

MEMORANDUM

EDPC
Agenda Item No. 1(F)1


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

DATE: August 27, 2013

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

SUBJECT: Ordinance amending Section
2-8.5 of the Code relating to
Local Preference and Locally
Headquartered preference

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.



R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum



Date:

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 2-8.5 of the Code Relating to Local Preference and Locally Headquartered Preference

The proposed ordinance amends the definition of Locally Headquartered Business, increases the percentage by which a Locally Headquartered Business shall have the opportunity to submit a best and final bid in a competitive bid process, and amends the ranking criteria in a Request for Proposal (RFP's), Request for Qualifications, or other Qualitative submittal and competitive negotiation and selection process. Implementation of this ordinance is not expected to have a fiscal impact to the County.

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

Edward Marquez
Deputy Mayor

Fis8813



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. 4(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
Veto _____
Override _____

Agenda Item No. 4(A)
7-16-13

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO LOCAL PREFERENCE AND LOCALLY HEADQUARTERED PREFERENCE; 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. That Section 2-8.5 of the Code of Miami-Dade County, Florida, is amended as follows:¹

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

(1) Definitions.

* * *

(d) Locally Headquartered Business means a Local Business as defined in this Section which has a Principal Place of Business in Miami-Dade County>> and is not a subsidiary or affiliate of another business that is not a Locally Headquartered Business<<.

* * *

(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,

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. The remaining provisions are now in effect and remain unchanged.

general services or professional services by means of competitive bid, request for proposals, qualifications or other submittals and competitive negotiation and selection. 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:

- (a) Competitive bid. In any competitive bid process where award, if any, is to be made to the responsive and responsible bidder offering the lowest bid (the "Low Bidder" and "Low Bid" respectively), the following shall apply:
1. If the Low Bidder is not a Local Business, then any and all responsive and responsible Local Businesses submitting a price within ~~[[ten]]~~ >>five<< percent of the Low Bid, the Low Bidder, and any and all responsive and responsible Locally Headquartered Businesses submitting a price within fifteen percent of the Low Bid, shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.
 2. If the Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within ~~[[five]]~~ >>ten<< percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.
 3. Award, if any, shall be made to the responsive and responsible bidder offering the lowest best and final bid.
 4. Ties in best and final bid shall be resolved in the following order of priority: Locally Headquartered Business, Local Business, other business.

5. If no best and final bid is required in accordance with the provisions above, award, if any, shall be made to the Low Bidder.

In revenue producing contracts, where award, if any, is to be made to the bidder returning the highest amount to the County, the same preferences set forth above shall be applied by reference to the highest bid.

- (b) Request for proposals, qualifications or other qualitative 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 ~~>>and no Locally Headquartered Business is within ten percent of the ranking obtained by the non-local proposer<<~~, then the highest ranked local proposer shall have the opportunity to proceed to negotiations or advance to the next step in the solicitation process with the County under the applicable sections of this Code. ~~>>If, following the completion of final rankings (technical and price combined, if applicable) by the selection committee, a Locally Headquartered Business is within ten percent of the ranking obtained by the non-local proposer or within five percent of the ranking obtained by a local proposer, then the highest ranked Locally Headquartered Business shall have the opportunity to proceed to negotiations or advance to the next step in the solicitation process with the County under the applicable sections of this Code.<<~~

* * *

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

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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.

Section 5. This ordinance does not contain a sunset provision.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Oren Rosenthal

Prime Sponsor: Commissioner Esteban L. Bovo, Jr.