

MEMORANDUM

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


**DATE:** Agenda Item No. 7(L)  
(Second Reading 12-4-12)  
October 23, 2012

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

**SUBJECT:** Ordinance amending Sec.  
2-8.1.6 of the Code regarding  
the expedited purchasing  
program to remove term limits  
on advertising authority  
Ordinance No. 12-106

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Internal Management and Fiscal Responsibility Committee.

  
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R. A. Cuevas, Jr.  
County Attorney

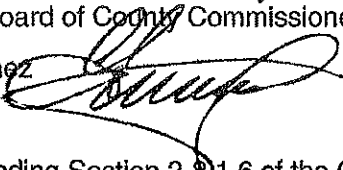
RAC/jls

# Memorandum



**Date:** December 4, 2012

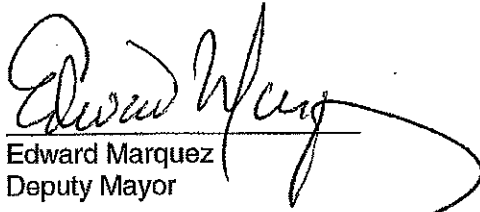
**To:** Honorable Vice Chairwoman Audrey M. Edmonson  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Ordinance Amending Section 2-8.1.6 of the Code Regarding the Expedited  
Purchasing Program to Remove Term Limits on Advertising Authority

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The proposed ordinance amends Section 2-8.1.6 of the Code regarding the expedited purchasing program, removes term limits on advertising authority, increases the threshold for purchases from \$100,000 to \$250,000, and changes the reporting to the Board of County Commissioners from a quarterly to a bi-annual basis. The fiscal impact of the implementation of this ordinance is difficult to quantify, but it will result in expedited procurements and reduced staff effort.

  
Edward Marquez  
Deputy Mayor

Fis1713



# MEMORANDUM

(Revised)

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

**DATE:** December 4, 2012

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

**SUBJECT:** Agenda Item No. 7(L)

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

Agenda Item No. 7(L)

Veto \_\_\_\_\_

12-4-12

Override \_\_\_\_\_

ORDINANCE NO. 12-106

ORDINANCE AMENDING SECTION 2-8.1.6 OF THE CODE OF MIAMI-DADE COUNTY REGARDING THE EXPEDITED PURCHASING PROGRAM TO REMOVE TERM LIMIT ON ADVERTISING AUTHORITY, INCREASE THRESHOLD FOR NON-COMPETITIVE PURCHASES, CHANGE DELEGATION FROM COUNTY MANAGER TO THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, AND DECREASE REPORTING REQUIREMENT; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-8.1.6 of the Code of Miami-Dade County, Florida is hereby amended as follows:<sup>1</sup>

**Sec. 2-8.1.6 Program for Expedited Purchasing.**

Notwithstanding any contrary provision of this Code, a program for expedited purchasing is hereby created, subject to the terms and conditions of this Section. The program shall be referred to as the Expedited Purchasing Program.

- (a) The County ~~[[Manager]]~~ >>Mayor or County Mayor's Designee<< is hereby authorized to utilize the Expedited Purchasing Program for the competitive purchase of supplies, materials and services, including professional services other than professional architectural, engineering and other services subject to Section 2-10.4 of this Code and Section 287.055 of the Florida Statutes, which are estimated to cost one million dollars (\$1,000,000) or less.
- (b) For purposes of this Program, the County ~~[[Manager]]~~ >>Mayor or County Mayor's Designee<< shall be expressly authorized to waive any irregularity in any bid

<sup>1</sup> Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< shall be added. Remaining provisions are now in effect and remain unchanged.

or proposal submission which he or she determines to be non-material.

- (c) For any purchase to be made under the Expedited Purchasing Program >> << the County [[Manager]] >> Mayor or County Mayor's Designee << shall be authorized to issue competitive solicitation documents which in the discretion of the County [[Manager]] >> Mayor or County Mayor's Designee << procure the best value to Miami-Dade County for the goods or services to be purchased. The method of solicitation shall be determined in the discretion of the [[Manager]] >> Mayor or County Mayor's Designee << and may include, but not be limited to, invitations to bid, request for proposals or qualifications, negotiations, and best and final offers. In determining the best value to Miami-Dade County, the County [[Manager]] >> Mayor or County Mayor's Designee << shall consider criteria to include but not be limited to price, quality, experience, the ability to deliver the required goods and services, the availability of the goods and services, and the nature and urgency of the County's needs. The selection method and criteria to be used shall be set forth in the solicitation documents.
- (d) The County [[Manager]] >> Mayor or County Mayor's Designee << shall make the final determination of best value in accordance with the method and criteria set forth in the solicitation documents. In making the determination of best value, the County [[Manager]] >> Mayor or County Mayor's Designee << shall utilize a review team of his or her technical and professional staff and of the County Attorney's Office for purchases made under the Expedited Purchasing Program.
- (e) The County [[Manager]] >> Mayor or County Mayor's Designee << shall be authorized to award contracts pursuant to the determinations of best value made in accordance with this Section without further action of the Board, subject to [[quarterly]] >> bi-annual << reports to the Board.
- (f) In the event the County [[Manager]] >> Mayor or County Mayor's Designee << determines at any time that a waiver of the competitive process for purchases greater than [[ \$100,000 ]] >> \$250,000 << is in the best interests of the County, the [[Manager]] >> Mayor or Mayor's County

Designee<< shall make a written recommendation to the Board for such waiver.

- (g) The written recommendation of the County ~~[[Manager]]~~ >>Mayor or County Mayor's Designee<< to award a contract under the Expedited Purchasing Program shall be sufficient to commence the bid protest period and terminate the Cone of Silence as provided elsewhere in this Code.
- (h) The protest of any award under the Expedited Purchasing Program shall be made in accordance with the provisions of Section 2-8.4 of the Code of Miami-Dade County.
- (i) The County ~~[[Manager]]~~ >>Mayor or County Mayor's Designee<< shall be authorized to advertise and issue solicitation documents for purchases under the Expedited Purchasing Program ~~[[through January 1, 2013]]~~.
- (j) Any provisions of the Code or of any applicable resolution or administrative order contrary to the provisions of this section shall be deemed suspended or amended as necessary to give effect to the intent of this section. Similarly, any provisions of the Code or of any applicable resolution or administrative order not deemed suspended or amended hereunder shall apply to any purchase administered under the Expedited Purchasing Program.
- (k) The County ~~[[Manager]]~~ >>Mayor<< may, by duly executed written instrument which specifically identifies this section, delegate any and all of the responsibilities set forth in this section, whereupon the provisions of this section and its limitations shall be understood to apply to the County ~~[[Manager's]]~~ >>Mayor's<< designee. ~~[[By exception, the County Manager may only delegate the authority to approve the award of contracts greater than \$500,000 to an Assistant County Manager.]]~~
- (l) The County ~~[[Manager]]~~ >>Mayor or County Mayor's Designee<< shall provide ~~[[quarterly reports]]~~ >>bi-annual reports<< to the Board of County Commissioners regarding the application of this Section for contract awards greater than ~~[[ \$100,000]]~~ >>\$250,000<<. The reports shall include a description of the goods and services procured, the procurement methodology, the existence and resolution of any bid protest, the identity of the awarded vendors and the amount of the contract awarded. The Commission Auditor

shall include the Expedited Purchasing Program within his/her review of the County ~~[[Manager's]]~~ >> Mayor's or County Mayor's Designee's<< exercise of delegated authorities pursuant to Section 2-8.1(b).

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.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance 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: December 4, 2012

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Oren Rosenthal

Prime Sponsor: Internal Management & Fiscal Responsibility Committee