

MEMORANDUM

Agenda Item No. 11(A)(3)

TO: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners


DATE: July 8, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the
County Mayor to undertake an
analysis of and examine
establishing local preference
reciprocity with Broward
County and Monroe County
and to provide written report
back to this Board within 60
days on status

This item was amended at the 6-10-21 County Infrastructure, Operations and Innovations Committee to require that the Mayor or Mayor's designee perform an analysis and examination of establishing local preference reciprocity and report back to the Board on same prior to taking any actions related thereto. The item was also amended to specify certain information that should be analyzed and included in the Mayoral report.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/uw



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 8, 2021

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Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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)(3)
7-8-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO UNDERTAKE AN ANALYSIS OF AND EXAMINE ESTABLISHING LOCAL PREFERENCE RECIPROCITY WITH BROWARD COUNTY AND MONROE COUNTY AND TO PROVIDE WRITTEN REPORT BACK TO THIS BOARD WITHIN 60 DAYS ON STATUS

WHEREAS, pursuant to section 2-8.5 of the Code of Miami-Dade County, Florida ("County Code"), in any County competitive bid process where award is to be made to the responsive and responsible bidder offering the lowest bid, any local business that is within 10 percent of, or any locally headquartered business that is within 15 percent of, the low bid from a non-local business, shall have an opportunity to submit a best and final bid equal to or lower than the low bid; and

WHEREAS, additionally, pursuant to section 2-8.5 of the County Code, in solicitations that take the form of a request for proposals, any local business that, following the final rankings, is within five percent of the ranking of the highest ranked non-local business, shall have an opportunity to proceed to negotiations with the County; and

WHEREAS, section 2-8.5 of the County Code defines a "local business" as one that, among other requirements, has a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs its business and such business address must have served as the place of employment for at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission; and

WHEREAS, section 2-8.5(6) of the County Code sets forth a reciprocity provisions to the County's local preference ordinance whereby local businesses in the County may also be

considered local businesses in Broward County, Palm Beach County and Monroe County and local businesses from those counties may be considered local businesses for purpose of the County's local preference ordinance following the execution of an interlocal by the affected governmental entities; and

WHEREAS, Broward County also has a reciprocity provision in its local preference ordinance; and

WHEREAS, the County previously had an interlocal agreement with Broward County which expired on September 30, 2017; and

WHEREAS, many residents of Miami-Dade County are employed by local businesses in Broward County and Monroe County; and

WHEREAS, similarly, many residents of Broward County, and Monroe County are employed by local businesses within Miami-Dade County; and

WHEREAS, >>this Board desires to examine whether<<¹ it would therefore be in the best interest of local businesses in Miami-Dade County and their employees to have local preference programs in Broward County and Monroe County be extended to local businesses in Miami-Dade County; and

WHEREAS, similarly, >>this Board desires to examine whether<< it would also be in the best interest of County residents that are employed by local businesses in Broward County and Monroe County to have Miami-Dade County extend local preference to those counties' local businesses,

¹ Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

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

Section 1. The County Mayor or County Mayor's designee to ~~[[take all actions necessary to pursue]]~~ >>undertake an analysis of and examine the County establishing<< local preference reciprocity with Broward County and Monroe County and to provide a written report to this Board within 60 days of the effective date of this resolution on the ~~[[status of the County Mayor's or Mayor's designee's actions taken]]~~ >>results of such analysis and examination<< to establish reciprocity with said counties along with any recommendations regarding the reciprocity, including but not limited to, recommendations on any amendments needed to the County Code or to said counties' code of ordinances in order to effectuate the reciprocity on local preference. >>The analysis and examination should include, but not be limited to, reviewing local preference reciprocity extended by other governmental entities such as the Miami Dade Public School Board, an evaluation and assessment of the County's past experiences with local preference reciprocity, and the impact that any such reciprocity would have on Miami-Dade County local businesses.<< Pursuant to Ordinance No. 14-65, the written reports required by this resolution shall be placed on an agenda of the Board.

Section 2. The Clerk of the Board to send a certified copy of this resolution to the Clerks of the Board of County Commissioners, Chairpersons of the Board of County Commissioners, and Mayors of Broward County and Monroe County.

The Prime Sponsor of the foregoing resolution is Senator René García. 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:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman

Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 8th day of July, 2021. 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.

MRP

Eduardo W. Gonzalez
Monica Rizo Perez