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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

MEMORANDUM

Agenda Item No. 7(B)

(Second Reading 11-5-14)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	July 15, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance creating the the Jackson Health System Capital Expedite Program; establishing policy to accelerate the processing and procurement of contracts Ordinance No. 14-106

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

R. A. Cuevas, Jr.
County Attorney

RAC/cp

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MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2014

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

SUBJECT: Agenda Item No. 7(B)

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 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(B)
11-5-14

ORDINANCE NO. 14-106

ORDINANCE CREATING THE JACKSON HEALTH SYSTEM CAPITAL EXPEDITE PROGRAM; ESTABLISHING POLICY TO ACCELERATE THE PROCESSING AND PROCUREMENT OF CONTRACTS; AUTHORIZING THE PUBLIC HEALTH TRUST TO ADVERTISE AND AWARD CONTRACTS FOR PROFESSIONAL SERVICES AND CONSTRUCTION AND DESIGN-BUILD SERVICES; PROVIDING FOR PROCUREMENT POLICY AND IMPLEMENTATION; PROVIDING SEVERABILITY, INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE AND A SUNSET DATE

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

Section 1. Section 2-8.2.12 of the Code of Miami-Dade County is hereby created to read in its entirety as follows:

Sec. 2-8.2.12 Jackson Health System Capital Expedite Program.

(1) *Policy.* It is the policy of Miami-Dade County and the Public Health Trust of Miami-Dade County, Florida (referred to herein as the "Trust") to expedite the delivery of health care throughout Miami-Dade County through the design, construction and improvement of the capital facilities of the Jackson Health System. Expediting the design, construction and improvement of those facilities, through open, competitive and transparent processes will also promote the local economy by creating employment opportunities for Miami-Dade County. To advance these policies, Miami-Dade County hereby enacts this ordinance creating the "Jackson Health System Capital Expedite Program."

(2) *Professional Services.* The Trust is hereby authorized to create specifications for, advertise, negotiate and award contracts for architecture, professional engineering, landscape architecture, and registered surveying and mapping, and other professional services as defined in

Section 287.055 of the Florida Statutes, all in accordance with the procurement policy duly enacted by the Public Health Trust, as the same may be amended from time to time (the "Procurement Policy") and the provisions of law. In particular, and without limitation to the grant of authority in the preceding sentence, the Trust shall be authorized to create within its Procurement Policy provisions for the award of continuing contracts as defined under state law to providers who specialize in health care facilities. The Procurement Policy shall be consistent with the County's policy contained in Section 2-10.4 of this Code except where the Trust determines in its discretion that simplification is in the best interest of the Jackson Health System Capital Expedite Program.

(3) *Construction and Design-Build Services.* The Trust is hereby authorized to create specifications for, advertise, negotiate and award contracts for construction, construction management, and design-build services, all in accordance with the Procurement Policy and the provisions of law.

(4) *Procurement Policy.* The Trust is hereby authorized and directed to amend the Procurement Policy as necessary to give effect to this Section. The Procurement Policy shall, at a minimum, contain provisions:

(a) establishing processes for the award of design, construction and design build contracts, including without limitation, applicable thresholds for the award by the Trust or its executive staff,

(b) governing bid protests where applicable,

(c) establishing the appointment of selection committees, including where appropriate, standing committees,

(d) governing the establishment and disbursement of contract contingency accounts, and

(e) governing the issuance of change orders.

The Procurement Policy and all contract awards pursuant thereto shall at all times comply with all applicable provisions of this Code including, without limitation, the provisions governing Community Business Enterprises and Community Small Business Enterprises or successor programs, which include the requirements that all design and construction contracts be submitted to Small Business Development ("SBD") prior to advertisement for review and assignment of small business measures and that all subsequent amendments and/or change orders must include SBD determination of compliance with applicable goals and responsible wages.

(5) *Implementation.* The Trust's adoption of the Procurement Policy in its discretion in accordance with this Section shall satisfy any requirement contained in Section 2-10.4 that the Trust adopt rules and procedures to implement that section. Any administrative or implementing order, or part thereof, which is inconsistent with this Section is hereby repealed.

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. This ordinance shall sunset ten (10) years after its effective date.

PASSED AND ADOPTED: November 5, 2014

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Hugo Benitez

Prime Sponsor: Commissioner Audrey M. Edmonson

Jackson HEALTH SYSTEM PUBLIC HEALTH TRUST

Miracles made daily.

TO: Honorable Rebeca Sosa, Chairwoman
and Members, Board of County Commissioners

FROM: Carlos A. Migoya, President & Chief Executive Officer
Jackson Health System

DATE: July 15, 2014

RE: Ordinance Creating the Jackson Health System Capital Expedite Program

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Recommendation
Staff recommends that the Board of County Commissioners (Board) adopt the ordinance creating the Jackson Health System Capital Expedite Program, which would establish policy to accelerate the processing and procurement of design and construction contracts; authorize the Public Health Trust Board of Trustees (Trust Board) to advertise and award contracts for professional services and construction and design-build services; and provide procurement policy and implementation.

Scope
The recommended ordinance would be applicable for design, construction and improvement of capital projects at Jackson Health System, under the jurisdiction of the Trust Board.

Fiscal Impact/Funding Source
There is no direct fiscal impact associated with this proposed ordinance.

Track Record/Monitor
The proposed expedite program would be overseen by Jackson's chief procurement officer in consultation with Jackson's vice president for facilities design and construction.

Background
Contracts containing architectural, professional engineers, landscape architecture, or registered surveying and mapping services – collectively known as "A/E services" – are governed by both Florida statute and County ordinance. Under Administrative Order 3-39, all A/E contracts in Miami-Dade government must be centrally procured by the Internal Services Department (ISD). This includes contracts at Jackson Health System.

In recent years, the volume of A/E contracts at Jackson has been relatively low, due largely to the system's financial condition. Now that Jackson is projected to spend nearly $1.4 billion on capital projects over the next decade, including $830 million from the Jackson Miracle-Building Bond Program approved in 2013 by Miami-Dade voters, the capital volume will increase exponentially. There is potential benefit to all stakeholders – taxpayers, patients, the County government, and Jackson – to revise the procurement procedure for A/E contracts at Jackson.

Most importantly, the proposed ordinance would strictly adhere to the relevant statutes and ordinances, including the Florida's Consultants' Competitive Negotiations Act (Section 287.055, Florida Statutes), and Miami-Dade County procurement regulations found generally in Section 2-10.4 of the Code. With full respect for the policies regarding the County's socio-economic programs related to contracting, the proposed ordinance is consistent with and deferential to the Community Small Business Enterprise (CSBE) Program defined in Section 10-33.02, the Community Business Enterprise (CBE) Program defined in Section 2-10.4.01, the Local Preference defined in

Section 2-8.5, the Fair Subcontracting Practices defined in Section 2-8.8, and the Nondiscrimination policy defined in Chapter 11A, Article VII and Administrative Order 3-23.

The proposed expedite program would transfer responsibility for the development, advertisement, administration, evaluation, selection, negotiations, and award of Jackson's A/E contracts from ISD to Jackson staff, including the formation and management of selection committees. As Jackson has procurement staff dedicated to manage and administer this process efficiently, these A/E projects would advance more quickly and fall under the responsibility of staff exclusively focused on capital healthcare contracting. Jackson would be more efficiently able to manage A/E procurements based on the system's on-the-ground needs, particularly as related to site coordination. This would also liberate ISD staff to focus on other user departments at the County.

Policy-setting and oversight would not change as a result of this proposed program: that responsibility would still lie with the Trust Board, which is responsible to the Board of County Commissioners under Chapter 25A of the Code.