

ORDINANCE NO. 82-37

ORDINANCE AMENDING SECTION 2-10.4 OF THE COUNTY CODE GOVERNING THE ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL OR LAND SURVEYING SERVICES TO REQUIRE THAT THE COUNTY MANAGER CONSIDER EACH FIRM'S AFFIRMATIVE ACTION PLAN AS ONE OF THE FACTORS IN SELECTING FIRMS THAT ARE DEEMED MOST HIGHLY QUALIFIED; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, it has consistently been the policy of this Board to foster economic growth and business opportunities for its population and to promote the development of local businesses; and

WHEREAS, this Board believes that the favorable economic status and future growth prospects of Dade County are integrally linked to the economic and social conditions of the County's Black communities, residents and businesses; and

WHEREAS, this Board established the Black Business Participation Task Force and charged that Task Force with, among other things, investigating and assessing the present extent of Black business activity within the County generally and specifically in relation to doing business with the County; and

WHEREAS, on November 13, 1981, The Task Force presented to this Board an overall strategy to increase Black participation in Dade County's economy; and

WHEREAS, as part of such strategy, The Task Force recommended amending the process by which Dade County acquires

professional architectural, landscape architectural, engineering and land surveying services to require such firms to prepare and submit Affirmative Action Plans; and

WHEREAS, the United States Department of Labor, Bureau of Labor Statistics, published in December, 1980, a Geographic Profile of Employment and Unemployment, 1979, finding within the Miami Standard Metropolitan Statistical Area an unemployment rate among Blacks of 9.3% as compared to the unemployment rates among Whites of 4.9% and among Hispanics of 5.2%; and

WHEREAS, such figures are the most recent available which contain a racial breakdown of unemployment in the County; and

WHEREAS, this Board hereby adopts the findings of the Bureau as they apply to the Miami Standard Metropolitan Statistical Area; and

WHEREAS, the finding that there is a significantly higher rate of unemployment amongst Blacks than in other segments of Dade County's population is also in accordance with the findings and conclusions set forth in an Economic Adjustment Plan for the Civil Disturbance Areas of the City of Miami and Dade County, prepared by Janus Associates (May, 1981); and in The Report of The Governor's Dade County Citizens' Committee (October 30, 1980); the findings and conclusions of which are adopted by this Board in Resolution No. R-1672-81, adopted November 3, 1981; and

WHEREAS, these reports have found that the gross economic disparity between the Black community and the other communities in Dade County has greatly exacerbated the frustrations of the

Black Community, which frustrations resulted in the May, 1980 riots and loom as sources of continuing racial and ethnic tensions; and

WHEREAS, Dade County has a compelling interest in eliminating unemployment within the Black community, a segment of the County sorely in need of economic stimulus but which, on the basis of past experience, is not expected to benefit significantly in the absence of specific measures to encourage greater employment opportunities; and

WHEREAS, Dade County has a compelling interest in promoting a sense of economic equality for all residents of the County,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA

Section 1. This Board adopts the legislative findings set forth above, and incorporates them herein by reference.

Section 2. Section 2-10.4(5)(d) of the Code is hereby amended as follows:

- (d) The County Manager shall select no less than three (3) firms, in order of preference (provided that at least three (3) firms are identified in accordance with subsection (b) above) deemed to be the most highly qualified to perform the required services after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, locations of the firms, the recent, current, and projected workloads of the firms, the Affirmative Action Plan of the firm, and the volume of work previously awarded to each firm by the agency with the object of affecting an equitable distribution of contracts among qualified firms. When proposals or letters of interest are received pursuant to Chapter 287,

Florida Statutes, or this section which originate from professional or consulting firms within this county, and quality, service, qualifications, and criteria dictated by the project are equal, then firms within the county shall be given preference. This local preference and the distribution of work among firms shall not violate the principle of selection of the most qualified firm for each project. The County Manager shall file the names of the firms he selects together with his order of preference with the Clerk of the Board of County Commissioners. The County Manager shall then negotiate a contract in accordance with the procedures set forth hereafter.

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby.

Section 4. 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 Metropolitan Dade County, Florida; and that 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 5. The provisions of this ordinance shall become effective ten (10) days after the date of its enactment.

PASSED AND ADOPTED: May 4, 1982

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

Prepared by: _____