

# MEMORANDUM

SPAGO  
Agenda Item No. 1(G)4

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**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

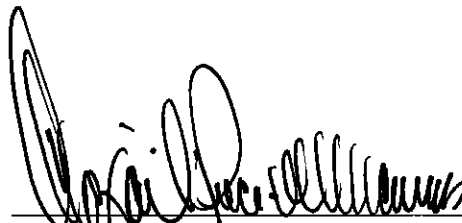
**DATE:** April 12, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Ordinance amending section  
2-10.4 of the Code relating to  
acquisition of professional  
architectural, engineering,  
landscape architectural or land  
surveying and mapping services  
to include prior work awarded to  
affiliates of a proposing firm in  
evaluating the volume of work  
previously awarded to a firm

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



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Abigail Price-Williams  
County Attorney

APW/lmp



# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**DATE:** January 20, 2016

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 4(F)

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

# Memorandum



**Date:**

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

**Subject:** Fiscal Impact for Ordinance amending Section 2-10.4 of the Code of Miami-Dade County Relating to Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services to include Prior Work Awarded to Affiliates of a Proposing Firm in Evaluating the Volume of Work Previously Awarded to a Firm

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The proposed ordinance amends the existing Code relating to the acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services to include consideration of prior work awarded to affiliates of a proposing firm, as a part of, and in addition to, evaluating the volume of work previously awarded to a firm. For Architectural and Engineering (A/E) procurements, this change may result in an increase in the amount of the volume of work considered by the Competitive Selection Committee for a firm, and potentially result in a lower score for that firm in the applicable evaluation criterion. For A/E design proposals, pricing is not scored, but is considered following a qualitative evaluation. Therefore, the fiscal impact resulting from this change cannot be determined in advance.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is cursive and fluid, with a large flourish at the end.

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Edward Marquez  
Deputy Mayor

Fis02816 160014

# Memorandum



**Date:** March 8, 2016

**To:** Honorable Chairman Jean Monestime  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez". The signature is fluid and cursive, with a large, sweeping flourish at the end.

**Subject:** Social Equity Statement for Ordinance Amending Section 2-10.4 of the Code Relating to Acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services to Include Prior Work Awarded to Affiliates of a Proposing Firm in Evaluating the Volume of Work Previously Awarded to a Firm

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The proposed Ordinance amends the existing Code relating to acquisition of Professional Architectural, Engineering, Landscape Architectural or Land Surveying and Mapping Services to include prior work awarded to affiliates of a proposing firm in evaluating the volume of work previously awarded to a firm. This change may result in an increased volume of work being considered by the Competitive Selection Committee for a firm, potentially resulting in a lower score for that firm in the applicable selection criterion. That potential change in score could provide opportunities for other Architectural and Engineering firms to be awarded work, however this Ordinance is not expected to have a determinable social impact.

A handwritten signature in black ink, appearing to read "Edward Marquez". The signature is cursive and somewhat stylized, with a long, sweeping flourish extending from the end of the name.

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Edward Marquez  
Deputy Mayor

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(F)  
1-20-16

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY RELATING TO ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL OR LAND SURVEYING AND MAPPING SERVICES TO INCLUDE PRIOR WORK AWARDED TO AFFILIATES OF A PROPOSING FIRM IN EVALUATING THE VOLUME OF WORK PREVIOUSLY AWARDED TO A FIRM; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, Section 287.055 of the Florida Statutes, the Consultants Competitive Negotiation Act ("CCNA") governs the selection by agencies throughout the State, including Miami-Dade County, of professional architectural, engineering, landscape architectural and land surveying services; and

**WHEREAS**, the CCNA contains, among the criteria for selection of firms, the consideration of the volume of work previously awarded to each firm by the agency, in order to effect an equitable distribution of contracts among qualified firms; and

**WHEREAS**, this Board has adopted Section 2-10.4 of the Code to implement the CCNA and to give effect to its provision within Miami-Dade County; and

**WHEREAS**, firms subject to the CCNA and Section 2-10.4 are frequently reorganized and reconstituted, often retaining the same management, employees, addresses and assets; and

**WHEREAS**, firms may currently use affiliated entities who have not received substantial prior County work to propose on CCNA solicitations and thereby skew the volume of work analysis; and

WHEREAS, in order to achieve the equitable distribution of contracts among qualified firms, this Board wishes to amend Section 2-10.4 of the Code to clarify the application of the criteria of volume of work previously awarded to each firm to include volume of work awarded to affiliates of the firm, thereby preventing firms from obtaining a competitive advantage solely by a process of reorganization,

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

**Section 1.** Section 2-10.4 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

**Sec. 2-10.4.** - Acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

(1) Definitions.

\* \* \*

>>(j) The term "Affiliates" shall mean business concerns, organizations, or individuals that directly or indirectly where: (i) one controls or has the power to control the other; or (ii) a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interests among family members, shared facilities and equipment, common use of employees, shared office space, shared local business tax receipt addresses, or a business entity organized by a debarred entity, individual, or affiliate following the debarment of a contractor that has the same or similar management, ownership, or principal employees as the contractor that was debarred or suspended.<<

\* \* \*

<sup>1</sup> 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.

- (5) Competitive selection committees for publicly announced projects or planning or study activities which are not provided under continuing contracts.

\* \* \*

(d) The County ~~[[Manager]]~~ >>Mayor or County Mayor's designee<< shall select no less than three (3) firms, in the order of preference (provided that at least three (3) firms are identified in accordance with subsection (b) above) by the competitive selection committee to be the most highly qualified to perform the required services. The competitive selection committee shall rank the firms in the order of their competence and qualification 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, and the volume of work previously awarded to the firm >>and its affiliates<< by the agency with the object of effecting an equitable distribution of contracts among qualified firms. The competitive selection committee shall score the firms based on a qualitative evaluation of the selection criteria (the "Qualitative Score") but shall base its recommended ranking on the aggregate ranking provided by members of the selection committee (the "Ordinal Score") all as more particularly described in the Implementing Order. The competitive selection committee shall report to the County Mayor or the County Mayor's designee the recommended ranking of the firms including both Qualitative Scores and Ordinal Scores. The competitive selection committee shall report no fewer than three (3) firms determined to be the most highly qualified, provided at least three (3) qualified firms have responded to the solicitation.

Following the review of the selection committee's report, the County Mayor or County Mayor's designee shall determine the final ranking of firms in the order of competence and qualification upon application of the criteria set forth in subsection (d) above and the local preference considerations set forth in subsection (e) below. The County Mayor or County Mayor's designee shall at all times abide by the principle of selection of the most highly qualified firms. The County Mayor or County Mayor's designee 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 shall then negotiate a contract in accordance with the procedures set forth hereafter.

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**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:

Approved by County Attorney as  
to form and legal sufficiency:

APW

Prepared by:

HB

Hugo Benitez

Prime Sponsor: Commissioner Audrey M. Edmonson  
Co-Sponsors: Commissioner Daniella Levine Cava  
Commissioner Barbara J. Jordan