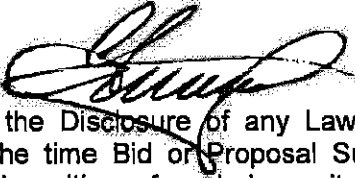


Memorandum



Date: February 28, 2020

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

From: Carlos A. Gimenez
Mayor 

Subject: Report Regarding the Disclosure of any Lawsuits which Include Allegations of Discrimination at the time Bid or Proposal Submittal, and Consideration of the Information and Disposition of such Lawsuits in the Evaluation of Prospective Contractor's Responsibility for Competitive and Non-Competitive Award Recommendations - Directive No. 190936

Agenda Item No. 2(B)(6)
May 5, 2020

This report is provided in response to Resolution No. R-828-19, adopted at the July 23, 2019 meeting of the Board of County Commissioners (Board), directing the County Mayor or the County Mayor's designee to implement a 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. Specifically, the resolution requires the following:

1. Include language in competitive solicitation documents for goods and services, including professional services in compliance with §287.005, requiring prospective contractors **[the individual or legal entity]** to disclose in their submissions any lawsuits filed against it **[the individual or legal entity]** in the past ten years which include allegations of discrimination and the disposition of any such lawsuits prior to the recommendation for award of a non-competitive acquisition;
2. Consider the information disclosed in the evaluation of any prospective contractor's responsibility prior to award recommendation, competitive or otherwise; and,
3. Submit a report detailing the proposed policies consistent with the Resolution, including a draft Implementing Order.

The Internal Services Department (ISD) has incorporated language into its solicitation documents and standard terms and conditions for goods and services contracts in compliance with §287.005, requiring prospective contractors to disclose any lawsuits filed in the past ten years which allege discrimination, as well as their disposition; and how the information may be utilized by the County in determining the responsibility of a prospective contractor, prior to award recommendation.

ISD will work together with the Human Rights & Fair Employment Practices Division of the Human Resources department to develop general guidance and standards, which will be used to assist in the review of the responsibility of prospective contractors where a past or present discrimination lawsuit has been disclosed in a solicitation submission.

Upon entering into a goods and services contract, the prospective contractor must acknowledge that the purposeful omission of information, or submission of false statements, regarding "any lawsuits alleging discrimination in the past ten years, and/or their disposition," may be cited as a specific reason for debarment.

In lieu of creating a new Implementing Order, failure to comply with the policies outlined in the Resolution are already cited as "causes for debarment" in Section 10-38 of the Code of Miami-Dade County, titled *Debarment of Contractors from County Work*, which govern the administrative debarment process in serious and compelling matters that may affect the responsibility of a County contractor and/or prospective contractor in performing County work.

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
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Pursuant to Ordinance No. 14-65, this report will be placed on the next available Board agenda. Should you require additional information, please contact Tara C. Smith, Director, Internal Services Department at 305-375-5893.

c: Abigail Price-Williams, County Attorney
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