



MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

DATE: February 2, 2010

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

SUBJECT: Resolution requiring that construction contracts include language mandating that the scope of work of CSBEs be separately stated and accounted for in schedule of values

Resolution No. R-138-10

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

A handwritten signature in black ink, appearing to read "RAC", written over a horizontal line.

R. A. Cuevas, Jr.
County Attorney

RAC/cp



MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss **DATE:** February 2, 2010
and Members, Board of County Commissioners

FROM: R. A. Cuevas, Jr. **SUBJECT:** Agenda Item No. 11(A)(3)
County Attorney *[Signature]*

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
- Ordinance creating a new board requires detailed County Manager'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 ____) 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)(3)

2-2-10

RESOLUTION NO. R-138-10

RESOLUTION REQUIRING THAT CONSTRUCTION CONTRACTS INCLUDE LANGUAGE MANDATING THAT THE SCOPE OF WORK OF CSBEs BE SEPARATELY STATED AND ACCOUNTED FOR IN SCHEDULE OF VALUES

WHEREAS, this Board wishes to promote the timely and fair payment to Community Small Business Enterprises used as subcontractors in County construction projects; and

WHEREAS, lump-sum County construction contracts typically use a schedule of values to determine the scope of work assigned to the portions of work, to determine percentage of completion of the work, and to make progress payments related to those percentages of completion; and

WHEREAS, current practices do not require the schedule of values to identify separately the work assigned to any subcontractor, but are based on trade categories; and

WHEREAS, the identification of the scope of work assigned to CSBE subcontractors separately within the schedule of values will allow the County to monitor that fair and timely payments are being made to CSBEs, permit the County to inspect the work being done by CSBEs to prevent fronting and other unlawful arrangements, and provide for the more efficient identification and resolution of payment disputes between CSBEs and primes all furthering the policy interests of the CSBE program and Miami-Dade County,

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

Section 1. The Mayor or Mayor’s designee is hereby directed to include in all County contracts for construction requiring the use of a schedule of values to determine progress payments, to require as a condition subsequent to award and prior to the issuance of a notice to proceed, that the scope of work to be performed by any CSBE utilized to satisfy any CSBE goal in the contract be separately identified in such schedule of values. Payment requisitions for the scope of work of such CSBE shall be accompanied by statements of completion of the work of the CSBE and shall be accompanied by appropriate documentation including invoicing and checks reflecting payment of the CSBE for the previous construction draw.

Section 2. The Mayor or Mayor’s designee is hereby directed to develop standard contract specifications and appropriate contracting procedures to give effect to this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Barbara J. Jordan**, who moved its adoption.

The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

	Dennis C. Moss, Chairman	absent	
	Jose "Pepe" Diaz, Vice-Chairman	aye	
Bruno A. Barreiro	absent	Audrey M. Edmonson	absent
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

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The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK



By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "H. Benitez", is written over a horizontal line.

Hugo Benitez