

MEMORANDUM

Agenda Item No. 11(A)(5)

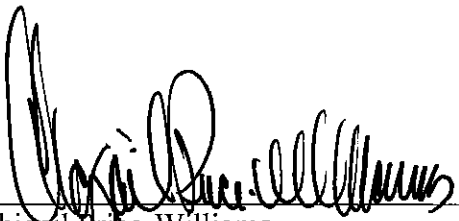
TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution creating the
Professional Services
Task Force; providing for
membership, organization
and procedures and setting
forth purpose, function,
responsibility and sunset
provision

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairman Esteban L. Bovo, Jr.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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

DATE: May 17, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
5-17-16

RESOLUTION NO. _____

RESOLUTION CREATING THE PROFESSIONAL SERVICES
TASK FORCE; PROVIDING FOR MEMBERSHIP,
ORGANIZATION AND PROCEDURES AND SETTING
FORTH PURPOSE, FUNCTION, RESPONSIBILITY AND
SUNSET PROVISION

WHEREAS, Miami-Dade County is a large purchaser of architectural, engineering and other professional services covered under Section 287.055 of the Florida Statutes, the Consultants Competitive Negotiation Act (“CCNA”); and

WHEREAS, the CCNA provides criteria for selection of firms to deliver professional services including ability of professional personnel, past performance, location, workload and work previously awarded to a firm, with a view to effect an “equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms”; and

WHEREAS, to give effect to the purpose and requirements of the CCNA in the County, the County has enacted implementing legislation including Section 2-10.4 and Administrative Order 3-32, and has adopted processes, procedures and competitive solicitation documents; and

WHEREAS, the County wishes to improve the equitable distribution of its contracts to provide for the well-being of this community, and to enhance the economic opportunities of its businesses and residents, all consistent with the requirements and objectives of the CCNA; and

WHEREAS, to accomplish those purposes, this Board wishes to empanel a task force of industry professionals and affected individuals to make recommendations for improvements to applicable legislation and administrative processes, procedures and competitive solicitation documents, all in the manner more specifically set forth below,

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

Section 1. *Creation.* The Professional Services Task Force (the “Task Force”) is hereby created.

Section 2. *Purpose.* The purpose of the Task Force is to review the County’s existing legislation, administrative practices and procedures, and competitive solicitation documents for the purchase of professional services covered under the CCNA, including without limitation, Section 2-10.4 of the Code of Miami-Dade County and Administrative Order 3-32, and to offer recommendations for their improvement to achieve a more equitable distribution of County contracts, all consistent with the intent and the requirements of the CCNA. In particular, and without limitation to the generality of the foregoing, the Task Force shall evaluate the existing local preference and the possibility of creating a locally headquartered preference for professional firms, defining the thresholds and other parameters of such proposed enactments. Additionally, the Task Force shall evaluate the efficacy of the County’s local preference program. To that end, the Task Force shall consider whether the local business tax receipt continues to be the most effective method of identifying local businesses eligible for preferential treatment in the procurement process. If not, the Task Force shall make recommendations concerning alternative methods of identifying local businesses. The Task Force shall also consider and evaluate comparable models for the procurement and contracting of professional services.

Section 3. *Membership.* The Task Force shall be composed of not fewer than 13 or more than 26 members. The Task Force shall contain professional representatives of firms delivering services under the CCNA, including firms with offices in the County which are not locally headquartered and locally headquartered firms. The composition of the Task Force shall

contain a balance of the professions regulated by the CCNA. The Task Force shall be representative of the community at large and should reflect the gender, racial, ethnic and cultural makeup of the community. The members shall be appointed in the following manner:

- (a) Within 20 days of the effective date of this resolution each member of the Board may nominate persons to be considered for service on the Task Force. Nominations shall be submitted to the Clerk of the Board.
- (b) Within 20 days of the effective date of this resolution interested persons may submit their qualifications to the Clerk of the Board to be considered for service on the Task Force.
- (c) In the event that within 30 days following the effective date of this resolution the Clerk of the Board has not received sufficient number of nominations to constitute the Board, the Clerk shall immediately provide the Board with written notice and the deadline for nominations and submissions shall be extended for an additional 15 days following such notice or notices.
- (d) Upon receipt of sufficient nominations the Clerk of the Board shall place an item on the agenda of the Board's next regularly scheduled meeting for the Board's selection of the members of the Task Force.
- (e) In making the selection of who shall serve on the Task Force the Board shall consider, among other factors, the member making the nomination, the availability of nominees, and other criteria set forth in this resolution.
- (f) Any member vacancies shall be filled in the manner provided for in the initial appointment.

Section 4. *Conduct of Meetings.* The Task Force shall select one member to serve as chairperson and one member to serve as the vice-chairperson, who shall discharge the office of chair in the chair's absence. In order to transact any business or to exercise any power vested in

the Task Force, a quorum consisting of a majority of those persons duly appointed shall be present. The Task Force shall adopt any rules which it deems necessary for the conduct of its meetings. The members of the Task Force shall serve without compensation.

All proceedings of the Task Force shall be conducted in accordance with the Government in the Sunshine Law (Section 286.011 Fla. Stats.) and the Citizens Bill of Rights of the Miami-Dade County Home Rule Charter. The Task force shall be deemed an “agency” for all purposes under the Public Records Law. The Task Force shall be governed by all applicable State and County conflict of interest laws, including the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance, Section 2-11.1 of the Code of Miami-Dade County.

The Task Force shall meet within 15 days of the appointment of its members, and shall meet not less than every 30 days from the date of the initial meeting. Additional meetings may be held at the discretion of the Task Force.

Section 5. *Reports.* The Task Force shall provide its final report to the Board, containing the Task Force’s findings and recommendations consistent with this resolution, within 180 days following its initial meeting. The report shall be placed on an agenda of the Board pursuant to Ordinance No. 14-65 for consideration by the Board. The Board may then request such further work of the Task Force as may be in the public interest.

Section 6. *Staff.* The Task Force shall be provided adequate staff and support services by the County Mayor or County Mayor’s designee. The staff shall maintain records of the Task Force, in coordination with the chairperson, prepare agendas and minutes of Task Force meetings and perform such other duties as may be reasonably required to conduct the affairs of the Task Force subject to budgetary limitations. The County Attorney’s Office shall provide legal counsel, as needed, to the Task Force.

Section 7. *Sunset.* The Task Force shall sunset and stand dismissed 300 days following the effective date of this resolution unless the Board extends the term of service by majority vote.

The Prime Sponsor of the foregoing resolution is Vice Chairman Esteban L. Bovo, Jr. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

- | | |
|-------------------------------------|----------------------|
| Jean Monestime, Chairman | |
| Esteban L. Bovo, Jr., Vice Chairman | |
| Bruno A. Barreiro | Daniella Levine Cava |
| Jose "Pepe" Diaz | Audrey M. Edmonson |
| Sally A. Heyman | Barbara J. Jordan |
| Dennis C. Moss | Rebeca Sosa |
| Sen. Javier D. Souto | Xavier L. Suarez |
| Juan C. Zapata | |

The Chairperson thereupon declared the resolution duly passed and adopted this 17th day of May, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Hugo Benitez