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

MEMORANDUM

Amended
Agenda Item No. 11(A)(11)

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

DATE: October 22, 2013

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

SUBJECT: Resolution approving Implementing Order 3-59: Procurement of the Miami-Dade County Military Affairs Board
Resolution No. R-868-13

The sponsoring Commissioner has requested that this resolution become effective upon the earlier of: (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Jose "Pepe" Diaz.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

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

DATE: October 22, 2013

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

SUBJECT: Amended Agenda Item No. 11(A)(11)

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 _____

Amended
Agenda Item No. 11(A)(11)
10-22-13

RESOLUTION NO. R-868-13

RESOLUTION APPROVING IMPLEMENTING ORDER 3-59: PROCUREMENT OF THE MIAMI-DADE COUNTY MILITARY AFFAIRS BOARD

WHEREAS, on May 17, 2012, the Board of County Commissioners created the Miami-Dade County Military Affairs Board to advance the various goals identified in Section 2-2102 of the County Code, which goals generally relate to supporting and recognizing active, reserve, retired, disabled, and deceased military personnel in Miami-Dade County; and

WHEREAS, upon creating the Military Affairs Board, this Board granted the Military Affairs Board the power to solicit and approve contracts to accomplish the public purposes set forth in Section 2-2102 of the County Code; and

WHEREAS, upon granting the power to solicit and approve contracts, this Board directed that the Military Affairs Board create an implementing order, to be approved by this Board, which implementing order would establish a framework for the Military Affairs Board's exercise of its purchasing power,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Implementing Order 3-59 for Procurement of the Miami-Dade County Military Affairs Board as attached hereto and authorizes the County Mayor or designee to exercise any and all rights contained therein.

The Prime Sponsor of the foregoing resolution is Commissioner Jose "Pepe" Diaz. It was offered by Commissioner **José "Pepe" Diaz**, 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			**aye**
Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**absent**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**absent**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**absent**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of October, 2013. This resolution shall become effective upon the earlier of (1) 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, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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. MAG

Miguel A. Gonzalez

Implementing Order No.: 3-59

Title: Procurement of the Miami-Dade County Military Affairs Board

Ordered: 10/22/13 **Effective:** 11/1/13

AUTHORITY:

Sections 5.03 and 5.04 of the Miami-Dade County Charter; Section 2-2102 of the Code of Miami-Dade County

SCOPE:

This Implementing Order governs the process utilized by the Miami-Dade County Military Affairs Board for the purchase of goods and services, including professional services. By exception, this Implementing Order does not govern the purchase of architecture, engineering, or those other services covered under Section 2-10.4 and Administrative Order 3-39, and for those purchases, the Military Affairs Board shall be subject to the process set forth in those provisions. The purchases covered by this Implementing Order shall not be covered by Administrative Order 3-38. The provisions of this Implementing Order are directory in nature only, intended to give guidance to the processes to be utilized by the Military Affairs Board in conducting its procurement processes, but shall not serve as the basis by a disappointed bidder to challenge the award of a contract. The purchases of the Military Affairs Board shall be subject to the County's procurement regulation only to the extent set forth in Section 2-2102 of the Code of Miami-Dade County and in this Implementing Order. The Commission Auditor and Inspector General shall review all procurements undertaken by the Military Affairs Board pursuant to this Implementing Order. On a quarterly basis, the Commission Auditor or Inspector General shall present a report to the Board of County Commissioners regarding all procurements undertaken by the Military Affairs Board pursuant to this Implementing Order.

POLICY:

In furtherance of its duty to "[p]romote measures to enhance the quality of life for active, reserve, retired, and disabled military personnel and their families, and families of deceased military personnel in Miami-Dade County," it is the policy of the Military Affairs Board to obtain the best value with its financial resources. The Military Affairs Board establishes this Implementing Order to accomplish those purposes through the use of a simplified, equitable, and transparent process.

METHODS FOR PURCHASING GOODS AND SERVICES:

The Executive Director of the Military Affairs Board shall determine the method to procure the necessary goods and services (including food and beverage) based on their estimated cost, adhering to the following guidelines:

1. Purchases up to $250,000. Competitive bids shall not be required. The Executive Director of the Military Affairs Board shall make all reasonable efforts to obtain a competitive price for the good or service procured and shall maintain a written record describing those efforts. Efforts to obtain a competitive price shall include but not be limited to obtaining quotes, and the comparison of prices to published prices and to prices in other contracts, including County contracts. There shall be no protest of purchases within this category.

2. Purchases from $250,000 to $1,000,000. A simplified competitive process shall be followed. Wherever possible, competitive bids shall be used and the process determined solely by price. The Executive Director of the Military Affairs Board shall develop a simplified protest process which allows for protests in writing to be supplemented by oral presentations to the Executive Director of the Military Affairs Board only where in his or her discretion the same would be necessary or helpful to resolve an issue in dispute.

3. Purchases of $1,000,000 or more. A competitive process shall be followed. The Executive Director of the Military Affairs Board shall develop a protest process which provides for protests to be heard by the panel of hearing examiners which is maintained by the County under Section 2-8.4 of the Code. The hearing examiners shall make a recommendation to the Executive Director of the Military Affairs Board for his or her final determination.

The Executive Director of the Military Affairs Board, in consultation with the County's Internal Services Department and the County Attorney's Office, shall develop form bid, RFP, and RFQ documents, and policies and procedures to implement the intent of the Implementing Order. The Executive Director of the Military Affairs Board shall be authorized to designate members of selection committees in his or her discretion for any competitive process under this Implementing Order. Nothing in this Implementing Order shall prohibit the Executive Director of the Military Affairs Board from utilizing the County's procurement process in his or her discretion.

BID WAIVERS:

When the purchase is subject to this Implementing Order, and where otherwise permitted by law, the Executive Director of the Military Affairs Board shall be authorized to waive the requirement that a purchase be competitively bid when in his or her discretion such waiver is in the best interest of the County. The Executive Director of the Military Affairs Board shall document the reason for the waiver in writing.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by County Attorney as
to form and legal sufficiency. MAG