

MEMORANDUM

Agenda Item No. 7(E)

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

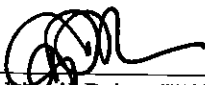
DATE: (Second Reading 7-6-17)
May 2, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Ordinance relating to the
Miscellaneous Construction
Contracts program; amending
Section 2-8.2.7.01 of the Code of
Miami-Dade County, Florida;
providing for a department
specific plan to be used to meet
the specific needs of the Water
and Sewer Department and other
departments when authorized by
Board resolution; establishing
process for creating contracting
opportunities

Ordinance No. 17-44

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan and Co-Sponsor Vice Chairwoman Audrey M. Edmonson.



Abigail Price-Williams
County Attorney



APW/lmp

Memorandum



Date: July 6, 2017

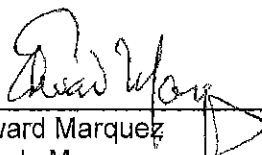
To: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Miscellaneous Construction Contracts Program, Amending Section 2-8.2.7.01 of the County Code to Provide Department-Specific Plans to Meet the Specific Needs of County Departments

The proposed ordinance amends Section 2-8.2.7.01 of the Code of Miami-Dade County (Miscellaneous Construction Contracts Program) to provide for department-specific plans to meet the capital development needs of the Water and Sewer Department and other departments. The department-specific plans shall provide for rotational pools limited to Small Business Enterprise Construction Services program participants who register and qualify to serve the contracting needs of the department. The pool shall be a 100 percent Small Business Enterprise Construction Services set-aside and is designed to maximize the distribution of work among qualified firms for the identified department.

The proposed ordinance will not have a fiscal impact to the Internal Services Department, Small Business Development Division, as no additional staffing or operating resources will be required for the administration of department-specific plans.



Edward Marquez
Deputy Mayor

FIS03717 171058

Memorandum



Date: July 6, 2017

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

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez", written over a horizontal line.

Subject: Social Equity Statement for Ordinance Providing for a Department-Specific Plan to be
Used to Meet the Specific Needs of the Water and Sewer Department

The proposed Ordinance amends Section 2-8.2.7.01 of the Code of Miami-Dade County to promote the opportunities of SBE-Construction through the use of Miscellaneous Construction Contracts.

The proposed Ordinance will enhance the contracting opportunities of SBE-Construction firms that specialize in water and sewer projects to be utilized to meet the specific needs of the Water and Sewer Department and other Departments.

A handwritten signature in black ink, appearing to read "Edward Marquez", written over a horizontal line.

Edward Marquez
Deputy Mayor

171058



MEMORANDUM

(Revised)

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

DATE: July 6, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 7(E)

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. 7(E)
7-6-17

ORDINANCE NO. 17-44

ORDINANCE RELATING TO THE MISCELLANEOUS CONSTRUCTION CONTRACTS PROGRAM; AMENDING SECTION 2-8.2.7.01 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR A DEPARTMENT SPECIFIC PLAN TO BE USED TO MEET THE SPECIFIC NEEDS OF THE WATER AND SEWER DEPARTMENT AND OTHER DEPARTMENTS WHEN AUTHORIZED BY BOARD RESOLUTION; ESTABLISHING PROCESS FOR CREATING CONTRACTING OPPORTUNITIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

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

Section 1. Section 2-8.2.7.01 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.2.7.01. – Miscellaneous Construction Contracts Program.

- (1) Policy: This ~~[[ordinance]]~~>>section<<, to be known as the Miscellaneous Construction Contracts Program (“MCC”), is intended to enhance the contracting opportunities of ~~[[Community]]~~ Small Business Enterprises >>for Construction Services<< (“CSBE”) as defined in Section 10-33.02 and to facilitate and expedite the award of construction contracts to small businesses.
- (2) Scope: This section, and the processes set forth herein, shall be applicable to the pre-qualifying, registration, award and construction of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises.

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

- (3) MCC participants are allowed to participate in ~~[[two different]]~~ >>the<< contracting plans >>identified in this section<<, in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Internal Services Department>>or its successor department with procurement function<< (“ISD”) specifically for these purposes, in Implementing Order (“IO”) 3-53:

(a) 7040 Plan (“CSBE Rotational Set Aside Plan”)

1. The Set Aside Plan shall be a 100% CSBE set aside. To qualify participants must be certified by the Internal Services Department. Small Business Development Division (“SBD”) in their contracting trade.
2. ISD shall establish and administer a rotational pools, subject to trades and values, to distribute work among program participants in an equitable manner through competitive bids depending on threshold values. The pools shall be designed to effect the maximum distribution of work among qualified firms, established in accordance with the contractor’s license and abilities to do the work, all in accordance with the provisions of IO 3-53.
3. The SBD Review Committee shall establish an annual Community Workforce Program (“CWF”) goal applicable to all contracts with construction costs of more than one hundred thousand dollars (\$100,000.00).

(b) 7360 Plan (“Open Competitive Plan”)

1. Bidders under this plan shall be prequalified prior to award in accordance with forms developed for this purpose by IO 3-53.
2. This plan shall be used whenever the funding source prohibits the use of CSBE set asides or when SBD determines that

there is insufficient availability for a CSBE set aside within the 7040 Plan >>or Department specific plan<< to accomplish the proposed work.

3. This plan shall provide contract award opportunities to CSBEs through subcontracting
4. CWF goals shall be established for each award under the 7360 Plan by the SBD Review Committee.

>>(c) Department Specific Plan

1. When authorized by the Board of County Commissioners by resolution, ISD shall establish and administer rotational pools limited to CSBE program participants who register and qualify to serve the contracting needs of an identified County department (each referred to in this section as a "Department Specific Plan"). The Department Specific Plan shall be a 100 percent CSBE set aside. To qualify, participants must be certified by SBD in their contracting trade.
2. The Department Specific Plan shall be designed to effect the maximum distribution of work among qualified firms for the identified department in accordance with the contractor's license and ability to do the work. The rotation shall be limited to the contractors registered and qualified to serve the department. Participation in the Department Specific Plan shall not impair a contractor's ability to participate in the 7040 Plan.
3. ISD shall provide a Department Specific Plan to meet the needs of the capital development program of the Water and Sewer Department. The provisions of this section shall not impair any pool or program

in effect as of the effective date of the ordinance creating the Department Specific Plan.

4. It is the policy of Miami-Dade County to promote the opportunities of CSBEs through the use of miscellaneous construction contracts. Consistent with that policy, the Mayor is hereby authorized and directed to create Department Specific Plans as necessary to meet the capital development needs of identified County departments. The Mayor shall report to the Board the creation of any such plan.<<

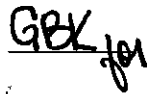
Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.


Section 4. This ordinance shall become effective ten (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: July 6, 2017

Approved by County Attorney as
to form and legal sufficiency:



Prepared by:



Hugo Benitez

Prime Sponsor: Commissioner Barbara J. Jordan
Co-Sponsor: Vice Chairwoman Audrey M. Edmonson