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

# MEMORANDUM

Amended
Agenda Item No. 7(A)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** September 1, 2009

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

**SUBJECT:** Ordinance establishing procedures for providing Preference to Local Certified Service-Disabled Veteran Businesses in County Contracts

**Ordinance No. 09-68**

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice-Chairman Jose "Pepe" Diaz, and Co-Sponsors Commissioner Audrey M. Edmonson, Commissioner Carlos A. Gimenez, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez, Chairman Dennis C. Moss, Commissioner Dorrin D. Rolle, Commissioner Katy Sorenson, Commissioner Rebeca Sosa and Senator Javier D. Souto.

R. A. Cuevas, Jr.
County Attorney

RAC/ jls

# Memorandum

MIAMI-DADE COUNTY

**Date:** September 1, 2009

**To:** Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

**From:** George M. Burgess
County Manager

**Subject:** Ordinance Establishing Procedures for Providing Preference to Local Certified Service-Disabled Veteran Businesses in County Contracts

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The proposed ordinance establishing a preference for local certified service-disabled veterans may have a fiscal impact that cannot be not easily quantified.

In accordance with Section 295.197 of Florida Statutes, the State certifies vendors as service-disabled and maintains a database of these vendors. Currently 76 businesses in the State are certified as service-disabled veterans, three of which are from Miami-Dade County and seven from Broward County.

Alina T. Hudak
Assistant County Manager

fis04709

# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

**DATE:** September 1, 2009

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

**SUBJECT:** Amended Agenda Item No. 7(A)

**Please note any items checked.**

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(A)
6-30-09

ORDINANCE NO. 09-68

ORDINANCE ESTABLISHING PROCEDURES FOR PROVIDING PREFERENCE TO LOCAL CERTIFIED SERVICE-DISABLED VETERAN BUSINESSES IN COUNTY CONTRACTS; CREATING SECTION 2-8.5.1 OF THE CODE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, the Board of County Commissioners of Miami-Dade County would like to provide a preference in County procurement and contracting to service-disabled veterans who are local vendors and who have made extraordinary sacrifices on behalf of the nation,

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

**Section 1.** The Code of Miami-Dade County is hereby amended by adding the following new section thereto as Section 2-8.5.1[1]

>>**Sec. 2-8.5.1** **Procedure to Provide Preference to Local Certified Service-Disabled Veteran Business Enterprises in County Contracts**

(1) Definitions: *Local Certified Service Disabled Veteran Business Enterprise* is a firm that is (a) a local business pursuant to Section 2.8.5 of the Code of Miami-Dade County and (b) prior to proposal or bid submittal is certified by the State of Florida Department of Management Services as a service-disabled veteran business enterprise pursuant to Section 295.187 of the Florida Statutes.

[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.

(2) A Local Certified Service-Disabled Veteran Business Enterprise that submits a bid for a contract shall receive a bid preference of five percent of the price bid. These preferences will only be used for evaluating and awarding the bids and shall not affect the contract price. However, if a Local Certified Service-Disabled Veteran Business Enterprise is the lowest bidder as a result of a Best and Final Bid (also known as a BAFO), then the price submitted as part of the Best and Final Bid shall be the contract price.

(3) A Local Certified Service-Disabled Veteran Business Enterprise that submits a proposal in response to an RFP, RFQ, RFI or a Notice to Professional Consultants that assigns weights to evaluation and selection criteria shall receive an additional five percent of the evaluation points scored on the technical portion of such bidder's proposal.

(4) In procurements where SBE (Small Business Enterprises) measures are being applied, a Local Certified Service-Disabled Veteran Business Enterprise who is also an SBE shall not receive the veteran preferences provided in this section and shall be limited to any applicable SBE preferences.

(5) At the time of bid or proposal submission, the firm must affirm in writing its compliance with the certification requirements of Section 295.187 of the Florida Statutes and submit this affirmation and a copy of the actual certification along with the bid or proposal submission.

(6) In the event that Broward, Palm Beach or Monroe County extend preferences to Local Certified Service-Disabled Veteran Business Enterprises, Miami-Dade County may enter into an inter-local agreement with such County wherein the preferences of this section may be extended and made available to vendors that are both Certified Service-Disabled Veteran Business Enterprises and considered local vendors in those counties pursuant to Section 2-8.5 of the Code of Miami-Dade County. Nothing in this ordinance is meant to limit any preferences otherwise available to local businesses pursuant to the Code.<<

**Section 2.** If any section, subsection, sentence, or clause 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 re-lettered 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: **September 1, 2009**

Approved by County Attorney as to form and legal sufficiency: AMW/RAC

Prepared by D.F.

Daniel Frastai

Prime Sponsor: Vice-Chairman Jose "Pepe" Diaz

Co-Sponsors: Commissioner Audrey M. Edmonson,
Commissioner Carlos A. Gimenez,
Commissioner Barbara J. Jordan,
Commissioner Joe A. Martinez,
Chairman Dennis C. Moss,
Commissioner Dorrin D. Rolle,
Commissioner Katy Sorenson,
Commissioner Rebeca Sosa,
Senator Javier D. Souto