

MEMORANDUM

Amended
Agenda Item No. 11(A)(5)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to include a Complete contract in all Requests for Proposals (“RFP”) or other solicitations or, alternatively, directing the County Mayor to provide justifications why it is in the best interests of the County to not include a complete contract as part of the RFP or solicitation; directing the County Mayor to post the draft contract along with the draft RFP or qualitative solicitation for comment from outside industry and vendors during the procurement and re-procurement planning process for contract awards subject to Board approval or ratification; and directing the County Mayor, in their sole discretion, to incorporate comments and feedback from outside industry and vendors in the final contract and RFP or solicitation prior to the advertisement of any competitive solicitation

Resolution No. R-442-25

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado, and Co-Sponsors Senator René García and Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/smm

MDC001



MEMORANDUM
(Revised)

TO: Honorable Chairman Anthony Rodriguez
and Members, Board of County Commissioners

DATE: May 6, 2025

FROM: 
Cliff Bonzon-Keenan
County Attorney

SUBJECT: Amended
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 present ____, 2/3 membership ____, 3/5’s ____, unanimous ____, majority plus one ____, 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) ____, 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. 11(A)(5)
Override _____ 5-6-25

RESOLUTION NO. R-442-25

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO INCLUDE A COMPLETE CONTRACT IN ALL REQUESTS FOR PROPOSALS (“RFP”) OR OTHER SOLICITATIONS OR, ALTERNATIVELY, DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO PROVIDE JUSTIFICATIONS WHY IT IS IN THE BEST INTERESTS OF THE COUNTY TO NOT INCLUDE A COMPLETE CONTRACT AS PART OF THE RFP OR SOLICITATION; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO POST THE DRAFT CONTRACT ALONG WITH THE DRAFT RFP OR QUALITATIVE SOLICITATION FOR COMMENT FROM OUTSIDE INDUSTRY AND VENDORS DURING THE PROCUREMENT AND RE-PROCUREMENT PLANNING PROCESS FOR CONTRACT AWARDS SUBJECT TO BOARD APPROVAL OR RATIFICATION; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE, IN THEIR SOLE DISCRETION, TO INCORPORATE COMMENTS AND FEEDBACK FROM OUTSIDE INDUSTRY AND VENDORS IN THE FINAL CONTRACT AND RFP OR SOLICITATION PRIOR TO THE ADVERTISEMENT OF ANY COMPETITIVE SOLICITATION

WHEREAS, Miami-Dade County (the “County”) frequently advertises a Request for Proposals (“RFP”) or other competitive procurement methods utilizing a qualitative review of evaluation and selection criteria; and

WHEREAS, as opposed to awarding contracts solely on the lowest bid price, such solicitations typically involve a qualitative review of evaluation and selection criteria where a selection committee reviews and ranks vendor proposals and recommends that County staff negotiate with the highest-ranked vendor; and

WHEREAS, therefore, because an RFP process comprises of the formation of selection committees, the committee's scoring and ranking vendor proposals followed by contract negotiations with the highest ranked vendors, RFP procurements or similar qualitative selection processes typically take longer to award than other simpler procurement methods; and

WHEREAS, this Board desires to expedite the procurement process by reducing the time spent on negotiating contracts; and

WHEREAS, although currently the County's professional procurement staff does include a template County contract with general terms and conditions in its RFP or other solicitations, the solicitations generally allow for contract terms to be negotiated during the procurement process; and

WHEREFORE, including a complete contract in the RFP or solicitation which allows for little or no negotiation or modifications to contractual terms would greatly reduce or eliminate time spent on negotiations; and

WHEREFORE, including a complete contract in RFP or solicitation ensures that all contract terms are reviewed thoroughly before a vendor submits proposals and promotes transparency for the County, vendors and the public at large on the terms under which significant public resources will be expended; and

WHEREAS, including the complete contract with the RFP or solicitation establishes a framework that both parties can rely upon, ensures that essential terms and obligations are clearly defined from the outset, thereby reducing the likelihood of misinterpretation or divergent expectations; and

WHEREAS, any issues vendors may have with contract terms should be raised immediately and as part of the RFP or solicitation response so such issues may be considered promptly by the County's professional staff and the selection committee and not for the first time during contract negotiations; and

WHEREAS, including a complete contract with RFP or solicitation also avoids the potential creation of legal issues that may limit competition and prolong procurements; the insertion of new contract terms during negotiation by either party may trigger the need for legal responsiveness opinions as to whether the new terms materially deviate from the material terms of the RFP or solicitation which further prolong the process and may eliminate vendors from the process if such vendors are deemed non-responsive; and

WHEREAS, the inclusion of a complete contract in an RFP or solicitation also minimizes risks and prevents hidden costs that may be created by the inclusion of new or modified terms that were not part of the contract included in the RFP or solicitation; and

WHEREAS, including a complete contract in the RFP or solicitation aligns the County with procurement best practices ensuring that the process is structured, transparent and consistent across all County departments; and

WHEREAS, as part of the procurement planning process, the Board desires that the County Mayor or County Mayor's designee post the draft contract along with the draft RFP or qualitative solicitation for comment from outside industry and vendors during the procurement and re-procurement planning process for contract awards subject to Board approval or ratification and, at the County Mayor's or County Mayor's designee's discretion, incorporate comments and feedback from outside industry and vendors in the final contract and RFP or solicitation prior to the advertisement of any competitive solicitation; and

WHEREAS, the Board recognizes that there may be certain procurements where including a complete contract not subject to further negotiation may not be feasible or practicable. In such instances, the Board desires that the County Mayor or County Mayor's designee disclose to the Board in the memorandum recommending a contract award the justifications why it is in the best interests of the County to not include a complete contract as part of the RFP or solicitation,

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

Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board directs the County Mayor or County Mayor's designee to include a complete draft contract in an RFP or any qualitative solicitation for the acquisition of goods and services, professional services subject to section 287.055 of the Florida Statutes, or design-build services subject to section 287.055 of the Florida Statutes which allows for little or no negotiation or modifications to contractual terms if the contract award is subject to Board approval or ratification. To the extent that the RFP or qualitative solicitation shall allow certain contract terms to be negotiated, the RFP or solicitation shall: (1) identify which contractual terms may be negotiated; (2) define the scope of what can be and cannot be negotiated for the identified negotiable contract terms; (3) include proposed County terms for the negotiable terms; (4) require that the vendor in its response to the RFP or solicitation disclose the issues it has with the negotiable terms and (5) disclose and describe to the Board in the award recommendation which contract terms were modified and negotiated and how. Notwithstanding, no terms that materially alter the original RFP or the vendor's original proposal shall be negotiated or incorporated into the final contract.

Section 3. In the event the County Mayor or County Mayor’s designee determines that it is in the best interests of the County to not include a complete contract in the RFP or solicitation, the County Mayor or County Mayor’s designee shall include in the County Mayor’s award recommendation memorandum to the Board, a justification explaining the reasons for not including a complete contract with the solicitation.

Section 4. This Board further directs the County Mayor or County Mayor’s designee to post the draft contract along with the draft RFP or qualitative solicitation for comment from outside industry and vendors during the procurement and re-procurement planning process for contract awards subject to Board approval or ratification. This Board further directs the County Mayor or County Mayor’s designee, in their sole discretion, to incorporate comments and feedback from outside industry and vendors in the final contract and RFP or solicitation prior to the advertisement of any competitive solicitation advertised after the effective date of this resolution.

The Prime Sponsor of the foregoing resolution is Commissioner Raquel A. Regalado, and the Co-Sponsors are Senator René García and Commissioner Eileen Higgins. It was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

Anthony Rodriguez, Chairman	aye		
Kionne L. McGhee, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Sen. René García	aye	Oliver G. Gilbert, III	aye
Roberto J. Gonzalez	absent	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Natalie Milian Orbis	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of May, 2025. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to read "E. Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez