

MEMORANDUM

IMFR
Agenda Item No. 1(E)1

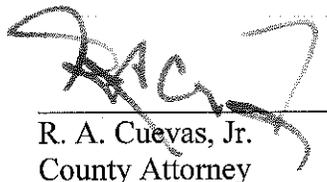
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 8, 2012

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

SUBJECT: Ordinance relating to
preference to local business in
County contracting;
amending Section 2-8.5 of
the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jean Monestime.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date:

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over the printed name.

Subject: Ordinance relating to preference to local business in County contracting

The proposed ordinance allows for businesses participating in a County competitive solicitation which creates or maintains employment opportunities within the County be awarded up to five (5) percentage points in the evaluation. It is the discretion of the selection committee to award the appropriate number of percentage points, based on the evaluation of factors to be identified in the competitive solicitation. The implementation of this item will not have a fiscal impact to the County

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, written over a horizontal line.

Office of the Mayor

Fis4812

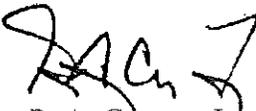


MEMORANDUM

(Revised)

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

DATE: March 6, 2012

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

SUBJECT: Agenda Item No. 4(B)

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. 4(B)
3-6-12

ORDINANCE NO. _____

ORDINANCE RELATING TO PREFERENCE TO LOCAL BUSINESS IN COUNTY CONTRACTING; PROVIDING THAT REQUESTS FOR PROPOSALS AND QUALIFICATIONS OR OTHER RANKING EVALUATIONS THAT CREATE OR MAINTAIN EMPLOYMENT OPPORTUNITIES WITHIN THE COUNTY SHALL BE AWARDED UP TO FIVE PERCENTAGE POINTS IN THE EVALUATION; CONFORMING INTERLOCAL AGREEMENTS DURING THEIR TERMS; AMENDING SECTION 2-8.5 OF THE CODE; 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. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.5. Procedure to provide preference to local business in county contracts.

* * *

- (2) Preference in purchase of personal property, general services, professional services, the purchase of or contract for construction or renovation of public works or improvements, and in the purchase of personal property, general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection.

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.

Except where federal or state law, or any other funding source, mandates to the contrary, Miami-Dade County and its agencies and instrumentalities, including the Public Health Trust, [shall give] preference to local businesses in the following manner:

* * *

(b) Request for proposals, qualifications or other submittals and competitive negotiation and selection. If, following the completion of final rankings (technical and price combined, if applicable) by the selection committee, a non-local business is the highest ranked proposer, and the ranking of a local proposer is within five percent of the ranking obtained by the non-local proposer, then the highest ranked local proposer shall have the opportunity to proceed to negotiations with the County under the applicable sections of this Code. >> In addition, County competitive solicitations shall provide that a business which creates or maintains employment opportunities within the County shall be awarded up to five percentage points in the evaluation. The number of points to be awarded shall be in the discretion of the selection committee, based on the evaluation of factors to be identified in the competitive solicitation which may include, but are not limited to: (i) the number of employees that the business has located within the County which will be used in the contract work; (ii) the length of time that the business has had employees within the County; (iii) whether any of the goods and services to be provided under the contract will be manufactured or provided within the County (in those instances where the contract does not expressly or impliedly require those services to be provided in the County); (iii) whether the business is headquartered in the County; (iv) the express commitment of the business to create employment opportunities within the County which extend beyond the term and scope of the contract, and (v) whether the business has contracted or subcontracted with local businesses in order to meet the obligations of the contract, the percentage of the work to be performed by such local businesses, and the number of employees located within the County to be benefited by the arrangement.<<

* * *

(6) Reciprocity. In the event Broward, Palm Beach or Monroe County extends preferences to local businesses, Miami-Dade County may enter into an interlocal agreement with such County wherein the preferences of this section

may be extended and made available to vendors that have a valid occupational license issued by Broward, Palm Beach or Monroe County to do business in that County that authorizes the vendor to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of that County. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Broward, Palm Beach or Monroe County, whichever is applicable, in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to that County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. In no event shall the amount of the preference accorded Broward, Palm Beach or Monroe County firms exceed the amount of preference that such County extends to Miami-Dade County firms competing for its contracts. >> By exception, if a party to an interlocal agreement under this subsection increases the preference to its local businesses during the term of the interlocal agreement, the increased preference shall be extended to the businesses of the other contracting party, but only during the term of such agreement.<<

* * *

Section 2. 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 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 relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

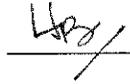
Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Jean Monestime