

# MEMORANDUM

PSASC  
Agenda Item No. 2(A)

---

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

**DATE:** June 12, 2013

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

**SUBJECT:** Resolution directing the Mayor  
to include provision in  
professional service agreements  
and construction contracts for  
major infrastructure projects and  
capital improvements

---

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Juan C. Zapata.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

/



# MEMORANDUM

(Revised)

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

**DATE:** July 2, 2013

**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 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.

Veto \_\_\_\_\_

7-2-13

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S  
DESIGNEE TO INCLUDE PROVISION IN PROFESSIONAL  
SERVICE AGREEMENTS AND CONSTRUCTION  
CONTRACTS FOR MAJOR INFRASTRUCTURE PROJECTS  
AND CAPITAL IMPROVEMENTS PROHIBITING  
CONSULTANTS AND CONTRACTORS FROM ASSIGNING  
CERTAIN PERSONS TO WORK ON SUBJECT  
AGREEMENTS AND CONTRACTS FOR LIMITED PERIOD  
FOLLOWING CESSATION OF COUNTY SERVICE OR  
EMPLOYMENT

**WHEREAS**, over the next fifteen (15) years, the County anticipates expending millions of dollars in consultants and contractors to assist the County in performing various engineering, design, construction, and construction management services for major infrastructure and capital improvement projects throughout the County; and

**WHEREAS**, the County desires to avoid potential conflicts of interest, undue influence and the appearance of any impropriety in the selection, award and administration of professional service agreements and construction contracts for major infrastructure and capital projects that exceed five million dollars (\$5,000,000.00),

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Mayor or Mayor's designee is directed to include a provision prohibiting any consultant and/or contractor, and their sub-consultants and/or subcontractors, from assigning to work on certain professional service agreements and construction contracts any person: (1) who has served as an elected County official, i.e., County Mayor, County Commissioner or a member of the staff of an elected County official, or as senior assistant to the County Mayor, Deputy County Mayor, assistant to the

Deputy County Mayor, department director, departmental personnel or employee as defined in Section 2-11.1(b) of the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance; and (2) who evaluated, selected, recommended or approved the consultant or contractor or supervised or inspected the performance of the consultant or contractor or otherwise managed or administered the agreement or contract. The contractual provision shall be included in each professional service agreement and construction contract for program management, construction management, design, construction, operations and maintenance of any infrastructure and capital improvement project that exceeds five million dollars (\$5,000,000.00) and is awarded within two (2) years of the effective date of this Resolution. The contractual provision shall be for the term of the agreement or contract but in no event shall the prohibition exceed two (2) years after the person's service or employment with the County has ceased. The contractual provision to be added to the professional service agreements and construction contracts that meet the criterion set forth above shall also require the contractor or consultant to ascertain that the former County officer or employee that they intend to hire has received an opinion from the Commission on Ethics regarding the work assignment limitation for such County officer or employee. The contractor or consultant shall provide the County annually with a sworn certification that the contractor or consultant is in compliance with the provision. This resolution applies to all County departments unless otherwise prohibited by law.

The Prime Sponsor of the foregoing resolution is Commissioner Juan C. Zapata. 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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of July, 2013. 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.

HNG/SED

Henry N. Gillman