

# MEMORANDUM

Agenda Item No. 11(A)(17)

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

**DATE:** April 21, 2015

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

**SUBJECT:** Resolution directing the County Mayor to incorporate into all County solicitations information regarding the veterans' preference created pursuant to Section 2-8.5.1 of the Code to provide information regarding such veterans' preference at workshops or information sessions for new or existing County vendors and at pre-bid and pre-solicitation conferences

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/Imp



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(Revised)

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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)(17)  
4-21-15

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

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO INCORPORATE INTO ALL COUNTY SOLICITATIONS INFORMATION REGARDING THE VETERANS' PREFERENCE CREATED PURSUANT TO SECTION 2-8.5.1 OF THE CODE OF MIAMI-DADE COUNTY, TO PROVIDE INFORMATION REGARDING SUCH VETERANS' PREFERENCE AT WORKSHOPS OR INFORMATION SESSIONS FOR NEW OR EXISTING COUNTY VENDORS AND AT PRE-BID AND PRE-SOLICITATION CONFERENCES, AND TO CROSS-REFERENCE ATTENDANCE LISTS FOR PRE-BID OR PRE-PROPOSAL CONFERENCES WITH THE LIST OF CERTIFIED VETERAN BUSINESS ENTERPRISES MAINTAINED BY THE STATE OF FLORIDA DEPARTMENT OF MANAGEMENT SERVICES AND INFORM QUALIFYING PARTICIPANTS OF THE VETERANS' PREFERENCE

**WHEREAS**, in 2008, the Florida Legislature adopted the statute now known as the Florida Veteran Business Enterprise Opportunity Act (the "Act"), which is set forth in § 295.187 of the Florida Statutes; and

**WHEREAS**, the Florida Legislature's intent in adopting the Act was to "rectify the economic disadvantage of service-disabled veterans, who are statistically the least likely to be self-employed when compared to the veteran population as a whole and who have made extraordinary sacrifices on behalf of the nation, the state, and the public, by providing opportunities for service-disabled veteran business enterprises" as set forth in the Act; and

**WHEREAS**, in 2012, the Legislature amended the Act to extend to wartime veterans the contracting preference previously provided exclusively to service-disabled veterans; and

**WHEREAS**, the Act provides that state agencies, "when considering two or more bids, proposals, or replies for the procurement of commodities or contractual services, at least one of

which is from a certified veteran business enterprise, which are equal with respect to all relevant considerations, including price, quality, and service, shall award such procurement or contract to the certified veteran business enterprise”; and

**WHEREAS**, the Act directed two state departments—the Department of Veterans’ Affairs and the Department of Management Services—to administer the program, including through the establishment of certification procedures, identification of eligible veteran business enterprises, and dissemination of information; and

**WHEREAS**, in addition to establishing the program for state contracting purposes, the Act encouraged counties to “offer a similar consideration to businesses certified” under the Act; and

**WHEREAS**, following the Legislature’s encouragement, this Board adopted Ordinance No. 09-68, which is codified in section 2-8.5.1 of the Code of Miami-Dade County (“Code”) and extends a preference in County contracting to firms that are (1) local businesses as defined in section 2-8.5 of the Code and (2) certified by the state as service-disabled veteran business enterprises; and

**WHEREAS**, under section 2-8.5.1 of the Code, qualifying firms submitting bids receive a bid preference of five percent of the price bid and those submitting responses to qualitative solicitations (e.g., requests for proposals or requests for qualifications) receive an additional five percent of the evaluation points scored on the technical portion of the proposal; and

**WHEREAS**, it has come to this Board’s attention, most recently from concerned citizens at this Board’s December 16, 2014 meeting, that County vendors may not be adequately informed of the benefits provided under section 2-8.5.1 of the Code; and

**WHEREAS**, this Board desires to ensure that its policies are implemented in an effective manner,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that:

**Section 1.** The County Mayor or Mayor's designee shall incorporate all County-issued solicitations for the purchase of goods and services (including professional, construction, and architectural/engineering services) information regarding the veterans' preference created under section 2-8.5.1 of the Code, as it may be amended from time to time, including detailed instructions as to how the potential participant in the solicitation may avail itself of the veterans' preference.

**Section 2.** At any workshops or information sessions for new or existing County vendors concerning the County's procurement processes and at pre-bid and pre-solicitation conferences, the County Mayor or Mayor's designee shall provide information about section 2-8.5.1 of the Code and encourage firms to seek certification through the Florida Department of Management Services.

**Section 3.** The County Mayor or Mayor's designee shall cross-reference attendance lists from County pre-bid or pre-proposal conferences with the list of certified veteran business enterprises maintained by the Florida Department of Management Services and inform any qualifying participants of the veterans' preference created under section 2-8.5.1 of the Code.

**Section 4.** The County's failure to comply with sections 1, 2, and/or 3 of this resolution shall not be grounds to invalidate a procurement or to file a protest.

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:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 21<sup>st</sup> day of April, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

MAG

Miguel A. Gonzalez

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