

MEMORANDUM

HSSSED
Agenda Item No. 1(G)1

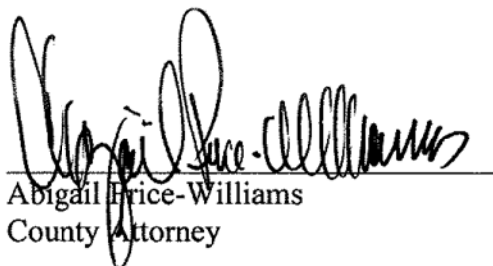
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 11, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to contracting preferences; creating section 2-8.5.2 of the Code; revising provisions of the preferences given to small business enterprises to be consistent with local, locally headquartered, and local certified veteran business preferences; establishing order and method of application of certain preferences; providing an exception under certain circumstances; providing for implementation

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


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: January 23, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 4(F)

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 ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 4(F)
1-23-19

ORDINANCE NO. _____

ORDINANCE RELATING TO CONTRACTING PREFERENCES; CREATING SECTION 2-8.5.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING PROVISIONS OF THE PREFERENCES GIVEN TO SMALL BUSINESS ENTERPRISES TO BE CONSISTENT WITH LOCAL, LOCALLY HEADQUARTERED, AND LOCAL CERTIFIED VETERAN BUSINESS PREFERENCES; ESTABLISHING ORDER AND METHOD OF APPLICATION OF CERTAIN PREFERENCES; PROVIDING AN EXCEPTION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR IMPLEMENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, to provide opportunities for small businesses within Miami-Dade County, section 2-8.1.1.1.1 and section 2-8.1.1.1.2 of the Code of Miami Dade County provide, among other measures, bid preferences and selection factors for businesses certified as Small Business Enterprises when competing for Miami-Dade County contracts against businesses not certified; and

WHEREAS, to provide opportunities to all businesses located and headquartered within Miami-Dade County, section 2-8.5 of the Code of Miami-Dade County, entitled the Procedure to provide preference to local business in county contracts, provides preferences for local and locally headquartered businesses when competing for Miami-Dade County contracts against businesses not located or not locally headquartered within Miami-Dade County; and

WHEREAS, to provide opportunities to businesses certified by the State of Florida as veteran business enterprises under section 295.187, Florida Statutes, section 2-8.5.1 of the Code of Miami-Dade County (“Procedure to Provide Preference to Local Certified Veteran Business Enterprises in County Contracts”) provide a bid preference for businesses so certified over those not certified; and

WHEREAS, the three preferences express the policy of this Board but are based on different factors, the first determined by firm size, the second by presence in the County; and the third by the status of the business as a certified veteran business; and

WHEREAS, this Board wishes to reconcile and clarify the application of the preferences and provide for their consistent application in contracting,

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

Section 1. Section 2-8.5.2 of the Code of Miami-Dade County is hereby created to read as follows:

Sec. 2-8.5.2 - Application of contracting preferences.

In any competitive process conducted by the County where the County is required to apply one or more of the preferences provided in the Code, the preferences will be applied in the following manner:

- (1) The County will apply first the preferences available to Small Business Enterprises under sections 2-8.1.1.1.1(3)(c)(3), 2-8.1.1.1.1(3)(c)(4), and 2-8.1.1.1.2(3)(c)(3) without reference to preferences which may be available to local or locally headquartered businesses under other provisions of the Code.
- (2) The County will apply the local and locally headquartered business preferences only after applying the preferences provided in subsection 1 above.

- (3) In determining whether a Small Business Enterprise is entitled to the opportunity to submit a best and final bid equal to or lower than the low bid under section 2-8.5(2)(a)(1), the bid of the Small Business Enterprise shall be reduced by the amount of any preference to which the Small Business Enterprise is entitled under section 2-8.1.1.1(3)(c)(3) and section 2-8.1.1.2(3)(c)(3), which shall be referred to as the SBE evaluation price. The SBE evaluation price shall be used for evaluating the Small Business Enterprise's opportunity to participate in the best and final bid.
- (4) In determining whether a Small Business Enterprise is entitled to proceed to negotiations or advance to the next step in the solicitation process under section 2-8.5(2)(b), the SBE Proposer shall be entitled to the application of the Selection Factor available to the SBE under section 2-8.1.1.1(3)(c)(4) by the addition of 10 percent of the total evaluation points to the technical portion of the SBE's proposal, which shall be referred to as the SBE evaluation score. The SBE evaluation score shall be added to the price score, if applicable, to determine the final rankings.
- (5) The preference to Local Certified Veteran Business Enterprises provided for under section 2-8.5.1 shall be applied without reference to any bid preference or selection factor available to a Small Business Enterprise.

Section 2. The provisions of this ordinance shall be implemented by including its requirements in competitive solicitations issued after its effective date. The Mayor is hereby directed to implement the provisions of this section through appropriate specifications not later than 30 days following its effective date. Where the Mayor determines that the method of solicitation utilized by the County prevents the application of the ordinance in the manner set forth in section 1 above, the solicitation documents shall provide for the method of application of the preferences consistent with the intent of this ordinance. Such alternate application shall be disclosed to the Board in any related award recommendation.

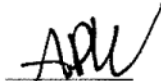
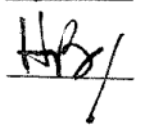
Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 4. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of 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 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:

Hugo Benitez

Prime Sponsor: Commissioner Barbara J. Jordan