

MEMORANDUM

Agenda Item No. 7(F)

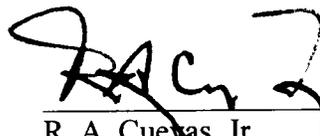
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: (Second Reading 2-1-11)
December 7, 2010

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

SUBJECT: Ordinance amending sections
2-10.4.01 and 10-33.02 of the
Code; providing that leases
and contracts for privately
funded improvements on
County owned land shall be
subject to the requirements of
the CBE program in connection
with the design and the CSBE
program in connection with
the construction of those
improvements

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan, and Co-Sponsors Vice Chairwoman Audrey M. Edmonson and Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum

MIAMI-DADE
COUNTY

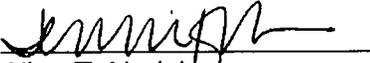
Date: February 1, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager 

Subject: Ordinance providing that leases and contracts for privately funded improvements on County owned land shall be subject to the requirements of the CBE and CSBE programs

The proposed ordinance providing that leases and contracts for privately funded improvements on County owned land shall be subject to the requirements of the Community Business Enterprise (CBE) and Community Small Business Enterprise (CSBE) programs may have a fiscal impact on the County. Increased lease or contractual costs could result if these provisions are passed on to the County. However, consistent with the County's objective to promote utilization of small businesses through its contracting, this legislation would bring these types of procurements into compliance with others.


Alina T. Hudak
Assistant County Manager

Fis1411



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: February 1, 2011

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

SUBJECT: Agenda Item No. 7(F)

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(F)
2-1-11

ORDINANCE NO. _____

ORDINANCE PROVIDING THAT LEASES AND CONTRACTS FOR PRIVATELY FUNDED IMPROVEMENTS ON COUNTY OWNED LAND SHALL BE SUBJECT TO THE REQUIREMENTS OF THE COMMUNITY BUSINESS ENTERPRISE ("CBE") PROGRAM IN CONNECTION WITH THE DESIGN AND THE COMMUNITY SMALL BUSINESS ENTERPRISE ("CSBE") PROGRAM IN CONNECTION WITH THE CONSTRUCTION OF THOSE IMPROVEMENTS; AMENDING SECTIONS 2-10.4.01 AND 10-33.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Sections 2-10.4.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec 2-10.4.01. Community Business Enterprise Program for Architectural, Landscape Architectural, Engineering, and Surveying and Mapping Professional Services.

(1) *Title.* This Section shall be referred to as the Miami-Dade County Community Business Enterprise ("CBE-A/E") Program for Architectural, Engineering, Landscape Architectural, and Surveying and Mapping Professional Services.

* * *

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.

2. *Program Components:*

A.

Application. Except where federal or state laws or regulations mandate to the contrary, the provisions of this section shall require review of all project specific, contracts, design-build contracts, and multiple contracts for architectural, landscape architecture, engineering, and surveying and mapping professional services funded in whole or in part with County funds >>and all leases and contracts for privately funded construction on County-owned land<< to determine the appropriateness of applying measures as set forth in this section. The CBE-A/E Program shall not apply to continuing contracts. The County Manager or his or her designee shall take steps to ensure that the Community Business Enterprise (CBE-A/E) objective of assuring that not less than 10 percent of the County's total annual expenditures for professional architectural, landscape architectural, engineering, and surveying and mapping services, are expended with CBE-A/Es certified under this section is met. The provisions of this section shall apply to all departments and agencies of the County and the Public Health Trust. The words County Manager in this section shall mean the County Manager or his or her designee. >>All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this Section shall contain specific provisions to implement the intent of the CBE program in a manner consistent with its application to County design contracts.<<

* * *

Section 2. Sections 10-33.02 of the Code of Miami-Dade County, Florida, is hereby

amended to read as follows:

Sec 10-33.02 Community Small Business Enterprise Program.

(1) *Title.* This section shall be referred to as the Miami-Dade County Community Small Business Enterprise ("CSBE") Program.

* * *

(3) Program components:

A. *Application.* Except where federal or state laws or regulations mandate to the contrary, the provisions of this ordinance shall require review of all construction contracts funded in whole or in part with County funds >>and all leases and contracts for privately funded construction on County-owned land<< to determine the appropriateness of applying contract measures as set forth in this section. The County Manager shall prepare administrative orders, bid, and contract documents implementing the Bonding and Financial Assistance Program, the Management and Technical Assistance Programs, the Mentor-Protégé Program and other related programs addressed in this section. >>All leases and contracts for privately funded construction on County-owned land for which measures are determined to be appropriate under this Section shall contain specific provisions to implement the intent of the CSBE program in a manner consistent with its application to County construction contracts.<< The words County Manager in this section shall mean the County Manager or his or her designee.

* * *

Section 3. 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 4. 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. 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

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsors: Vice Chairwoman Audrey M. Edmonson
Commissioner Jean Monestime