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

MEMORANDUM

Agenda Item No. 7(M)
(Second Reading 12-4-12)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: October 23, 2012

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

SUBJECT: Ordinance deleting sunset provision of Ord. No. 07-76 regarding authority to advertise contracts for construction and purchases of supplies, materials and services including professional services without prior commission approval; amending reporting requirement of Sec. 2-8.1 of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Internal Management and Fiscal Responsibility Committee.

R. A. Cuevas, Jr.
County Attorney

RAC/jls

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Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

To: Honorable Vice Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Deleting Sunset Provision of Ordinance No. 07-76 Regarding Authority to Advertise Contracts; Amending Reporting Requirement of Section 2-8.1 of the Code

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The proposed ordinance deletes the sunset provision of Ordinance No. 07-76 regarding authority to advertise contracts for construction and purchases of supplies, materials and services including professional services without prior commission approval; and amends the reporting requirement to the Board of County Commissioners from a quarterly to a biannual basis. Because this process is already in place, implementation of this ordinance will not have a fiscal impact to the County.

Edward Marquez
Deputy Mayor

Fis1613

MEMORANDUM
(Revised)

TO: Honorable Vice Chairwoman Audrey M. Edmonson and Members, Board of County Commissioners

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 7(M)

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 Manager'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(M)

12-4-12

ORDINANCE NO. 12-107

ORDINANCE DELETING SUNSET PROVISION OF ORDINANCE NO. 07-76 REGARDING AUTHORITY TO ADVERTISE CONTRACTS FOR CONSTRUCTION AND PURCHASES OF SUPPLIES, MATERIALS AND SERVICES INCLUDING PROFESSIONAL SERVICES WITHOUT PRIOR COMMISSION APPROVAL; AMENDING REPORTING REQUIREMENT OF SECTION 2-8.1 OF THE CODE; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

WHEREAS, Ordinance 07-76 authorized the Administration to advertise all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchase of professional services, without prior Commission approval; increased the threshold for informal bidding from $100,000 to $250,000; and increased the authority of the Administration to award construction contracts from $500,000 to $1,000,000, with a sunset date of June 15, 2008; and

WHEREAS, Ordinance 08-68 extended the sunset date of Ordinance 07-76 to June 14, 2009; and

WHEREAS, Resolution R-236-09 renewed Ordinance 08-68 until January 1, 2013; and

WHEREAS, this Board desires to remove the Sunset Provision of Ordinance 07-76 to make the provisions therein permanent until repealed or amended and amend the reporting requirements of Section 2-8.1 to require bi-annual reports rather than quarterly reports,

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

Section 1. Section 5 of Ordinance 07-76 as amended by Ordinance 08-68, is hereby deleted in its entirety and the sunset and reporting provisions contained therein are removed.

Section 2. Section 2-8.1 of the Code of Miami-Dade County, Florida is hereby amended as follows[1]:

Sec. 2-8.1 Contracts and purchases generally.

* * *

(b) Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases. Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of two hundred fifty thousand dollars ($250,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County. The Mayor or Mayor's designee is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The Mayor or Mayor's designee shall be required to include in any such advertisement the measures approved by the Review-Committee relating to the County's small and community business programs established in this Code. The Mayor or Mayor's designee shall further be required to report to this Board on a >>bi-annual<< [[~~quarterly~~]] basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the Mayor's or Mayor's designee exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The Mayor or Mayor's designee is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes)

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

costing one million dollars ($1,000,000.00) or less<<,>> or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution five million dollars ($5,000,000.00) or less, without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the Mayor or Mayor's designee to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars ($1,000,000.00), and in such instances the Mayor or Mayor's designee shall obtain the prior authorization of the County Commission to exercise such option. The Mayor or Mayor's designee may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Mayor or Mayor's designee deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The Mayor or Mayor's designee is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The Mayor or Mayor's designee shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the Mayor or Mayor's designee requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The Mayor or Mayor's designee may designate appropriate County staff to exercise the authority delegated hereunder by implementing order, approved by the Board of County Commissioners.

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 by such invalidity.

Section 4. 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 5. 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: December 4, 2012

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Oren Rosenthal

Prime Sponsor: Internal Management & Fiscal Responsibility Committee