

MEMORANDUM

Amended
Agenda Item No. 7(E)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

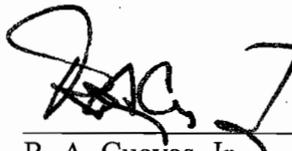
DATE: (Second Reading 10-2-07)
June 26, 2007

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending
Sec. 2-8.2.10 of the Code
relating to procurement
procedures for contracts
funded by GOB program

O#07-141

The accompanying ordinance was prepared and placed on the agenda at the request of Commissioner Katy Sorenson and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

RAC/bw

Memorandum



Date: October 2, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Engreas
County Manager

Subject: Ordinance amending Sec. 2-8.2.10 of the Code related to procurement procedures for contracts funded by the GOB program

The Ordinance amending Sec. 2-8.2.10 of the Code establishes a Sustainable Buildings Program for projects constructed by any municipality on behalf of the County and funded by the Building Better Communities General Obligation Bond Program.

According to a comprehensive report prepared in October 2003 for the State of California's Sustainable Building Task Force, a group of more than 40 California state government agencies, the average cost premium for the 33 green buildings analyzed for the report fell just under two percent (\$3 to \$5 per square foot). Another study, Costing Green: A Comprehensive Cost Database and Budgeting Methodology, July 2004, by Lisa Fay Matthiessen and Peter Morris of Davis Langdon, Santa Monica, CA, concluded that basic LEED certification (not the higher Bronze, Silver, Gold, or Platinum levels) can be achieved for little or no cost premium. Moreover, for the 61 LEED projects of varying certification levels studied by Davis Langdon, researchers found that more than half of the projects had original budgets set without considering sustainable design, yet received no supplemental funding to achieve certification targets. And, where extra funding was provided, it was typically for specific enhancements or requirements, such as photovoltaic systems. Such supplemental funding ranged between zero and three (3) percent of the initial budget.

Studies such as those cited above indicate that sustainable building design and construction will result in reduced operating and maintenance costs over the life of the building equal to about 20% of the initial construction cost, which represents a tenfold return on investment.

Jennifer Glazer-Moon, Director
Office of Strategic Business Management

fis02007

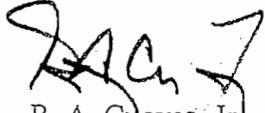


MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

DATE: October 2, 2007


FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
Agenda Item No. 7(E)

Please note any items checked.

- "4-Day Rule" ("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
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(E)
10-02-07

ORDINANCE NO. 07-141

ORDINANCE AMENDING SECTION 2-8.2.10 OF THE CODE OF MIAMI-DADE COUNTY RELATED TO PROCUREMENT PROCEDURES FOR CONTRACTS RELATED TO PROJECTS FUNDED IN WHOLE OR IN PART BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND EFFECTIVE DATE

WHEREAS, Section 2-8.2.10 of the Code of Miami-Dade County (the “Code”) provides that if a project funded in whole or in part by Building Better Communities General Obligation Bond Program funds (“BBC GOB Funds”) is constructed by any municipality on behalf of the County, the provisions of Section 2-10.4.01 and Section 10-33.02 of the Code, respectively, shall apply to such project; and

WHEREAS, on May 8, 2007 this Board enacted Ordinance No. 07-65 (codified in Sections 9-71 through 9-75 of the Code) creating the Sustainable Buildings Program for buildings owned, financed and/or operated by the County; and

WHEREAS, this Board desires to amend Section 2-8.2.10 of the Code to provide that if a project funded in whole or in part by BBC GOB Funds is constructed by any municipality on behalf of the County, the provisions of Sections 9-71 through 9-75 of the Code shall apply to such project unless the municipality elects to apply the requirements of its own sustainable building program to the contracts related to such project,

Amended
 Agenda Item No. 7(E)
 Page 2

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

Section 1. Section 2-8.2.10 of the Code of Miami-Dade County, Florida is amended
 as follows:¹

**Section 2-8.2.10 Procurement policy as to contracts
 related to projects funded in whole
 or in part by Building Better
 Communities General Obligation
 Bond Program Funds.**

- (1) Notwithstanding and prevailing over any other provision of the Code of Miami-Dade County, Florida to the contrary, as to contracts related to projects constructed by any municipality and funded in whole or in part by Building Better Communities General Obligation Bond Program funds, municipalities shall use their own procurement procedures, including bid waivers where permitted by municipal ordinance; provided, however, if a project funded in whole or in part by Building Better Communities General Obligation Bond Program funds is constructed by any municipality on behalf of the County, the provisions of >>Sections 9-71 through 9-75,<< Section 2-10.4.01 and Section 10-33.02, respectively, shall apply to such project. >>The foregoing notwithstanding, a municipality which elects to apply its own sustainable building program to a project shall not be required to apply the provisions of Sections 9-71 through 9-75 to that project.<<

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.

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.

Amended
Agenda Item No. 7(E)
Page 3

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 re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate work.

Section 4. This ordinance shall become effective 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: **October 2, 2007**

Approved by County Attorney as
to form and legal sufficiency:

JAC

Prepared by:

GBK

Geri Bonzon-Keenan

Sponsored by Commissioner Katy Sorenson
and Commissioner Sally A. Heyman

6