

MEMORANDUM

Agenda Item No. 7(A)
(Second Reading 7-16-13)
May 21, 2013

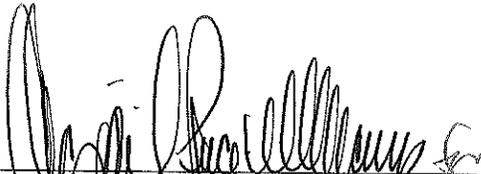
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE:

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

SUBJECT: Ordinance amending Section
10-38 of the Code relating to
debarment of contractors from
County work increasing the
permitted period of debarment

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr., and Co-Sponsors Vice Chair Lynda Bell, Commissioner Sally A. Heyman, Chairwoman Rebeca Sosa, and Commissioner Juan C. Zapata.



R. A. Cuevas, Jr.
County Attorney

RAC/jls

Memorandum



Date: July 16, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Ordinance Amending Section 10-38 of the Code Relating to Debarment of
Contractors from County Work Providing Increasing the Permitted Period of
Debarment

The proposed ordinance increases the permitted period of debarment of contractors and amends Section 10-38 of the Code. Implementation of this ordinance will not have a fiscal impact to the County.

A handwritten signature in black ink, appearing to read "Jack Osterholt", written over a horizontal line.

Jack Osterholt
Deputy Mayor

Fls6413



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 16, 2013

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

SUBJECT: Agenda Item No. 7(A)

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 Mayor'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

Agenda Item No. 7(A)
7-16-13

Veto _____

Override _____

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 10-38 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO DEBARMENT OF CONTRACTORS FROM COUNTY WORK INCREASING THE PERMITTED PERIOD OF DEBARMENT; 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 10-38 of the Code of Miami-Dade County, Florida, is amended as follows¹

Sec. 10-38. Debarment of contractors from County work.

* * *

(j) *Period of debarment:*

- (1) The period of debarment imposed shall be within the sole discretion of the Debarment Committee. Debarment shall be for a period commensurate with the seriousness of the cause(s), and, where applicable, within the guidelines set forth below, but in no event shall exceed ~~[[five (5) years]]~~>>ten (10) years for a Contractor which is not an individual. Officers, directors, shareholders, partners, agents, employees, or other individual associated with a Contractor or Contractor who is an individual may be permanently debarred as set forth below<<.
- (2) The following guidelines in the period of debarment shall apply except where mitigating or aggravating circumstances justify deviation:

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.

- (i) For commission of an offense as described in subsection (h)(1)(i): ~~[[five (5) years]]~~ >>ten (10) years<<
- (ii) For commission of an offense as described in subsection (h)(1)(ii): ~~[[five (5) years]]~~ >>ten (10) years<<.
- (iii) For commission of an offense as described in subsection (h)(1)(iii): ~~[[five (5) years]]~~ >>ten (10) years<<.
- (iv) For commission of an offense as described in subsection (h)(1)(iv): one (1) to two (2) years.
- (v) For commission of an offense as described in subsection (h)(1)(v): two (2) to ~~[[five (5) years]]~~ >>ten (10) years<<.
- (vi) For commission of an offense as described in subsections (h)(2)(i) or (ii): two (2) to ~~[[five (5) years]]~~ >>ten (10) years<<.
- (vii) For commission of an offense as described in subsection (h)(2)(iii): one (1) to two (2) years.
- >>(viii) Notwithstanding the foregoing, in the event that the Debarment Committee finds that an individual (i.e., officers, directors, shareholders, partners, agents, employees, or other persons associated with a Contractor or a Contractor who is a person) has knowingly and willfully committed an offence described in subsection (h) such individual may be permanently debarred upon a unanimous vote of the Debarment Committee.<<

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:

APW

Prepared by:

OR

Oren Rosenthal

Prime Sponsor: Commissioner Esteban L. Bovo, Jr.
Co-Sponsors: Vice Chair Lynda Bell
Commissioner Sally A. Heyman
Chairwoman Rebeca Sosa
Commissioner Juan C. Zapata