

MEMORANDUM

Agenda Item No. 11(A)(12)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

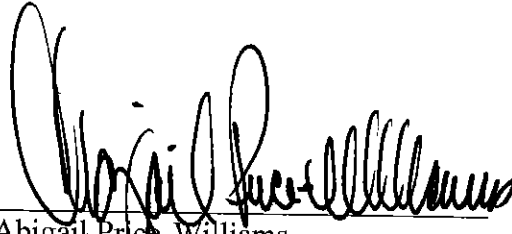
DATE: April 4, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to this Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any such proposed expansion of term or services any requirements of ordinance or resolutions adopted by this Board subsequent to the initial contract, and to report to this Board in the recommendation which requirements were adopted and rejected

Resolution No. R-391-17

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



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: April 4, 2017

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County Attorney

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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
- ☐ Statement of social equity 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. 11(A)(12)
4-4-17

RESOLUTION NO. R-391-17

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONDUCT COMPETITIVE SELECTIONS WHENEVER FEASIBLE INSTEAD OF EXPANDING THE TERM OR SERVICES UNDER EXISTING CONTRACTS, TO INCLUDE IN ANY RECOMMENDATION TO THIS BOARD FOR THE EXPANSION OF TERM OR SERVICES UNDER EXISTING CONTRACTS A WRITTEN JUSTIFICATION OF WHY A COMPETITIVE PROCESS IS NOT FEASIBLE, TO INCLUDE TO THE MAXIMUM EXTENT POSSIBLE IN ANY SUCH PROPOSED EXPANSION OF TERM OR SERVICES ANY REQUIREMENTS OF ORDINANCE OR RESOLUTIONS ADOPTED BY THIS BOARD SUBSEQUENT TO THE INITIAL CONTRACT, AND TO REPORT TO THIS BOARD IN THE RECOMMENDATION WHICH REQUIREMENTS WERE ADOPTED AND REJECTED

WHEREAS, it is the policy of Miami-Dade County that goods and services are to be procured through competitive processes except where competition is not in the best interests of Miami-Dade County; and

WHEREAS, competition ensures that the County receives the best quality goods and services at the best price; and

WHEREAS, competition allows more firms more opportunities to participate in Miami-Dade County contracts; and

WHEREAS, contracts typically provide for a limited duration and for a limited scope of services; and

WHEREAS, often, Miami-Dade County staff seeks to have contracts extended beyond the original duration, which frustrates the purposes of competition; and

WHEREAS, often, Miami-Dade County defines the scope of projects expansively and following award of the contract, seeks to expand the scope of services to be provided under the agreement (the "Additional Scope") in lieu of competitive bidding for the Additional Scope by, for example, authorizing services at new locations, authorizing new goods or services, or allowing concessionaires to operate locations for which they had no competed; and

WHEREAS, existing contracts may not include legislative requirements passed by this Board of County Commissioners after such contracts were entered into, such as requirements related to labor peace, employee wages, local hiring, or other requirements; and

WHEREAS, authorizing Additional Services in such agreements without requiring the contractor to abide by the legislative requirements now in effect frustrates the purposes of this Board,

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

Section 1. The whereas clauses above are incorporated herein as legislative findings and describe the purpose of this Resolution.

Section 2. The County Mayor or County Mayor's Designee is hereby directed to conduct competitive procurements for contracts whenever feasible. For the purposes of this Resolution, the term Contract shall be include any contract, agreement, lease, or concession agreement whereby the County purchases goods, services, construction contractors, architects/engineers, lessees, or concessionaires.

Section 3. The County Mayor or County Mayor's Designee shall, in any item presented to this Board seeking to extend a contract or to authorize Additional Scope shall provide specific findings of fact as to why the provision of goods and services through

competition instead of via an extended contract or via adding Additional Scope is not feasible. These findings of fact shall be set forth in a separate portion of the Mayor's Memorandum to this Board accompanying such item.

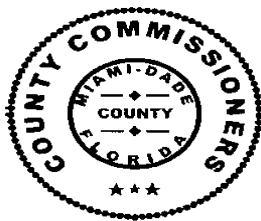
Section 4. The County Mayor or County Mayor's designee shall seek to include in any Contract modification, amendment, or change order extending or adding Additional Scope to a Contract, and which requires approval by this Board, to include, as a condition of extension or addition that the Contract be amended to include all then current requirements of this Board as pertains to the type of County contract or agreement being extended or amended, including but not limited to, Living Wage, Responsible Wage, Labor Peace, Community Workforce, and Community Small Business Enterprise/Community Business Enterprise/Small Business Enterprise goals. In the event that the County Mayor or County Mayor's designee does not or is unable to include such requirements in return for such proposed extension or amended, the County Mayor or County Mayor's designee shall specifically inform the Board of the reasons such requirements were not included, including the efforts made by the County Mayor or County Mayor's designee to include such requirements.

Section 5. Contracts which are extended or expanded by this Board which are not in accordance with the provisions of this Resolution shall be nonetheless effective. This Resolution is not intended to create any cause of action for any third party. This Resolution is applicable solely with respect to extensions or additions to Contracts which require the approval of this Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	aye		
Bruno A. Barreiro	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	absent	Sally A. Heyman	aye
Barbara J. Jordan	aye	Joe A. Martinez	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 4th day of April, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County 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.

David M. Murray