MEMORANDUM Agenda Item No. 11(A)(9)

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

DATE: January 24, 2012

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

SUBJECT: Resolution directing the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options-to-renew and delegating authority to County Mayor or designee to amend contracts to provide better prices for the county

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Joe A. Martinez and Co-Sponsor Commissioner Esteban L. Bovo, Jr.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

MEMORANDUM

(Revised)

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

DATE: January 24, 2012

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

SUBJECT: Agenda Item No. 11(A)(9)

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)(9)
1-24-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR DESIGNEE TO NEGOTIATE BETTER PRICES ON ALL AWARDED CONTRACTS FOR THE PURCHASE OF GOODS AND SERVICES AND PRIOR TO THE EXERCISE OF ANY OPTIONS-TO-RENEW AND DELEGATING AUTHORITY TO COUNTY MAYOR OR DESIGNEE TO AMEND CONTRACTS TO PROVIDE BETTER PRICES FOR THE COUNTY

WHEREAS, Miami-Dade County has over a thousand active contracts with thousands of vendors; and

WHEREAS, the County desires to partner with its contracting vendors, during this time of economic difficulty and budgetary constraints, to save public dollars,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that for all contracts for the purchases of goods and services governed by Administrative Order 3-38:

(1) The County Mayor or County Mayor's designee is directed to evaluate and attempt to negotiate better pricing; and

(2) Before any option-to-renew period is exercised by the County on any contract, the County Mayor or County Mayor's designee is directed to attempt to negotiate better pricing for the County. In the event that the County Mayor or County Mayor's designee cannot secure better pricing, the County Mayor or County Mayor's designee retains any existing authority to exercise option-to-renew periods. At the time any contract renewal is presented to the Board for approval, the County Mayor or County Mayor's designee shall inform the Board of the efforts undertaken to negotiate better pricing, the results of the negotiations and, if the County did not

secure better pricing, a brief explanation as to why it is in the best interests of the County to renew the contract; and

(3) The County Mayor or County Mayor's designee is delegated the authority to enter into contract amendments or modifications where such amendments or modifications reflect a reduction in pricing or costs to the County. In the event that the County Mayor or County Mayor's designee negotiates an amendment or modification of an existing contract to reduce price or costs to the County in exchange for a longer term or other contractual concession, such amendments or modifications shall be brought to the Board for approval; and

(4) The County Mayor or County Mayor's designee is directed to submit a report to this Board within 180 days after the adoption of this resolution identifying all the contracts where the County successfully secured improved pricing and reduced costs to the County and identifying the total amount of cost savings to the County as a result of the negotiations directed under this resolution. Thereafter, the County Mayor or County Mayor's designee shall provide this report on a recurring annual basis.

The Prime Sponsor of the foregoing resolution is Chairman Joe A. Martinez, and the Co-Sponsor is Commissioner Esteban L. Bovo, Jr. 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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Esteban L. Bovo, Jr.	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of January, 2012. 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