MEMORANDUM Agenda Item No. 11(A)(7)

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

DATE: December 7, 2010

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

SUBJECT: Resolution amending Implementing Order 3-34 to provide that Mayor or designee shall not appoint County employee to Competitive Selection Committee if owner, officer or employee of any proposer was an immediate supervisor of County employee during specified period of time

The Budget, Planning and Sustainability Committee amended this item to add a direction to the County Mayor or his designee to remove any County employee from a selection committee if an owner, officer or employee of any proposer to the solicitation was an immediate supervisor of the County employee at any time during the preceding eighteen-month period.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: December 7, 2010

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

SUBJECT: Agenda Item No. 11(A)(7)

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**

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(7)
12-7-10

RESOLUTION NO. _____

RESOLUTION AMENDING IMPLEMENTING ORDER 3-34 TO PROVIDE THAT MAYOR OR DESIGNEE SHALL NOT APPOINT COUNTY EMPLOYEE TO COMPETITIVE SELECTION COMMITTEE IF OWNER, OFFICER OR EMPLOYEE OF ANY PROPOSER WAS AN IMMEDIATE SUPERVISOR OF COUNTY EMPLOYEE DURING SPECIFIED PERIOD OF TIME

WHEREAS, Miami-Dade County utilizes selection committees in its competitive procurement processes to evaluate and rank proposers and provide recommendations to the County Mayor or County Mayor's designee; and

WHEREAS, in the furtherance of that policy, this Board had previously approved Implementing Order 3-34 establishing directions to the County Mayor or County Mayor's designee for the formation and performance of selection committees; and

WHEREAS, this Board desires to provide additional guidance regarding the composition of selection committees; and

WHEREAS, this Board wishes to establish a requirement that the County Mayor or his/her designee shall not appoint any County employee as a member of a selection committee to evaluate proposers to a solicitation if an owner, officer or employee of any proposer to the solicitation was an immediate supervisor of the County employee at any time during the preceding eighteen-month period,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby amends Implementing Order 3-34, Formation and Performance of Selection Committees, in substantially the form attached hereto and made a part hereof, and authorizes the County Mayor

or County Mayor's designee to exercise any and all rights contained therein.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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	Lynda Bell
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Natacha Seijas	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of December, 2010. 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.

Oren Rosenthal

IMPLEMENTING ORDER

Implementing Order No.: 3-34
Title: Formation and Performance of Selection Committees

Ordered: **Effective:**

AUTHORITY:

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

SUPERSEDES:

This Implementing Order (I.O.) supersedes and replaces previous I.O. 3-34 ordered April 6, 2010 and effective April 16, 2010.

SCOPE:

Notwithstanding any contrary provision of any other Administrative Order or Implementing Order, this Implementing Order establishes procedures for the formation and performance of selection committees in the competitive procurement processes of Miami-Dade County, including competitive selection committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

POLICY:

Miami-Dade County shall endeavor to utilize selection committees that are fair, impartial, objective and qualified in the subject matter area in competitive procurement processes for the evaluation of offers, proposals or quotes submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action. This Implementing Order covers all County procurement processes involving such committees.

All proceedings of a selection committee shall be audiotaped. The Department of Procurement Management (DPM) shall be responsible for audiotaping selection committee meetings when DPM is the issuing department for the solicitation. When DPM is not the issuing department, the department/agency issuing the solicitation shall be responsible for audiotaping the meetings of selection committees.

FORMATION OF SELECTION COMMITTEES:

Selection Committee Pool

The pool of potential County selection committee members shall be established by the Department of Small Business Development (SBD). The pool shall consist of the County's executives, departmental subject matter experts, and representatives of the Department of Business Development.

Participants in the selection committee pool may be required to attend a workshop facilitated by DPM, which describes the role and responsibilities of a selection committee member, and reviews pertinent legislation affecting the selection process.

Selection Committee Establishment and Composition:

DBD shall forward the names of the recommended selection committee members to the County Manager for approval and appointment of the committee. Selection committees formed to evaluate firms under Section 2-10.4 of the Code of Miami-Dade County shall consist of no fewer than five voting members. The composition of the selection committees shall be as follows:

A. The County Mayor or his/her designee may determine the composition of selection committees based on the appropriate expertise required for each acquisition. In establishing a selection committee, the County Mayor or his/her designee will give consideration to appointing County professional and technical staff and qualified non-County voting members.

   When possible, at least one and preferably two voting members will be subject matter experts from the private or non-profit sectors, another government organization or from the ranks of retired executives.

B. The chairperson of the selection committee shall be a non-voting member from the professional procurement staff of the Department of Procurement Management (DPM), and if DPM is not the issuing department, then the chairperson shall be a non-voting member from the professional procurement staff of the issuing department/agency. For A&E selections, the non-voting chairperson shall be from the office responsible for the administration of the architectural and engineering selection process.

C. The selection committee should have the technical background necessary for understanding the scope and requirements of the particular procurement. The Director of the user/managing department/agency, and/or the Directors of the Departments of Small Business Development and Procurement Management, may request the addition of non-voting technical advisors to supplement the technical expertise of selection committees.

D. An alternate voting member shall be included at the time the selection committee is appointed, and will become a voting member in the event that substitution of a voting member is required. For Architectural and Engineering selection committees, at least two alternative voting members shall be included at the time the selection committee is appointed.

E. In all cases of selection committee formation, the County Mayor or his/her designee shall appoint committees that are balanced in their representation of the Miami-Dade County community with regard to ethnicity and gender.

>>F. The County Mayor or his/her designee shall not appoint<< >>, and if appointed shall remove,<<[1] >> any County employee as a member of a selection committee to evaluate proposers to a solicitation if an owner, officer or employee of any proposer to the solicitation was an immediate supervisor of the County employee at any time during the preceding eighteen-month period.<<

PERFORMANCE OF SELECTION COMMITTEES:

Each individual appointed to a selection committee shall sign an affidavit attesting to his/her neutrality and assuring that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1). Any request by County staff, including Department/Agency Directors, to be excused from selection committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or his/her designee through the Director of the Department of Small Business Development.

The performance of selection committees is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law. Those provisions must be strictly adhered to by committee members.

Periodically, the County Mayor or his/her designee will report to the Board of County Commissioners on the performance of the Selection Committee process. In preparing such reports, the County Mayor or his/her designee shall solicit the input of private and nonprofit sector representatives, representatives of other governmental organizations, and/or retired executives.

SCORING GUIDELINES:

Except for selection committees procuring "Professional Services" as defined in Section 2-10.4 of the Code of Miami-Dade County, selection committee members shall be provided written guidelines and shall use the guidelines in preparing their scores for the technical evaluation for each criteria identified in the solicitation. The guidelines shall be in substantially the form provided below:

Rating	Score as a Percentage of Total Available	Guidelines

[1] Committee amendments are indicated as follows: words stricken through and/or [[double bracketed]] shall be deleted, words underscored and/or >>double arrowed<< constitute the amendment proposed.

	Points for Criteria	
Excellent	90-100%	The proposal's response to the criteria is complete and well defined, providing relevant supporting details and examples. The response to this criteria indicates a high prospect for outstanding performance on the resulting contract. The expectations for this criteria are clearly met or exceeded.
Good	70-89%	The proposal's response to the criteria is generally complete and well defined, providing reasonably well developed responses with a good amount of relevant supporting details and examples. The response to this criteria indicates a moderate to high prospect for good performance on the resulting contract. Most of the expectations are met for this criteria.
Fair	50-69%	The proposal's response to the criteria is fairly complete, but lacking some definition or clarity. The response is not well developed to address the criteria and provides limited supporting details and examples. The response to this criteria indicates a prospect of achieving satisfactory performance on the resulting contract, but there may also be some risk. Few of the expectations are demonstrated to be met for this criteria.
Poor	49% or below	The proposal's response to the criteria is not complete or provides minimal information, lacking sufficient details and examples. The response to this criteria indicates a moderate to high risk of not achieving satisfactory performance on the resulting contract. Does not demonstrate ability to meet expectations for this criteria.

In solicitations where numerical points are assigned, the County Mayor or County Mayor's designee shall review the selection committee scores to determine whether a selection committee member's score would unduly affect the outcome. If the County Mayor or County Mayor's designee makes such a determination, the County Mayor or County Mayor's designee shall request a written explanation from that selection committee member. The County Mayor or County Mayor's designee will determine whether to accept or reject that selection committee member's score, considering the written explanation. If the score is rejected, such information will be provided to the Board of County Commissioners.

SCORING OF SELECTION COMMITTEES FOR PURCHASE OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING AND MAPPING SERVICES:

For selection committees procuring "Professional Services" as defined in Section 2-10.4 of the Code of Miami-Dade County, the highest and lowest final score for each firm in the first evaluation tier shall be discarded and not used to compute the final total score of such firm.

EFFECTIVE DATE:

This Implementing Order shall become effective after approval by the Board of County Commissioners, and shall apply prospectively to selection committees appointed after the effective date.