INLUC
Agenda Item No. 2(B)

MEMORANDUM

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

DATE: April 11, 2012

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

SUBJECT: Resolution directing the County Mayor to issue a solicitation for a disparity study of black, Hispanic, and women owned business participation in County contracting for contracts issued by the Department of Public Works and Waste Management and the Water and Sewer Department

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/up

MEMORANDUM

(Revised)

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

DATE: May 1, 2012

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

SUBJECT: Agenda Item No.

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.
5-1-12

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ISSUE A SOLICITATION FOR A DISPARITY STUDY OF BLACK, HISPANIC, AND WOMEN OWNED BUSINESS PARTICIPATION IN COUNTY CONTRACTING FOR CONTRACTS ISSUED BY THE DEPARTMENT OF PUBLIC WORKS AND WASTE MANAGEMENT AND THE WATER AND SEWER DEPARTMENT

WHEREAS, the Miami-Dade County is a multi-ethnic community; and

WHEREAS, the County is an important economic engine in the growth and development of Miami-Dade County; and

WHEREAS, the County wishes to continue to ensure equal opportunity to be awarded County contracts for all members of the community; and

WHEREAS, the Board of County Commissioners desires to obtain information to evaluate the continued equality of opportunity in County contracting and to ensure that no improper disparity exists in the award of County contracts; and

WHEREAS, federal courts reviewing legislation addressing improper disparity in government contracting look at data collected to assess the Constitutionality of such legislation; and

WHEREAS, the County's failure to collect this information at the time of contracting presented a significant obstacle and an extraordinary cost in the County's prior defense of its race and gender based contracting programs; and

WHEREAS, on July 7, 2011, this Board adopted Resolution R-564-11 directing the County Mayor or his designee to prepare a report regarding actions taken to address data limitations identified in the March 4, 2005 Pre-Disparity Study conducted by MGT of America, Inc. ("MGT Report") in an effort to evaluate the feasibility of conducting a study to determine if racial, ethnic or gender disparities exist in County contracting; and

WHEREAS, on January 20, 2012, the County Mayor issued a report stating that "the County adopted policies and implemented operational enhancements to address over 90% of [the identified] data limitations, in whole or in part"; and

WHEREAS, this County is collecting and compiling data relating to primes, subcontractors, awards, payments and bidder information identified by the MGT Report; and

WHEREAS, this Board desires to utilize this data to conduct a disparity study of black, Hispanic and women owned business participation in County contracting for contracts issued by the Department of Public Works Waste Management and the Water and Sewer Department,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the County Mayor or County Mayor's designee is hereby directed create and issue a solicitation for a disparity study of black, Hispanic and women owned business participation in County contracting for contracts issued by the Department of Public Works and Waste Management and the Water and Sewer Department within thirty (30) days of the adoption of this resolution and to recommend the award of a contract resulting from this solicitation within one hundred and twenty (120) days of the adoption of this resolution.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. 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 1st day of May, 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.

OR

Oren Rosenthal