

MEMORANDUM

Amended
Agenda Item No. 7(D)

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

DATE: (Second Reading 3-2-21)
December 15, 2020

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to
procurement of iron and steel;
creating section 2-8.2.6.1 of the
Code; creating the Buy American
Iron and Steel Products
Procurement Program; providing
that solicitations and contracts
for certain public improvement
projects must require the use of
iron and steel products produced
in the United States; providing
exceptions; exempting certain
projects

Ordinance No. 21-22

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Joe A. Martinez, and Co-Sponsors Chairman Jose "Pepe" Diaz, Senator René García, Vice-Chairman Oliver G. Gilbert, III, Commissioner Sally A. Heyman, Commissioner Rebeca Sosa and Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: March 2, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Fiscal Impact Statement for Ordinance Relating to Procurement of Iron and Steel

The implementation of this ordinance will have a fiscal impact to Miami-Dade County as vendors will most likely pass any additional expense to the County by including any additional costs in newly established contracts impacted by this change.

A handwritten signature in black ink that reads "Edward Marquez".

Edward Marquez
Chief Financial Officer

FIS 01621 202416

Memorandum



Date: March 2, 2021

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava". The signature is written in a cursive style.

Subject: Social Equity Statement for Ordinance Relating to Procurement of Iron and Steel

It is anticipated that social benefits would follow the implementation of this ordinance, including but not limited to, the improved standing of many American firms engaged in the business of iron and steel production, an increase in the number of associated jobs in this country, and support of the economy.

A handwritten signature in black ink that reads "Edward Marquez". The signature is written in a cursive style.

Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Amended
Agenda Item No. 7(D)

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 Amended
Veto _____ Agenda Item No. 7(D)
Override _____ 3-2-21

ORDINANCE NO. O-21-22

ORDINANCE RELATING TO PROCUREMENT OF IRON AND STEEL; CREATING SECTION 2-8.2.6.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE BUY AMERICAN IRON AND STEEL PRODUCTS PROCUREMENT PROGRAM; PROVIDING THAT SOLICITATIONS AND CONTRACTS FOR CERTAIN PUBLIC IMPROVEMENT PROJECTS MUST REQUIRE THE USE OF IRON AND STEEL PRODUCTS PRODUCED IN THE UNITED STATES; PROVIDING EXCEPTIONS; EXEMPTING CERTAIN PROJECTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the Buy American Act of 1933, codified at section 83 of title 41 of the United States Code, requires that the federal government in procurement and certain matters involving federal financial assistance use American products for the purchase or acquisition of goods, products or materials, as defined in the Buy American Act, whenever possible with some exceptions; and

WHEREAS, multiple states and local governments across the United States have adopted similar Buy American laws, particularly, pertaining to the purchase of iron and steel products in public improvement projects; and

WHEREAS, this Board likewise desires to enact Buy American legislation setting forth procurement and contracting requirements that iron and steel products utilized in certain Miami-Dade County public improvement projects be produced in the United States,

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

Section 1. Section 2-8.2.6.1 of the Code of Miami-Dade County, Florida, is hereby created to read as follows:

Sec. 2-8.2.6.1. Buy American Iron and Steel Products Procurement Program.

(1) Policy and Scope: This section shall be known as the “Buy American Iron and Steel Products Procurement Program” and is intended to set forth requirements to use iron and steel products produced in the United States for construction contracts that are subject to approval or ratification by the Board of County Commissioners.

(2) Definitions.

For purposes of this section:

- a. “County Mayor” wherever used in this section shall mean the County Mayor and his or her designee.
- b. “Iron and steel products” shall mean products made primarily of iron or steel, including, but not limited to, lined or unlined pipes and fittings, bars and rods, wire, wire ropes and link chains, forgings, manhole covers and other castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, materials made primarily of iron and steel within precast concrete, and other construction materials made primarily of iron or steel.
- c. “Manufacturing process” shall mean the application of a process to alter the form or function of materials or elements of a product in a manner that adds value and transforms the materials or elements into a new finished product, but does not include the process of merely placing the materials or elements on a construction site or assembling finished materials or elements into a product.
- d. “Produced in the United States” shall mean, with respect to iron and steel products, a product for which all manufacturing processes, from initial melting through application of coatings, occur in the United States, other than metallurgical processes to refine steel additives.

- e. “Project” shall mean a construction contract between Miami-Dade County and a private contractor for public improvements that is subject to the approval or ratification by the Board of County Commissioners.
- (3) Iron and Steel Products Procurement and Contracting Requirement: All solicitations and contracts for projects in which iron and steel products shall be used shall include terms and specifications requiring that any iron and steel products produced through a manufacturing process and used in the project be produced in the United States.
 - (4) Exceptions: The requirement set forth in subsection 3 shall not apply, if:
 - a. iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
 - b. inclusion of iron and steel products produced in the United States will increase the cost of the project by more than 20 percent; or
 - c. upon a written recommendation of the County Mayor approved by a majority vote of the Board members present, compliance with the procurement and contracting requirements in subsection 3 are not consistent with the best interests of the public.
 - (5) Federal law, Florida law and International Agreements: This section shall be applied in a manner consistent with existing federal law, State of Florida law and any obligations applicable to Miami-Dade County under international agreements.

Section 2. The requirements of this ordinance shall not apply to any project that was advertised for competition or is under contract before the effective date of this ordinance.

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 relettered 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:

March 2, 2021

Approved by County Attorney as
to form and legal sufficiency:

Prepared by:

Eduardo W. Gonzalez

Prime Sponsor: Commissioner Joe A. Martinez
Co-Sponsors: Chairman Jose "Pepe" Diaz
Senator René García
Vice-Chairman Oliver G. Gilbert, III
Commissioner Sally A. Heyman
Commissioner Rebeca Sosa
Senator Javier D. Souto