

MEMORANDUM

Agenda Item No. 7(A)

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

DATE: March 1, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Ordinance relating to procurement of cybersecurity products and vendor access to County cybersecurity infrastructure; creating section 2-8.2.6.2 of the Code; providing that solicitations and contracts for the purchase of cybersecurity products require that software and hardware be made in the United States; requiring heightened security review of employees of vendors with access to County cybersecurity; providing exceptions

Ordinance No. 22-22

This item was amended at the 2-10-22 County Infrastructure, Operations and Innovations Committee to add a whereas clause identifying the companies on the prohibited companies list pursuant to the John S. McCain National Defense Authorization Act for Fiscal Year 2019 and provide an exemption from the prohibition on purchasing foreign cybersecurity technology for companies and subsidiaries not on the John S. McCain National Defense Authorization Act for Fiscal Year 2019 prohibited companies list as that list may be amended from time to time.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz, and Co-Sponsors Commissioner Sally A. Heyman, Commissioner Rebeca Sosa and Senator Javier D. Souto.



Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: March 1, 2022

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, flowing style.

Subject: Fiscal Impact Statement for Ordinance Relating to Software and
Hardware be Made in the United States

The fiscal impact of the implementation of this ordinance cannot be quantified at this time, as there are various unknowns, such as which vendors will be participating in future solicitations and the cost of products being requested by the County could create additional impact and delay.

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


Edward Marquez
Chief Financial Officer

Memorandum



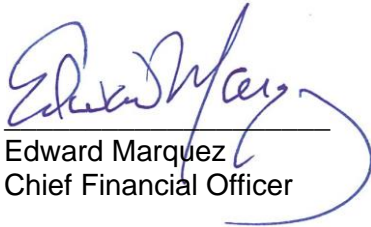
Date: March 1, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Statement for Ordinance Relating to Procurement of Cybersecurity Products and Vendor Access to County Cybersecurity Infrastructure; Creating Section 2-8.2.6.2 of the Code of Miami-Dade County, Florida

Purchasing cybersecurity products provides a social benefit via the improvement of security to the County’s information technology infrastructure, which is critical to providing life, health and safety services to County residents and visitors by heightening the review of County vendors who have access to County cybersecurity systems. By adopting the Federal ban on acquisition of systems and technologies from specific companies as enacted in the John S. McCain National Defense Authorization Act for Fiscal year 2019, Pub. Law. 115-232 (“2019 NDAA”), Section 889, this ordinance could prevent the implementation of systems potentially under foreign nation state influence, possibly containing malicious code or components. The implementation of this ordinance could, however, create additional expense and delay.


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: March 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(A)

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. 7(A)
3-1-22

ORDINANCE NO. _____ 22-22

ORDINANCE RELATING TO PROCUREMENT OF CYBERSECURITY PRODUCTS AND VENDOR ACCESS TO COUNTY CYBERSECURITY INFRASTRUCTURE; CREATING SECTION 2-8.2.6.2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT SOLICITATIONS AND CONTRACTS FOR THE PURCHASE OF CYBERSECURITY PRODUCTS REQUIRE THAT SOFTWARE AND HARDWARE BE MADE IN THE UNITED STATES; REQUIRING HEIGHTENED SECURITY REVIEW OF EMPLOYEES OF VENDORS WITH ACCESS TO COUNTY CYBERSECURITY; PROVIDING EXCEPTIONS; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Miami-Dade County utilizes information technology in all aspects of County government to provide all aspects of government services to the County’s residents and visitors; and

WHEREAS, the County’s information technology infrastructure is critical to providing life, health and safety services such as police, fire and rescue, water and sewer, and management of environmental resources; and

WHEREAS, while information technology has provided a means to dramatically increase efficiency and reduce costs in government services, it is also potentially susceptible to targeted attacks by malicious actors seeking to disrupt, interfere or profit from intrusion into government information technology systems; and

WHEREAS, foreign governments are among those entities seeking to gain access to government information technology infrastructures for political, military and economic espionage and other purposes; and

WHEREAS, recent attacks on information technology infrastructure by both known and unknown foreign governments and governmental sponsored organizations demonstrate the need for increased security and vigilance against state and state sponsored intrusions; and

WHEREAS, cybersecurity products developed outside the United States of America are more susceptible to foreign government intervention and manipulation; and

>>**WHEREAS**, the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Public Law 115-232, prohibits certain federal agencies from purchasing technology products from companies on the prohibited telecommunications companies list including Lenovo Computers, Kaspersky Lab, Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technologies Company, and Dahua Technology Company; and<<¹

WHEREAS, this Board desires to harden the County's information technology infrastructure by requiring that solicitations for cybersecurity products require that such products be made in the United States of America and that County vendors with access to County cybersecurity systems be subject to heightened review by the County Mayor or County Mayor's designee,

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

Section 1. Section 2-8.2.6.2 of the Code of Miami-Dade County, Florida, is hereby created as follows:

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

Sec. 2-8.2.6.2. Cybersecurity and Information Technology Procurement and Protection Program.

(1) Policy and Scope: This section shall be known as the "Cybersecurity and Information Technology Procurement and Protection Program" and is intended to set forth requirements to purchase cybersecurity products produced in the United States for contracts that are subject to approval or ratification by the Board of County Commissioners and to provide heightened review of vendors with access to County cybersecurity systems.

(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. "Cybersecurity products" shall mean software or hardware that include technologies, processes, and practices designed to protect information technology networks, devices, programs, and data from attack, damage, or unauthorized access.
- c. "Produced in the United States" shall mean, with respect to cybersecurity products, a product for which all development and production occurs in the United States.
- d. "Heightened security review" shall mean any and all security screening conducted on County employees with access to cybersecurity products or any other additional security screenings or reviews the County Mayor or County Mayor's designee determines necessary to protect the security of the County's information technology networks, devices, programs, and data.

(3) Cybersecurity Procurement and Contracting Requirement: All solicitations and contracts for cybersecurity products shall include terms and specifications requiring that any cybersecurity products be produced in the United States.

(4) Exceptions: The requirement set forth in subsection 3 shall not apply, if:

- (a) A required cybersecurity product is not produced in the United States, or if such required cybersecurity product is produced in the United States, it is not of a satisfactory quality to meet the needs of Miami-Dade County; ~~[[or]]~~

(b) 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 is not consistent with the best interests of the public[[]]>>:or

(c) the cybersecurity product is purchased from a company or subsidiary that is not on the list of prohibited telecommunications companies in the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Public Law 115-232, as that list may be amended from time.<<

(5) Heightened Review of Employees of Vendors with Cybersecurity Access: All employees of County vendors who have access to County owned, licensed or operated cybersecurity products shall be subject to heightened security review prior to such County vendor employees being granted access to County cybersecurity products.

(6) 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 contract or 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 1, 2022

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Oren Rosenthal

Prime Sponsor: Chairman Jose "Pepe" Diaz
Co-Sponsors: Commissioner Sally A. Heyman
Commissioner Rebeca Sosa
Senator Javier D. Souto