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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM Agenda Item No. 8(O)(1)(G)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 7, 2011

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

SUBJECT: Resolution authorizing a two year extension Interlocal Agreement with Broward County for reciprocity in the extension of local preference to County vendors

Resolution No. R-544-11

The accompanying resolution was prepared by the Department of Procurement Management and placed on the agenda at the request of Prime Sponsor Commissioner Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2011

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Resolution Authorizing a Two Year Extension of the Interlocal Agreement Between Miami-Dade County and Broward County for Reciprocity of Local Preference

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Recommendation
It is recommended that the Board of County Commissioners (Board) adopt the attached resolution authorizing a two year extension of the Interlocal Agreement between Miami-Dade County and Broward County for reciprocity of Local Preference.

Scope
The impact of the accompanying resolution is countywide in nature.

Fiscal Impact/Funding Source
The accompanying resolution will have no fiscal impact on Miami-Dade County.

Track Record/Monitor
The Department of Procurement Management is responsible for the administration of the Local Preference Ordinance and the implementation of the agreement with Broward County.

Background
The original Interlocal Agreement (Agreement) between Miami-Dade and Broward Counties became effective in 2002 and established reciprocity of local preference upon the execution of a statement by both counties affirming that each county had adopted a substantially similar Local Preference Ordinance. The terms of the Agreement require each county to extend and apply its Local Preference Ordinance to the local vendors of both counties.

The original Agreement was effective from 2002 through 2005. Since 2005, the Board has extended this Agreement through September 30, 2011. Approval of this amendment will extend the term of the Agreement for two years, through September 30, 2013.

The local preference policies of each county are to apply equally to the vendors of each county. Since the implementation of the reciprocity program, five contracts were awarded by Broward to Miami-Dade vendors and 10 contracts were awarded by Miami-Dade to Broward vendors due to reciprocity. Since this is an agreement between two governmental entities, the requirements of Resolution 130-06, which requires an executed contract prior to Board consideration, are not applicable.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: July 7, 2011

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

SUBJECT: Agenda Item No. 8(O)(1)(G)

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. 8(O)(1)(G)
7-7-11

RESOLUTION NO. R-544-11

RESOLUTION AUTHORIZING A TWO YEAR EXTENSION OF INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR RECIPROCITY IN THE EXTENSION OF LOCAL PREFERENCE TO COUNTY VENDORS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves a two year extension of the Interlocal Agreement with Broward County for reciprocity in the extension of local preference to County vendors, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or designee to exercise same for and on behalf of Miami-Dade County and to exercise the cancellation and renewal provisions contained therein.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	absent	Lynda Bell	absent
Esteban L. Bovo, Jr.	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Barbara J. Jordan	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 2011. 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

FIFTH AMENDMENT TO RENEW THE

INTERLOCAL AGREEMENT

Between

BROWARD COUNTY

and

MIAMI-DADE COUNTY

for

RECIPROCITY OF LOCAL PREFERENCE
ORDINANCES AND PROGRAMS

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FIFTH AMENDMENT TO RENEW THE

INTERLOCAL AGREEMENT

Between

BROWARD COUNTY

and

MIAMI-DADE COUNTY

for

RECIPROCITY OF LOCAL PREFERENCE
ORDINANCES AND PROGRAMS

This is the Fourth Amendment to the Interlocal Agreement, made and entered into this _____ day of _____, 2011, by and between: BROWARD COUNTY, a political subdivision of the State of Florida, hereinafter referred to as "BROWARD COUNTY," or "BROWARD,"

AND

MIAMI-DADE COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "MIAMI-DADE COUNTY" or "MIAMI-DADE."

WHEREAS, BROWARD COUNTY and MIAMI-DADE COUNTY entered into a Interlocal Agreement in June 2002, for the purpose of providing for reciprocity of local preference ordinances and programs under each county's procurement programs; and

WHEREAS, the Interlocal Agreement expires September 30, 2011; and

WHEREAS, BROWARD COUNTY and MIAMI-DADE COUNTY agree that each county's local preference ordinance is substantially similar to the other's ordinance; and

WHEREAS, the parties wish to extend the Interlocal Agreement for two additional years ending September 30, 2013;

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth, BROWARD and MIAMI-DADE agree as follows:

1. The parties hereby amend Section 3.2, "Term," as follows:

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3.2 Term: This Interlocal Agreement shall only be effective upon fulfillment of the following condition subsequent not later than 60 days following the date of execution by both parties. Within that period, the County Administrator of Broward County and the County Manager of Miami-Dade County shall, in turn and using their reasonable discretion, execute a statement that Broward County has duly adopted a local preference ordinance that is substantially similar to the local preference ordinance of Miami-Dade County. In the event that the statement has not been executed within the stated period, this Agreement shall be null and void without further action of either party. In the event that the statement is executed, this Interlocal Agreement shall take effect upon the date of signature by the County Manager of Miami-Dade County, and shall expire at 5 p.m. on September 30, 2014~~3~~, unless earlier canceled as provided herein. This Agreement shall not apply to solicitations advertised prior to the effective date of the Agreement.

2. BROWARD COUNTY AND MIAMI-DADE COUNTY agree that the preparation of this Amendment to the Interlocal Agreement is a joint effort.

3. Except as otherwise specifically amended, the terms and conditions contained in the Interlocal Agreement dated June 3, 2002, shall remain in full force and effect. This Amendment shall be deemed part of the Interlocal Agreement.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.]

IN WITNESS WHEREOF, the parties have made and executed this Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice-Mayor, authorized to execute same by Board action on the _____ day of _____, 2011, and MIAMI-DADE COUNTY, signing by and through its County Manager, duly authorized to execute same.

BROWARD COUNTY

ATTEST:

_____
County Administrator and
Ex-Officio Clerk of the Board of
County Commissioners of Broward
County, Florida

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

By_____
Mayor

_____ day of _____, 2011

Approved as to form by
Office of County Attorney
Broward County, Florida
JEFFREY J. NEWTON, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By_____

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INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND MIAMI-DADE COUNTY FOR RECIPROCITY OF LOCAL PREFERENCE ORDINANCES AND PROGRAMS

ATTEST:

MIAMI-DADE COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

_____
County Administrator and
Ex-Officio Clerk of the Board of
County Commissioners of Miami-
Dade County, Florida

By_____
County Manager

_____ day of _____, 2011

Approved as to form and
legal sufficiency

By_____
Hugo Benitez
Assistant County Attorney

Miami-Dade.Interlocal.amd.04
05/05/2011

RECIPROCITY OF LOCAL PREFERENCE
ORDINANCES AND PROGRAMS

STATEMENT OF SUBSTANTIAL SIMILARITY

Between

BROWARD COUNTY

and

MIAMI-DADE COUNTY

The undersigned County Administrator of Broward County and County Manager of Miami-Dade County, pursuant to Section 3.2 of the Interlocal Agreement for reciprocity of local preferences dated June 11, 2002 and renewed by amendment on _____, 2011, hereby state that Broward County has duly adopted a local preference ordinance that is substantially similar to the local preference ordinance of Miami-Dade County.

The amendment to renew the Interlocal Agreement shall be effective on the date of signature below by the County Manager of Miami-Dade County.

County Administrator
Broward County

_____

Dated this ___ day of _____, 2011

County Manager
Miami-Dade County

_____

Dated this ___ day of _____, 2011