

MEMORANDUM

Agenda Item No. 7(D)

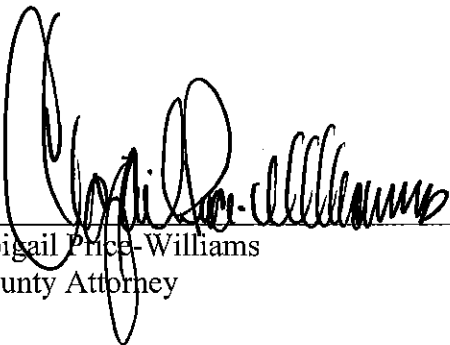
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: (Second Reading 6-7-16)
April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance amending section
2-8.1 of the Code creating a
procedure for single vehicle
leases and excluding such leases
from the cone of silence and the
user access program and
inspector general fees; providing
severability, inclusion in the
Code, and an effective date

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.



Abigail Price-Williams
County Attorney

APW/Imp

Memorandum



Date: June 7, 2016

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

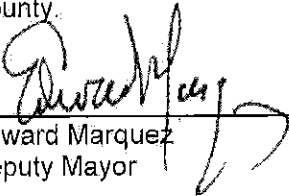
From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Fiscal Impact Statement for Ordinance Relating to Creation of a Procurement Procedure for Single Vehicle Leases

The proposed ordinance relating to single vehicle leases amends Section 2-8.1 of the Code of Miami-Dade County creating a procurement provision specific to single vehicle leases and excludes said leases from the Core of Silence, and User Access Program and Inspector General Fees. It will allow the Mayor or his Designee to enter into direct negotiations with potential vendors, upon completion of market research, to ensure that Miami-Dade County obtains the best value for the requested lease on single lease purchases of up to \$50,000.

It is anticipated that the implementation of this ordinance will not have a fiscal impact to Miami-Dade County.



Edward Marquez
Deputy Mayor

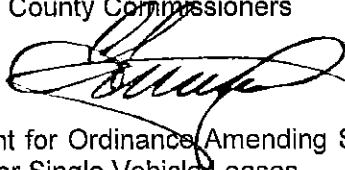
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Memorandum



Date: June 7, 2016

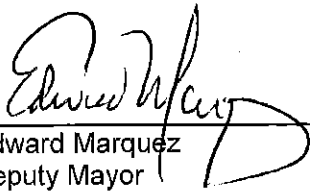
To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Social Equity Statement for Ordinance Amending Section 2-8.1 of the County Code
Creating a Procedure for Single Vehicle Leases

The proposed Ordinance amends Section 2-8.1 of the Code of Miami-Dade County creating a procedure for single vehicle leases and excluding such leases from the Cone of Silence, User Access Program and Inspector General Fees. The Ordinance provides flexibility in the manner of selecting a vendor for a County-leased vehicle, allowing direct negotiations with a vendor and waiving competitive bidding.

Providing flexibility in the manner in which a vendor is selected for leased vehicles will result in timely acquisitions. There are no known benefits or burdens that will affect the community.



Edward Marquez
Deputy Mayor



MEMORANDUM

(Revised)

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

DATE: June 7, 2016

FROM: Abigail Price-Williams
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
- 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. 7(D)
6-7-16

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE
CREATING A PROCEDURE FOR SINGLE VEHICLE LEASES
AND EXCLUDING SUCH LEASES FROM THE CONE OF
SILENCE AND THE USER ACCESS PROGRAM AND
INSPECTOR GENERAL FEES; PROVIDING SEVERABILITY,
INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the County leases vehicles for individuals (such as County Commissioners, the State Attorney, the Public Defender, etc.) pursuant to law, rule or County contract; and

WHEREAS, the lease of a single vehicle is dependent on dealer stock and pricing which can vary dramatically on a daily basis; and

WHEREAS, providing flexibility in the manner of selecting a vendor for a County leased vehicle and exclusion of such leases from the "Cone of Silence" and User Access Program and Inspector General fees will allow the County to obtain these leases on a cost effective basis; and

WHEREAS, the Board finds that it is best interest of the County to allow direct negotiations with a vendor in the in this area and to waive competitive bidding and the aforementioned requirements of the Code of Miami-Dade County,

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

Section 1. Section 2-8.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.1. Contracts and purchases generally.

* * *

(b) (1) Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases. Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of two hundred fifty thousand dollars (\$250,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this to be in the best interest of the County. The Mayor or Mayor's designee is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The Mayor or Mayor's designee shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The Mayor or Mayor's designee shall further be required to report to this Board on a bi-annual basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the Mayor's or Mayor's designee exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The Mayor or Mayor's designee is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing one million dollars (\$1,000,000.00) or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution five million dollars (\$5,000,000.00) or less, without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the Mayor or Mayor's designee to exercise an option to renew any contract where the combined value

¹ 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.

for such contract's initial term and the option to renew would exceed one million dollars (\$1,000,000.00), and in such instances the Mayor or Mayor's designee shall obtain the prior authorization of the County Commission to exercise such option. The Mayor or Mayor's designee may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Mayor or Mayor's designee deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The Mayor or Mayor's designee is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The Mayor or Mayor's designee shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the Mayor or Mayor's designee requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The Mayor or Mayor's designee may designate appropriate County staff to exercise the authority delegated hereunder by implementing order, approved by the Board of County Commissioners.

* * *

>>(4) Procedures for single vehicle leases. Formal sealed bids shall not be required for the lease of a vehicle by the County for an individual entitled to such vehicle from the County by law, rule or contract where the total value of such lease shall not exceed fifty thousand dollars (\$50,000.00). For such procurements, the County Mayor or County Mayor's designee is authorized to enter into direct negotiations with potential vendors upon completion of market research to ensure that the County obtains the best value for the requested lease. The "Cone of Silence," as set forth in Section 2-11.1(t) of the Code, and the User Access Program and Inspector General fees as set forth in Sections 2-8.10 and 2-1076(6) of the Code respectively, shall not apply to car leases under this Subsection. An award of a single vehicle lease under this Subsection shall not be subject to the competitive bidding and protest procedures set forth in Sections 2-8.1 and 2-8.4 of the Code. The County Mayor or County Mayor's designee is hereby delegated the authority to award such leases without the need for further action by the Board.<<

* * *

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 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.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

APW
OR

Prepared by:

Oren Rosenthal

Prime Sponsor: Commissioner Rebeca Sosa