

MEMORANDUM

Agenda Item No. 5(C)

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

DATE:

(Public Hearing 12-1-21)
October 19, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT:

Ordinance relating to definition
of a local business; amending
section 2-8.5 of the Code;
defining how a joint venture
qualifies as a local business

Ordinance No. 21-137

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/smm

Memorandum



Date: December 1, 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: Fiscal Impact Statement for Ordinance Relating to Definition of a Local Business

The implementation of this ordinance will not have a quantifiable fiscal impact to Miami-Dade County.

A handwritten signature in blue ink that reads "Edward Marquez". The signature is written in a cursive style and is positioned above a horizontal line.

Edward Marquez
Chief Financial Officer

Memorandum



Date: December 1, 2021

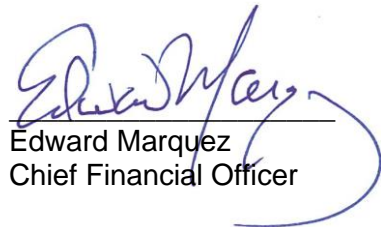
To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Social Equity Impact Statement for Ordinance Relating to Definition of a Local Business; Amending Section 2-8.5 of the Code; Defining How a Joint Venture Qualifies as a Local Business

The proposed ordinance amends Section 2-8.5 of the County Code to consider a joint venture as a local business if a) the joint venture entity meets the definition of a local business as set forth in this section; or b) all the constituent vendors comprising the joint venture entity meet the definition of a local business as set forth in this section.

The implementation of this ordinance will provide a social benefit to the vendor community as it will allow two local firms to combine their capacity and resources to compete for larger County contracts. It will also improve the long-standing policy of this Board to promote local businesses that contribute to the economic development and well-being of Miami-Dade County. Consistent with this policy, Section 2-8.5 of the Code of Miami-Dade County, will continue to provide a preference for local businesses when competing for County contracts, including a joint venture entity, if it meets the definition of a local business set forth in this section.


Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 5(C)

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. 5(C)
12-1-21

ORDINANCE NO. 21-137

ORDINANCE RELATING TO DEFINITION OF A LOCAL BUSINESS; AMENDING SECTION 2-8.5 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DEFINING HOW A JOINT VENTURE QUALIFIES AS A LOCAL BUSINESS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, it is the long-standing policy of this Board to promote local businesses that contribute to the economic development and well-being of Miami-Dade County; and

WHEREAS, consistent with this policy, section 2-8.5 of the Code of Miami-Dade County, Florida provides a preference for local businesses when competing for County contracts; and

WHEREAS, it is not uncommon for several entities to partner together and form a joint venture for the specific purpose of competing for and performing under a County contract; and

WHEREAS, given the shortages of labor and materials because of the coronavirus disease 2019 pandemic, forming a joint venture provides local small business vendors the opportunity to pool resources to engage in County projects; and

WHEREAS, the Board wants to ensure that the local preference applies to joint ventures comprised of local businesses,

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

Section 1. Section 2-8.5 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:¹

Sec. 2-8.5. Procedure to provide preference to local business in county contracts.

(1) *Definitions.*

* * *

- (c) *Local business* means the vendor has a valid business tax receipt issued by Miami-Dade County at least one year prior to bid or proposal submission, and a physical business address located within the limits of Miami-Dade County from which the vendor operates or performs business ("Local Business Location"). The vendor must own or lease the Local Business Location and the address or another Local Business Location where the owner maintains the appropriate business permits, must have served as the place of employment for at least three full time employees of the vendor for the continuous period of one year prior to the bid or proposal submission. By exception, in the event the vendor is a Small Business Enterprise certified pursuant to any County ordinance, the vendor's Local Business Location must have served as the place of employment for at least one full time employee of the vendor for the continuous period of one year prior to the bid or proposal submission. The owner of the business may be counted towards the full time employee requirement provided that the owner was paid a salary by the business for the one-year period prior to bid or proposal submission at the Local Business Location. Local Firms who provide goods or services which are exempt from Miami-Dade Business Tax Receipt requirements shall be required to submit documentation, to the County's

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.

satisfaction, demonstrating the physical business presence of the firm within the limits of Miami-Dade County for at least one year prior to bid or proposal submission. Post Office Boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In addition to the foregoing, a vendor shall not be considered a "local business" unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to, the retention and expansion of employment opportunities and the support and increase to the County's tax base. Vendors shall affirm in writing their compliance with the foregoing at the time of submitting their bid or proposal to be eligible for consideration as a "local business" under this section. >>If a vendor is a joint venture, the joint venture shall be considered a "local business" under this section, if: (a) the joint venture entity meets the requirements of a "local business" set forth in this section; or (b) all of the constituent vendors comprising the joint venture meets the requirements of a "local business" set forth in this section.<< The County may, in its sole discretion, investigate any claim that a vendor is not a local business and shall investigate any vendor that claims a Local Business Location located within an area zoned for residential uses for contracts whose award is valued at \$500,000.00 or more. The vendor shall, as a condition of award of a contract, and at any time after a contract is awarded. Cooperate fully with any investigation which the County decides to conduct in connection with the vendor's claim to be a local business. The obligation to cooperate shall include, but not be limited to, the submittal to the County of any document supporting the vendor's claim to being a local business promptly upon request. Such documents shall constitute a public record and may not be submitted subject to any confidentiality or public record exemption. The County Mayor or County Mayor's designee shall provide information on any investigation conducted in any recommendation for award of a contract submitted to the Board of County Commissioner. A vendor who misrepresents the status of its firm under this Section in a proposal or bid submitted to the County will lose

the privilege to claim any preference under this Section for a period of up to one year. The County Mayor, in his discretion, may also recommend that the firm be referred for debarment in accordance with Section 2-8.4.1 of the Code of Miami-Dade 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.

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:

December 1, 2021

Approved by County Attorney as to form and legal sufficiency:



Prepared by:

Eduardo W. Gonzalez

Prime Sponsor: Commissioner Raquel A. Regalado