

MEMORANDUM

Amended
Agenda Item No. 7(C)

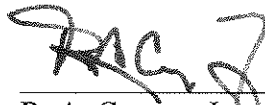
TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: (Second Reading 11-5-13)
September 17, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Ordinance amending Section
2-8.10 of the Code to expand the
County's User Access Program
to certain construction contracts
Ordinance No. 13-103

The accompanying ordinance was prepared and placed on the agenda at the request of Co-Prime Sponsors Commissioner Audrey M. Edmonson and Commissioner Sally A. Heyman.



R. A. Cuevas, Jr.
County Attorney

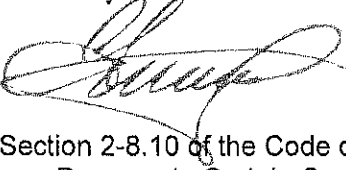
RAC/smm

Memorandum



Date: November 5, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

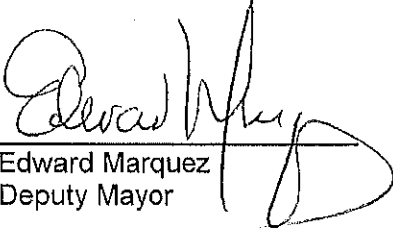
From: Carlos A. Gimenez
Mayor 

Subject: Ordinance Amending Section 2-8.10 of the Code of Miami-Dade County to Expand the County's User Access Program to Certain Construction Contracts

The proposed Ordinance amends the User Access Program to include all applicable construction contracts with the exception of Miscellaneous Construction Contracts (MCC) that are less than \$500,000 in value.

The Internal Services Department conducted a pilot program whereby the two percent User Access Fee was applied to newly advertised projects in the MCC program during the period from November 2012 through June 2013. Twenty-four MCC solicitations that exceeded the \$500,000 threshold were advertised during the pilot program. With this ordinance in place, these projects are expected to generate approximately \$650,000 in UAP revenues once they are completed.

Expansion of the UAP to the applicable construction contracts proposed in this Ordinance will generate additional revenue to the County. It is difficult to estimate the amount of additional revenue at this time, which will be dependent on the number of new construction contracts that are issued after adoption of this Ordinance. Overall implementation of this Ordinance will be performed by existing staff and will not have a negative fiscal impact to the County.


Edward Marquez
Deputy Mayor

Fis9713



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: November 5, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Amended
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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**
- 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 ____, 3/5's ____, unanimous ____) to approve**
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Amended
Agenda Item No. 7(C)

11-5-13

ORDINANCE NO. 13-103 -- ---

ORDINANCE AMENDING SECTION 2-8.10 OF THE CODE OF MIAMI-DADE COUNTY TO EXPAND THE COUNTY'S USER ACCESS PROGRAM TO CERTAIN CONSTRUCTION CONTRACTS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, Section 2 of Ordinance 12-12 created a pilot program to evaluate the application of the User Access Program fee on construction contract and authorized the County Mayor to select an area of County construction contracting to conduct this test; and

WHEREAS, on November 14, 2012, the Mayor reported to the Board that “[t]he Miscellaneous Construction Contract Program was identified as the construction contracting program where the application of the User Access Program is best suited for a pilot program”; and

WHEREAS, on June 6, 2013, the Mayor reported to the Board that “[i]t appears the pilot program was successful and the program requirements were incorporated by the pool contract participants”; and

WHEREAS, this Board wishes to expand the User Access Program to certain County construction contracts; and

WHEREAS, this Board desires that the User Access Program not apply to Miscellaneous Construction Contract Program contracts with a total contract value of less than five hundred thousand dollars (\$500,000) to reduce the potential for negatively impacting small businesses,

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

Section 1. Section 2-8.10 of the Code of Miami-Dade County, Florida is amended, effective February 1, 2014 as follows:¹

Sec. 2-8.10. User Access Program in County Purchases

- (3) The following contracts shall be exempt from the UAP: ~~[[construction]]~~ >> Miscellaneous Construction Contract Program contracts with a total contract value of less than five hundred thousand dollars (\$500,000)<<, design, design-build, professional service contracts, small purchase orders issued by County departments, contracts funded with any funding source, including federal, which prohibits or restricts the application of the credit to the County effected in the UAP, revenue generating contracts, and contracts with rates established by ordinance, resolution or applicable law. In addition, this Board may waive the application of the UAP upon a finding that the waiver is in the best interest of the County.

Section 2. 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 3. 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.

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.

Section 4. 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: November 5, 2013

Approved by County Attorney as
to form and legal sufficiency:

Pat
OR

Prepared by:

Oren Rosenthal

Co-Prime Sponsors: Commissioner Audrey M. Edmonson
 Commissioner Sally A. Heyman