Memorandum

MIAMI-DADE COUNTY

Date: March 8, 2016

Agenda Item No. 9(A)(1)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing the Designated Purchase of Services for Transport, Impoundment and Care of Large Animals, and Approving Terms and Execution of a Second Retroactive Amendment to the Agreement with South Florida Society for the Prevention of Cruelty to Animals

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing the Designated Purchase of services for the transport, impoundment, and care of large animals in accordance with Section 2-8.1(b)(3) of the Code of Miami-Dade County by a two-thirds vote of the Board members present; approving the terms and execution of a Second Retroactive Amendment to the Agreement with South Florida Society for the Prevention of Cruelty to Animals (SFSPCA) in order to pay SFSPCA an additional $75,000.00 for Fiscal Year (FY) 2013-14 for a total amount of $175,000.00 in FY 2013-14; and authorizing the Miami-Dade County (County) Mayor or Mayor's Designee to exercise all rights conferred within such Amendment.

SCOPE

The impact of this item is countywide in nature, as services rendered are open throughout Miami-Dade County.

FISCAL IMPACT/FUNDING SOURCE

The amount of $175,000.00 per year was budgeted and approved by the Board through the budget ordinance for FY 2013-14. After receiving such invoices and verifying the expenditures, the County will reimburse SFSPCA for services provided under this Agreement in an amount not to exceed $175,000.00 for FY 2013-14.

TRACK RECORD/MONITOR

Kathy Labrada, Animal Services Department (ASD) Operations and Enforcement Chief, will monitor the surgical performance and Virginia Diaz, ASD Chief of Licensing and Finance, will monitor contractual compliance.

BACKGROUND

The County currently has an Agreement with SFSPCA to transport, impound, and care for large animals that are stray or victims of cruelty and neglect in order to comply with Florida Statute Sections 828.27 and 588.17-24, which require the aforementioned functions from the County. The current Agreement between the County and SFSPCA for these services, which was approved by Resolution No. R-81-11 on February 1, 2011, was in the amount of $100,000.00 per fiscal year. As such, this fiscal year ASD was able to pay invoices totaling $100,000.00 for services rendered by SFSPCA under that Agreement.

Pursuant to Resolution No. 619-15, this Board authorized the execution of the First Retroactive Amendment ot the Agreement, which related only to FY 2014-15. Further, this item authorizes the execution of a Second Retroactive Amendment to the current Agreement between the County and SFSPCA for the transport, impoundment, and care of large animals, increasing the total amount of reimbursement for services from $100,000.00 to $175,000.00 only for FY 2013-14 in order to allow ASD to reimburse SFSPCA for services rendered during FY 2013-14. This additional $75,000.00 in funding was approved by the Board through the FY 2013-14 budget ordinance in order to pay the pending invoices totaling that amount.

This resolution allows Miami-Dade County, through its ASD, to procure services for the transport, impoundment, and care of large animals in cases of cruelty and neglect from the SFSPCA without formal solicitation of competitive bids. It is not practicable to purchase these services through competitive bidding as SFSPCA is the sole source of services for the transport, impoundment, and care of large animals. Therefore, it is in the best interest of the County to purchase these services in consideration of this criteria, along with the price.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 9(A)(1)

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**

_____ **Statement of social equity 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. 9(A)(1)
3-8-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE DESIGNATED PURCHASE OF SERVICES FOR TRANSPORT, IMPOUNDMENT AND CARE OF LARGE ANIMALS IN ACCORDANCE WITH SECTION 2-8.1(B)(3) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT TO APPROVE TERMS AND EXECUTION OF A SECOND RETROACTIVE AMENDMENT TO THE AGREEMENT WITH SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (SFSPCA) IN ORDER TO PAY SFSPCA ADDITIONAL $75,000.00 FOR FY 13-14 FOR A TOTAL AMOUNT OF $175,000 IN FY 13-14; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL RIGHTS CONFERRED WITHIN SUCH AMENDMENT

WHEREAS, This Board desires to accomplish the purpose outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA that this Board authorizes, in accordance with Section 2-8.1(b)(3) of the Code of Miami-Dade County and by a vote of two-thirds (2/3) of the Board members present, a designated purchase of services for the transport, impoundment and care of large animals, and approves the terms and execution of a Second Retroactive Amendment to the Agreement with the South Florida Society for the Prevention of Cruelty to Animals ("SFSPCA") in order to pay SFSPCA the additional amount of $75,000.00 in FY 2013-14 for a total amount of $175,000.00 in FY 2013-14; and authorizing the County Mayor or Mayor's designee to exercise all rights conferred within such Second Amendment.

The foregoing resolution 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 8th day of March, 2016. 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.

Sabrina Levin

SECOND RETROACTIVE AMENDMENT TO AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

THIS SECOND RETROACTIVE AMENDMENT TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (the "**Amendment**") is made and entered into as of _____, 2015 (the "**Amendment Effective Date**") by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida (the "**County**"), through its Animal Services Department, and the SOUTH FLORIDA SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ("SFSPCA"), each of which may also be referred to as a "**Party,**" and which may be referred to jointly as the "**Parties**."

RECITALS

WHEREAS, the Parties previously entered into an Agreement for the transport, impoundment and care of large animals in cases of cruelty or neglect, as approved by Resolution No. R-81-11 on February 1, 2011 ("Agreement"); and

WHEREAS, the Agreement limited the County's reimbursement to SFSPCA for those services to $100,000.00 per year; and

WHEREAS, an amount of $175,000 per year was budgeted and approved by the Board of County Commissioners for such services through the budget ordinance for fiscal year 2013/2014; and

WHEREAS, SFSPCA rendered such services up to the amount of $175,000.00 during fiscal year 2013/2014; and

WHEREAS, the Parties are desirous of amending the Agreement as set forth herein in order to provide funding for the services rendered during fiscal year 2013/2014; and

WHEREAS, the Parties previously executed a retroactive amendment of the Agreement which was approved on June 30, 2015 by the Board of County Commissioners pursuant to Resolution No. R-619-15 , which increased the County's maximum reimbursement amount to SFSPCA for year 2014/2015 to $175,000.00,

NOW, THEREFORE, for and in consideration of the mutual promises set forth herein, the adequacy of which is hereby accepted and acknowledged by the Parties, the County and SFSPCA agree that the foregoing recitals are correct, and further state as follows:

Section 1. Page 3 of 5 of the Agreement, under the heading "TERMS OF CONTRACT," the subsection titled "Funding" is hereby amended to delete the last two sentences of the paragraph, which were added pursuant to Resolution No. R-619-15, and replace them with the following language:

> For Fiscal Years 2013/2014 and 2014/2015, the County has allocated $175,000 to Animal Services for the transport,

impoundment and care of large animals in cases of cruelty or neglect. Accordingly, the County will reimburse the SFSPCA for services rendered under this Agreement during that timeframe, in an amount up to $175,000.00.

Section 2. All other provisions of the Agreement not expressly modified as set forth herein, remain in full force and effect.

IN WITNESS WHEREOF, each of the parties to the Agreement has caused this Amendment to be executed by its duly authorized officers and its corporate seal to be heretounder affixed and attested as of the date first above written.

ATTEST: Harvey Ruvin
Clerk of the Board

By: _____
Deputy Clerk
Date: _____

MIAMI-DADE COUNTY,
FLORIDA BY ITS BOARD OF
COUNTY COMMISSIONERS

By: _____
Carlos A. Gimenez, County Mayor
Date: _____

Approved by County Attorney as to form and legal sufficiency._____

WITNESSES:

_____
Witness Signature / Printed Name

_____
Witness Signature / Printed Name

SFSPCA

By: _____
Name: JOHN GARCIA
Title: DIRECTOR

(seal)

Date: 25 JANUARY 2016