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

MEMORANDUM

Agenda Item No. 8(F)(2)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Resolution authorizing a two-year extension of Interlocal Agreement with Broward County for reciprocity in the extension of local preference to County vendors
Resolution No. R-799-13

The accompanying resolution was prepared by Internal Services Department and placed on the agenda at the request of Prime Sponsor Finance Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: October 1, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

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 (Agreement) between Miami-Dade County and Broward County for reciprocity of Local Preference ordinances and programs.

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 Procurement Management Services Division of the Internal Services Department is responsible for the administration of the Local Preference Ordinance and oversight of this Agreement.

Background
The original Agreement between Miami-Dade and Broward Counties became effective in 2002 and established reciprocity of local preference ordinances and programs, subject to 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 Board has extended this Agreement on numerous occasions, with the current Agreement scheduled to expire on September 30, 2013. Approval of this amendment will extend the term of the Agreement for an additional two years, through September 30, 2015.

During the extension period that is currently in effect, the Board adopted changes to the Local Preference Ordinance (Ordinance 12-67) that enable locally-headquartered businesses within 15 percent of a non-local vendor's lowest bid to participate in the best and final offer (BAFO) process. Similarly, if a local vendor has the lowest bid and a locally-headquartered business is within five percent of the local vendor's lowest bid, both entities may participate in the BAFO process. In turn, Broward County has amended their Local Preference policy incorporating similar provisions related to locally-headquartered businesses. These provisions were adopted by the Broward Board of County Commissioners on May 14, 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, six contracts were awarded by Broward to Miami-Dade vendors and 10 contracts were awarded by Miami-Dade to Broward vendors.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

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

SUBJECT: Agenda Item No. 8(F)(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**

_____ **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 ____, 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(F)(2)
10-1-13

RESOLUTION NO. R-799-13

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 **Esteban L. Bovo, Jr.**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 2013. 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

SIXTH AMENDMENT TO RENEW
THE INTERLOCAL AGREEMENT

Between

BROWARD COUNTY

and

MIAMI-DADE COUNTY

for

RECIPROCITY OF LOCAL PREFERENCE
ORDINANCES AND PROGRAMS

SIXTH AMENDMENT TO RENEW
THE INTERLOCAL AGREEMENT

Between

BROWARD COUNTY

and

MIAMI-DADE COUNTY

for

RECIPROCITY OF LOCAL PREFERENCE
ORDINANCES AND PROGRAMS

This is the Sixth Amendment to the Interlocal Agreement, made and entered into this _____ day of _____, 2013, 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."

WITNESSETH:

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, 2013; 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 further extend the Interlocal Agreement for an additional two (2) year period ending September 30, 2015; NOW, THEREFORE,

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

1. Section 1.9 is amended as follows:

. . .

C. "Locally-Headquartered Business" shall be as defined in the parties' respective ordinances to be applied in their respective jurisdictions.

2. Section 3.2, "Term," is amended as follows:

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~~ Mayor 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~~ Mayor of Miami-Dade County, and shall expire at 5 p.m. on September 30, ~~2013~~ 2015, unless earlier canceled as provided herein. This Agreement shall not apply to solicitations advertised prior to the effective date of the Agreement.

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

4. 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 is intentionally left blank.)

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

IN WITNESS WHEREOF, the parties have made and executed this Sixth 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 14th day of May, 2013, and MIAMI-DADE COUNTY, signing by and through its Mayor, duly authorized to execute same.

BROWARD COUNTY

ATTEST:

for Broward County Administrator as Ex-officio Clerk of the Broward County Board of County Commissioners

BROWARD COUNTY, through its BOARD OF COUNTY COMMISSIONERS

By Kristin Jacobs
Mayor

14th day of May, 2013

Approved as to form by
Joni Armstrong Coffey
Broward County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By Glenn M. Miller 5/3/13
Glenn M. Miller (Date)
Assistant County Attorney

GMM:dp
Miami-Dade Interlocal.am06
05/02/13
#13-101.02

SIXTH AMENDMENT TO 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_____
Mayor

_____ day of _____, 2013

Approved as to form and
legal sufficiency

By_____

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 Mayor 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 _____, 2013, 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 Mayor of Miami-Dade County and shall be effective for a two-year period commencing upon execution and terminating on September 30, 2015.

for County Administrator
Broward County

BROWARD COUNTY COMMISSIONERS CREATED OCT 1st 1915 BROWARD COUNTY FLORIDA

Dated this 14 day of May, 2013

Mayor
Miami-Dade County

_____

Dated this ___ day of _____, 2013

GMM:dp
Miami-DadeInterlocal.ren2013
05/02/13
#13-101.02