

MEMORANDUM

Agenda Item No. 14(A)(2)

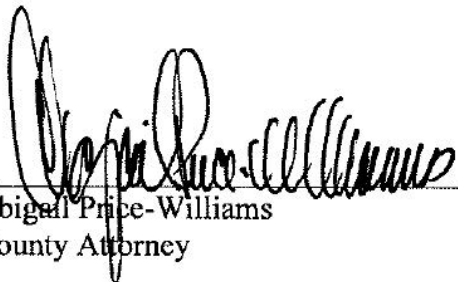
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: April 7, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to (1) whenever practicable and in a manner that does not jeopardize federal emergency management reimbursements, make emergency purchases from local businesses and local small businesses during the coronavirus disease 2019 (COVID-19) State of Emergency; and (2) in ratification items presented to the board for COVID-19 emergency purchases, identify whether such emergency purchases were made from local businesses or local small businesses or reasons why such emergency purchases from local businesses or local small businesses were impracticable

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz and Co-Sponsors Commissioner Daniella Levine Cava, Commissioner Sally A. Heyman and Commissioner Eileen Higgins.



Abigail Price-Williams
County Attorney

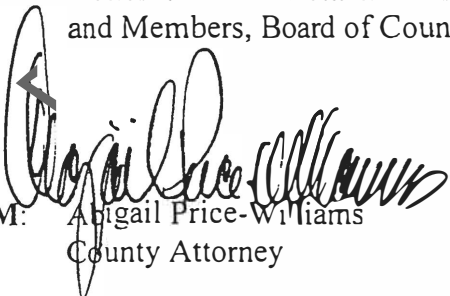
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MEMORANDUM
(Revised)

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

DATE: April 7, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

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. 14(A)(2)
4-7-20

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) WHENEVER PRACTICABLE AND IN A MANNER THAT DOES NOT JEOPARDIZE FEDERAL EMERGENCY MANAGEMENT REIMBURSEMENTS, MAKE EMERGENCY PURCHASES FROM LOCAL BUSINESSES AND LOCAL SMALL BUSINESSES DURING THE CORONAVIRUS DISEASE 2019 (COVID-19) STATE OF EMERGENCY; AND (2) IN RATIFICATION ITEMS PRESENTED TO THE BOARD FOR COVID-19 EMERGENCY PURCHASES, IDENTIFY WHETHER SUCH EMERGENCY PURCHASES WERE MADE FROM LOCAL BUSINESSES OR LOCAL SMALL BUSINESSES OR REASONS WHY SUCH EMERGENCY PURCHASES FROM LOCAL BUSINESSES OR LOCAL SMALL BUSINESSES WERE IMPRACTICABLE

WHEREAS, our community, along with our state and country, are in the midst of a global pandemic due to the spread of coronavirus disease 2019 (COVID-19); and

WHEREAS, all levels of government, federal, state and local, have declared a state of emergency due to the COVID-19 pandemic; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, the County Mayor declared a State of Emergency for all of Miami-Dade County; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of our community, state and country; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has issued guidance entitled “15 Days to Slow the Spread,” encouraging social distancing and maintaining a six foot separation between persons to slow the spread of infection and that events with more than 10 attendees either be cancelled or held virtually; and

WHEREAS, this social distancing guidance has been extended through the end of April; and

WHEREAS, like much of the country, Miami-Dade County has taken action to slow the dangerous spread of COVID-19 infection by enacting social distancing measures and Safer at Home orders that have led to the closing of many businesses and retail establishments; and

WHEREAS, this COVID-19 shutdown has profoundly damaged our nation’s economy as millions of Americans are losing their jobs and slashing their spending and many local and small businesses are shutting down or struggling to stay afloat; and

WHEREAS, Miami-Dade County Implementing Order 3-38 defines an emergency purchase as an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any other purchasing methods; and

WHEREAS, because competitive bidding is impractical for many purchases of supplies, materials and services during the COVID-19 pandemic the County has made and will continue to engage in emergency purchases to respond to critical needs created by the COVID-19 emergency and to keep essential government operations moving forward; and

WHEREAS, emergency purchases in excess of \$250,000.00 are subject to ratification by the Board; and

WHEREAS, in the same way that this Board wants to protect our community's health from the effects of the COVID-19, this Board wants to assist local and small businesses from the damage the COVID-19 shutdown is causing economically,

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

Section 1. The foregoing recitals are hereby incorporated as true and correct.

Section 2. To the extent practicable and in a manner that does not jeopardize federal emergency management reimbursements, the Board directs the County Mayor or County Mayor's designee to make emergency purchases for goods or services from local businesses and local small businesses during the COVID-19 emergency period.

Section 3. This Board directs the County Mayor or County Mayor's designee, in any item presented to the Board seeking ratification of COVID-19 emergency purchases of goods or services, to identify in the memorandum accompanying the item whether such emergency purchases were from local businesses or local small businesses, provide information identifying the local business or local small business from which the County is purchasing, and to the extent that the County is not purchasing from a local or local small business, the reasons why it was impracticable to purchase the goods or services from a local business or local small business.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz and the Co-Sponsors are Commissioner Daniella Levine Cava, Commissioner Sally A. Heyman and Commissioner Eileen Higgins. 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 7th day of April, 2020. 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.



Eduardo W. Gonzalez