

MEMORANDUM

		Agenda Item No. 7(G) (Second Reading: 10-6-22) July 19, 2022
TO:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners	DATE:
FROM:	Geri Bonzon-Keenan County Attorney	SUBJECT: Ordinance relating to procurement of janitorial services and landscaping services; creating section 2-8.2.7.02 of the Code; creating the Janitorial and Landscaping Purchasing Program; providing for County purchases of janitorial and landscaping services from vendor pools consisting of firms certified as small business enterprise-services; establishing procedures for establishing purchasing program pools and limitations as to the terms and dollar amounts of the pools; amending section 2-8.1(b)(1) of the Code, to establish dollar limitations on the County Mayor's delegated authority for contract awards under purchasing programs designed to provide opportunities for Small Business Enterprises

Ordinance No. 22-129

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Rebeca Sosa.


Geri Bonzon-Keenan
County Attorney

GBK/uw

Memorandum



Date: October 6, 2022

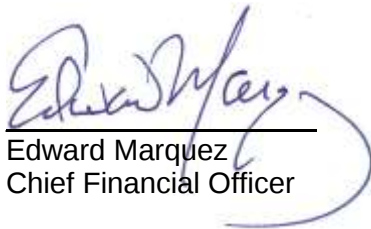
To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Fiscal Impact Statement for Ordinance Relating to Procurement of Janitorial and Landscaping Services

The proposed ordinance, relating to janitorial services and landscaping services, seeks to add Section 2-8.2.7.02 to the Miami-Dade County Code to create a program to facilitate and expedite the award of contracts for janitorial or landscaping services to firms certified as Small Business Enterprises-Services ("SBE"), as defined in Section 2-8.1.1.1.1 of this Code (Small Business Enterprise Services Program).

It is anticipated that the implementation of this ordinance will have no fiscal impact to the County.


Edward Marquez
Chief Financial Officer

Memorandum



Date: October 6, 2022

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

From: Daniella Levine Cava 
Mayor

Subject: Social Equity Impact Statement for Ordinance Relating to Janitorial Services and Landscaping Services and Creating Section 2-8.2.7.02 of the Miami-Dade County Code

The proposed ordinance, relating to janitorial services and landscaping services, seeks to add Section 2-8.2.7.02 to the Miami-Dade County Code (Code) to create a program to facilitate and expedite the award of contracts for janitorial or landscaping services to firms certified as Small Business Enterprises-Services ("SBE") as defined in Section 2-8.1.1.1.1 of this Code (Small Business Enterprise Services Program).

The implementation of this ordinance will provide a social benefit as all awards made through this program will be to small and local firms which could aid in their growth and development; and could further serve as a catalyst in stimulating the local economy via the creation of additional job opportunities with an associated living wage.


Edward Marquez
Chief Financial Officer



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 7(G)

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(G)
10-6-22

ORDINANCE NO. 22-129

ORDINANCE RELATING TO PROCUREMENT OF JANITORIAL SERVICES AND LANDSCAPING SERVICES; CREATING SECTION 2-8.2.7.02 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; CREATING THE JANITORIAL AND LANDSCAPING PURCHASING PROGRAM; PROVIDING FOR COUNTY PURCHASES OF JANITORIAL AND LANDSCAPING SERVICES FROM VENDOR POOLS CONSISTING OF FIRMS CERTIFIED AS SMALL BUSINESS ENTERPRISE-SERVICES; ESTABLISHING PROCEDURES FOR ESTABLISHING PURCHASING PROGRAM POOLS AND LIMITATIONS AS TO THE TERMS AND DOLLAR AMOUNTS OF THE POOLS; AMENDING SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO ESTABLISH DOLLAR LIMITATIONS ON THE COUNTY MAYOR’S DELEGATED AUTHORITY FOR CONTRACT AWARDS UNDER PURCHASING PROGRAMS DESIGNED TO PROVIDE OPPORTUNITIES FOR SMALL BUSINESS ENTERPRISES; AND PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, small local businesses are and should always be the engine of Miami-Dade County’s economy; and

WHEREAS, this Board recognizes the central role and importance of Small Business Enterprises (“SBE”) by its own adopted policy, including the creation of the Miscellaneous Construction Contracts Program (the “MCC Program”) whereby construction contracts are awarded to a set aside pool of SBE construction firms; and

WHEREAS, this Board wishes to mimic the success of the MCC Program and create a janitorial and landscaping purchasing program whereby the County awards contracts for janitorial services and landscaping services to a set aside pool of vendors that are certified SBEs as defined in section 2-8.1.1.1 of the Code of Miami-Dade County, Florida; and

WHEREAS, the creation of a janitorial and landscaping services purchasing program will facilitate and expedite the award of services contracts to certified SBEs,

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

Section 1. Section 2-8.2.7.02 of the Code of Miami-Dade County, Florida, is hereby created as follows:

>>Sec. 2-8.2.7.02. - Janitorial and Landscaping Services Purchasing Program.

- (1) Policy and Scope: This section, to be known as the Janitorial and Landscaping Services Purchasing Program (the “JLS Purchasing Program”), is intended to facilitate and expedite the award of contracts for janitorial or landscaping services to firms certified as Small Business Enterprises-Services (“SBE”) as defined in Section 2-8.1.1.1.1 of this Code (Small Business Enterprise Services Program).
- (2) The JLS Purchasing Program shall consist of two pools set aside for prequalified SBE firms as defined in Section 2-8.1.1.1.1: one pool for the purchase of janitorial services and one pool for the purchase of landscaping services. To qualify for inclusion in the pools, vendors must be certified as SBE firms by the Small Business Development Division (“SBD”) of the Internal Services Department or its successor entity and be primarily engaged in providing the services, janitorial or landscaping, in either respective pool. Award of contracts under each of the pools shall be based on competitive sealed bids or proposals among the JLS Purchasing Program participants.
- (3) The term of the pools established under the JLS Purchasing Program shall be for a term not to exceed five years unless otherwise authorized through a resolution adopted by the Board of County Commissioners (the “Board”). The allocation for each five-year pool under the JLS Purchasing Program shall not exceed fifty million dollars (\$50,000,000.00) unless otherwise authorized through a resolution adopted by the Board. Individual contract awards within the JLS Purchasing Program shall be subject to the dollar limitations set forth in section 2-8.1(b) for delegated contractual authority and section 2-8.1.1.1 for SBE set aside contracts.

- (4) The County Mayor or designee shall present a resolution to the Board setting forth the term of the JLS Purchasing Program pools, the identification of the JLS Purchasing Program SBE participants, the dollar amounts of each pool, and a written recommendation to the Board as to whether it is in the best interests of Miami-Dade County to waive the competitive bidding requirements of section 5.03(D) of the Charter of Miami-Dade County, Florida, and section 2-8.1 of the Code of Miami-Dade County, Florida, to establish the set aside pools consisting solely of certified SBE firms and effectuate contract awards thereunder. The JLS Purchasing Program pools shall be established by a two-thirds vote of the Board members present to waive competitive bidding processes. The County Mayor and the Board shall follow the requirements set forth in this subsection each time a pool is established pursuant to the JLS Purchasing Program.
- (5) Competitive solicitations and awards within the SBE set-aside pools shall be designed to achieve the maximum participation of SBE firms and effect the equitable distribution of work among JLS Purchasing Program participants. SBD shall monitor the competitive solicitations and contract lengths and award amounts to ensure that SBE firms do not graduate from the Small Business Enterprise Services Program due to contracts awarded under the JLS Purchasing Program.
- (6) Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or Mayor's designee shall have the following authority with respect to the JLS Purchasing Program:

 - (a) To issue bid and proposal documents including addenda thereto;
 - (b) To receive, open and review bids and proposals;
 - (c) To make revisions to the JLS Purchasing Program contract documents to address ambiguities and to make other clarifications, through contract amendments, or otherwise as needed;
 - (d) To award or reject bids for contracts and issue purchase orders to proceed where;

- (i) Operational considerations, if applicable, have been reviewed and approved by the Office of Management and Budget or its successor office; and
 - (ii) The value of a recommended contract award does not exceed the dollar limitations set forth in Section 2-8.1(b); and
 - (iii) The vendor receiving the award is a registered vendor who is licensed, properly insured and in good standing with the County including, but not limited to: no outstanding debts; demonstrated acceptable past performance; and has submitted required insurance, bonds, affidavits and documentation provided for by the solicitation; and
- (e) To terminate contracts in accordance with the contract documents.
- (7) The Mayor or Mayor's designee shall submit to the Board, on an annual basis, reports on the JLS Purchasing Program contracting activities during the previous year. These reports shall include the number of awards, total dollars awarded, the number of SBE firms participating in the JLS Purchasing Program and the performance of the awarded SBE firms under contract. The Board retains the authority to cancel any future solicitations and awards under the JLS Purchasing Program.
- (8) To the extent practicable, subject to available funding allocations, and upon the Board's approval of the establishment of the JLS Purchasing Program Pools all County contracts for the purchase of janitorial services or landscaping services shall be procured pursuant to this section unless prohibited by the funding source. If SBD determines there are insufficient qualified SBE firms to be awarded contracts, perform the services required under the JLS Purchasing Program, or meet the County's demand for janitorial or landscaping services, the Mayor or Mayor's designee may procure janitorial services or landscaping services through competitive bids and proposals open to all vendors or any other legal procurement method. Any determinations by SBD that there are insufficient qualified SBE firms under the JLS Purchasing Program shall be included in the annual reports required under this section.<<

Section 2. Section 2-8.1(b)(1) of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.1. Contracts and purchases generally.

* * *

(b) (1) Bid requirement for certain purchases; delegation of authority to advertise, award and reject bids or proposals for certain purchases. Formal sealed bids shall be secured for all contracts and purchases within the scope of this section when the transaction involves the expenditure of two hundred fifty thousand dollars (\$250,000.00) or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds (2/3) vote of the members present, waive competitive bidding when it finds this to be in the best interest of the County. The Mayor or Mayor's designee is hereby delegated the authority to advertise for bid all County contracts, including contracts for public improvements, purchases of supplies, materials and services, and purchases of professional services, without the need for action by the County Commission. The Mayor or Mayor's designee shall be required to include in any such advertisement the measures approved by the Review Committee relating to the County's small and community business programs established in this Code. The Mayor or Mayor's designee shall further be required to report to this Board on a bi-annual basis all contracts advertised with the measures included, and other steps taken to foster small and community business programs. The Commission Auditor shall review and evaluate the Mayor's or Mayor's designee exercise of authority delegated pursuant to this section and report the results of his or her evaluation to the Board of County Commissioners on a periodic basis. The Mayor or Mayor's designee is hereby delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing one million dollars (\$1,000,000.00) or less, or in the case of miscellaneous construction contracts >>or purchasing programs<<

¹ 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.

designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board >>ordinance or<< resolution five million dollars (\$5,000,000.00) or less, without the need for action by the County Commission. The authority to award contracts provided in the preceding sentence shall not constitute authority for the Mayor or Mayor's designee to exercise an option to renew any contract where the combined value for such contract's initial term and the option to renew would exceed one million dollars (\$1,000,000.00), and in such instances the Mayor or Mayor's designee shall obtain the prior authorization of the County Commission to exercise such option. The Mayor or Mayor's designee may recommend that the foregoing requirement to obtain prior Commission authorization to exercise an option to renew be waived for a specific contract when the Mayor or Mayor's designee deems it to be in the best interests of the County. The Inspector General shall be invited to participate as appropriate in the processes by which the authority delegated hereby is exercised. The Mayor or Mayor's designee is delegated the authority to utilize any of the following processes for selection of a contractor to perform contracts for public improvements: competitive price bidding, request for proposals, or request for qualifications without the need for prior approval of the County Commission. The Mayor or Mayor's designee shall review all construction projects to determine whether the break-up of the project into smaller contracts will increase the opportunity for CSBEs to participate therein. For those contracts where the Mayor or Mayor's designee requests authority from the County Commission to advertise, the request for such authority shall advise the steps taken to accomplish the foregoing sentence. The Mayor or Mayor's designee may designate appropriate County staff to exercise the authority delegated hereunder by implementing order, approved by the Board of County Commissioners.

* * *

Section 3. The requirements of this ordinance shall not apply to any janitorial services or landscaping services contracts that were advertised for competition or are under contract before the effective date of this ordinance.

Section 4. 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 5. 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 6. 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:

October 6, 2022

Approved by County Attorney as
to form and legal sufficiency:

GKS for GBK
EWF

Prepared by:

Eduardo W. Gonzalez
David Stephen Hope

Prime Sponsor: Commissioner Rebeca Sosa