

MEMORANDUM

Agenda Item No. 11(A)(3)

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

DATE: January 22, 2014

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

SUBJECT: Resolution directing the Mayor
to require certain affidavits as
part of the due diligence
conducted by the County with
respect to the responsibility of
potential vendors and contractors
prior to contract award

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.



R. A. Cuevas, Jr.
County Attorney

RAC/lmp



MEMORANDUM

(Revised)

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

DATE: January 22, 2014

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

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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. 11(A)(3)

1-22-14

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR MAYOR'S
DESIGNEE TO REQUIRE CERTAIN AFFIDAVITS AS PART
OF THE DUE DILIGENCE CONDUCTED BY THE COUNTY
WITH RESPECT TO THE RESPONSIBILITY OF POTENTIAL
VENDORS AND CONTRACTORS PRIOR TO CONTRACT
AWARD

WHEREAS, Miami-Dade County awards a large number of contracts for the purchase of supplies, materials and services (including professional services); and

WHEREAS, this Board is interested in ensuring that due diligence is conducted by the County with respect to the responsibility of potential vendors and contractors including reviewing the contractual history and background of the entities the County intends to contract with; and

WHEREAS, to this end the Board previously adopted Resolution No. R-187-12, directing the Mayor or Mayor's designee to include due diligence information in memoranda recommending contract awards exceeding one million dollars (\$1,000,000) in cost,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that the Mayor or Mayor's designee is hereby directed to include as a condition of award of any contract that exceeds one million dollars (\$1,000,000), or that otherwise needs to be presented to this Board for award approval, a requirement that the proposed vendor or contractor execute an affidavit under oath attesting to: (a) all of the lawsuits that have been filed against that entity, its directors, partners, principals, and/or board members, based on a breach of contract by that entity in the five (5) years prior to bid or proposal submittal, including the case name and number and the disposition

of the case; (b) any instances in the five (5) years prior to bid or proposal submittal where that entity has been defaulted and a brief description of the circumstances; and (c) all of the instances in the five (5) years prior to bid or proposal submittal where that the entity has been debarred or received a formal notice of noncompliance or non-performance, such as a notice to cure or a suspension from participating or bidding for contracts, whether related to Miami-Dade County or not. The Mayor or Mayor's designee shall also develop specifications to be contained within the competitive solicitation documents to give effect to the intent of this resolution. Any findings reported in any such affidavit shall be considered by the Mayor or Mayor's designee in making a recommendation of responsibility, and shall be reported to this Board together with any recommendation for award to be made by this board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. 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 22nd day of January, 2014. 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.

DF

Daniel Frastai