

MEMORANDUM

Agenda Item No. 11(A)(1)


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


DATE: July 23, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution establishing a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions; directing County Mayor to: (1) implement a policy of disclosure of discrimination lawsuits; (2) require in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10 year period through the date of the solicitation or non-competitive award recommendation; and (3) provide a report to the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney 

APW/lmp



MEMORANDUM
(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
- 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 present ____, 2/3 membership ____, 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. 11(A)(1)
7-23-19

RESOLUTION NO. _____

RESOLUTION ESTABLISHING A POLICY OF MIAMI-DADE COUNTY FOR DISCLOSURE OF PAST AND PRESENT DISCRIMINATION LAWSUITS IN SOLICITATION SUBMISSIONS; DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO: (1) IMPLEMENT A POLICY OF DISCLOSURE OF DISCRIMINATION LAWSUITS; (2) REQUIRE IN COMPETITIVE AND NON-COMPETITIVE SOLICITATION DOCUMENTS THE DISCLOSURE OF LAWSUITS THAT INCLUDE ALLEGATIONS OF DISCRIMINATION AND DISPOSITIONS OF SUCH LAWSUITS FOR A 10 YEAR PERIOD THROUGH THE DATE OF THE SOLICITATION OR NON-COMPETITIVE AWARD RECOMMENDATION; AND (3) PROVIDE A REPORT TO THE BOARD

WHEREAS, Miami-Dade County (the "County") is a multi-ethnic community; and

WHEREAS, this Board encourages and fosters an environment of diversity, equity, and inclusion in all County business operations and practices; and

WHEREAS, pursuant to section 11A-1(1) of the Code of Miami-Dade County (the "Code"), it is the policy of the County to eliminate and prevent various types and forms of discrimination, including discrimination in employment; and

WHEREAS, section 2-8.6 of the Code requires any (i) individual convicted of a felony during the past ten years, and (ii) any corporation, partnership, joint venture or other legal entity having an officer, director or executive convicted of a felony during the past ten years, to disclose this information at the time of bid or proposal submission; and

WHEREAS, the County has a policy of contracting only with responsible contractors; and

WHEREAS, such a disclosure of lawsuits which include allegations of discrimination may be utilized by the County in the evaluation of the responsibility of the proposed County contractor; and

WHEREAS, such a disclosure of lawsuits which include allegations of discrimination in solicitation submissions is beneficial to the County and its community,

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

Section 1. The Board establishes a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

Section 2. The County Mayor or County Mayor’s designee is directed to implement this policy for the disclosure of past and present lawsuits which allege discrimination, in solicitation submissions, and develop any implementing orders, policy statements, and directives necessary to support and promote the policy.

Section 3. The County Mayor of County Mayor’s designee is further directed to require that any respondent being considered for a competitive or non-competitive contract award disclose any lawsuit filed against it that contain allegations of discrimination and the disposition of such lawsuits, or a statement that there are no such lawsuits, for a period of ten years prior to the date of the solicitation or non-competitive award recommendation. This requirement shall be included in County solicitation documents.

Section 4. The County Mayor or County Mayor’s designee is further directed to provide a report to this Board, in accordance with Ordinance No. 14-65, on such orders and procedures implemented in furtherance of this policy within 60 days of the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan and the Co-Sponsor is Commissioner Daniella Levine Cava. 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:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose "Pepe" Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 23rd day of July, 2019. 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.

dsh

David Stephen Hope