or Mayor's designee<< may designate appropriate County staff to exercise the authority delegated hereunder by ~~[[administrative]]~~ >>implementing<< order, approved by the Board of County Commissioners.

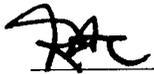
Section 2. If any section, subsection, sentence, or clause of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

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 word.

Section 4. 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:



Prepared by:



Hugo Benitez