

# MEMORANDUM

Agenda Item No. 7(D)

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

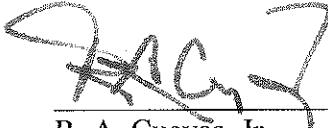
**DATE:** (Second Reading 4-21-15)  
February 18, 2015

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

**SUBJECT:** Ordinance amending  
Section 2-8.5.1 of the Code of  
Miami-Dade County, Florida to  
extend veterans' procurement  
preference to wartime veterans;  
providing severability, inclusion  
in the Code, and an effective date

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The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Barbara J. Jordan and Commissioner Jose "Pepe" Diaz.

  
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R. A. Cuevas, Jr.  
County Attorney

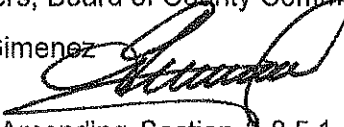
RAC/lmp

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** April 21, 2015

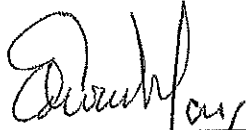
**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Amending Section 2-8.5.1 of the Code of Miami-Dade County, to Extend  
Veterans' Procurement Preference to Wartime Veterans

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The Ordinance referenced above amends the existing Code relating to the application of a Veterans' Procurement Preference by expanding the application of the preference to include all United States Veterans rather than the current practice, which only applies to "Service-Disabled" Veterans. This will mirror a recent modification made to Section 295.187 of the Florida Statutes. There is no anticipated fiscal impact resulting from this change.



Edward Marquez  
Deputy Mayor

Fis03715



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** April 21, 2015

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

**SUBJECT:** Agenda Item No. 7(D)

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. 7(D)  
4-21-15

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-8.5.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO EXTEND VETERANS' PROCUREMENT PREFERENCE TO WARTIME VETERANS; 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 2-8.5.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Sec. 2-8.5.1. **Procedure to Provide Preference to Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprises in County Contracts.**

- (1) Definition: "Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprise" is a firm that is (a) a local business pursuant to Section 2-8.5 of the Code of Miami-Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a ~~[[service-disabled]]~~ veteran business enterprise pursuant to Section 295.187 of the Florida Statutes.
- (2) A Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprise that submits a bid for a contract shall receive a bid preference of five percent of the bid price. These preferences will only be used for evaluating and awarding the bids and shall not affect the contract price. However, if a Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprise is the lowest bidder as a result of a Best and Final Bid (also known as a BAFO), then the price submitted as part of the Best and Final Bid shall be the contract price.

<sup>1</sup> 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.

- (3) A Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprise that submits a proposal in response to an RFP, RFQ, RFI or a Notice to Professional Consultants that assigns weights to evaluation and selection criteria shall receive an additional five percent of the evaluation points scored on the technical portion of such bidder's proposal.
- (4) In procurements where SBE (Small Business Enterprises) measures are being applied, a Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprise who is also an SBE shall not receive the veteran preferences provided in this section and shall be limited to any applicable SBE preferences.
- (5) At the time of bid or proposal submission, the firm must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit this affirmation and a copy of the actual certification along with the bid or proposal submission.
- (6) In the event that Broward, Palm Beach or Monroe County extend preferences to Local Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprises, Miami-Dade County may enter into an inter-local agreement with such County wherein the preferences of this section may be extended and made available to vendors that are both Certified ~~[[Service-Disabled]]~~ Veteran Business Enterprises >>(as such term is defined in Section 295.187 Florida Statutes)<< and considered local vendors in those counties pursuant to Section 2-8.5 of the Code of Miami-Dade County. Nothing in this ordinance is meant to limit any preferences otherwise available to local businesses pursuant to the Code.

**Section 2.** It is the intention of the Board of County Commissioners in amending Section 2-8.5.1 of the Code of Miami-Dade County, as set forth above, to align that provision with Section 295.187, Florida Statutes, which was amended in 2012 to extend benefits previously provided exclusively to service-disabled veterans to "wartime veterans," as defined in that statute.

**Section 3.** 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 4.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of Section 1 of this ordinance 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 5.** 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:



Prepared by:



Miguel A. Gonzalez

Co-Prime Sponsors: Commissioner Barbara J. Jordan  
Commissioner Jose "Pepe" Diaz