

## Implementing Order



**Implementing Order No.:** 3-34

**Title:** FORMATION AND PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES

**Ordered:** 7/6/2023

**Effective:** 7/16/2023

**AUTHORITY:**

Section 1.01 of the Miami-Dade County Home Rule Amendment and Charter and Section 1.01 of the Code of Miami-Dade County.

**SUPERSEDES:**

This Implementing Order (I.O.) supersedes and replaces previous I.O. 3-34 ordered April 4, 2023, and effective April 14, 2023.

**SCOPE:**

Notwithstanding any contrary provision of any other Administrative Order (A.O.) or Implementing Order, this Implementing Order establishes procedures for the formation and performance of competitive selection committees (Committees or Committee) in Miami-Dade County's competitive procurement process, including Committees utilized in the acquisition of architectural and engineering (A&E) professional services under Section 287.055 of the Florida Statutes.

**POLICY:**

The County shall utilize Committees that are comprised of fair, impartial, objective, and qualified individuals capable of evaluating the subject matter area in a competitive procurement process for the evaluation of offers, proposals, and qualifications submitted by individuals and firms seeking contract award. The provisions of this Implementing Order address the County's internal administrative processes and are not intended to serve as a basis to challenge the ultimate selection or contract award recommendation in any particular procurement action or to create any rights for any participant in a bid contest or other proceeding. This Implementing Order governs all County procurement processes involving such Committees.

All Committee proceedings shall be audiotaped by the County Mayor's designee.

**FORMATION OF COMPETITIVE SELECTION COMMITTEES:**

***Competitive Selection Committee Pool***

A pool consisting of potential County Committee members shall be established and administered by the Small Business Development (SBD) division of the Internal Services Department or such other County Mayor designee. The pool shall consist of the County's executives, professionals, and subject matter experts within the County or from the private or non-profit sectors, other governmental/quasi-governmental organizations, and retired executives.

Pool members, including members who are not County employees, as well as the non-voting technical advisor shall be required to attend a workshop prior to serving on any Committee facilitated by the Strategic Procurement Department or a County Mayor

designee. The workshop shall train pool members on the Committee's role and responsibilities, the pertinent legislation (including Florida's Government in the Sunshine laws, the County's Conflict of Interest and Code of Ethics Ordinance, and County procurement rules and regulations), and provide a forum for discussion regarding membership on a Committee.

For contract awards for the purchase of professional architectural, engineering, landscape architectural, or land surveying and mapping services, or for any other contract awards with an estimated value equal to or exceeding ten-million dollars (\$10,000,000.00), the Committee shall be composed of five voting members and shall include an assistant or deputy director from the affected County user department. For all other contract awards with an estimated value under ten-million dollars (\$10,000,000.00), the Committee shall be composed of three voting members. A simple majority of the voting members of a Committee shall constitute a quorum necessary to hold meetings and take any action. Unless an exception is made in writing by the County Mayor or County Mayor's designee, all voting members of a Committee shall attend all meetings at which vendor presentations are made and proposals are evaluated. Attendance at Committee meetings through the use of remote media technology, where otherwise permitted by State and County law, shall be permitted provided a physical quorum of voting members of a Committee are present.

#### ***Competitive Selection Committee Formation and Appointment***

Committees shall be formed as follows:

- A. The County Mayor or County Mayor's designee shall determine the composition of each Committee based on the appropriate expertise required for each acquisition. Committee members shall be subject matter experts from within the County or from the private or non-profit sectors, other governmental organizations, or retired executives. In forming a Committee to replace an established contract, the County should, when practicable and in the best interest of the County, appoint the County employee charged with managing the existing contract, as a non-voting technical advisor to the Committee. In forming the Committee primary consideration shall be given to appointing County and non-County members with appropriate experience, knowledge, and subject matter expertise. To the maximum extent practicable, the appointment of Committee members among those who hold the appropriate experience, knowledge, subject matter expertise should be balanced in its representation of the Miami-Dade County community with regard to ethnicity and gender. Except in the case of an assistant or deputy director serving on a five-member Selection Committee, where possible, County employee Committee members should not be appointed who are in the same department and are direct reports to other members of the Committee.
- B. The Selection Committee Coordinator shall be a non-voting procurement professional employee of the department or agency issuing the solicitation. The Selection Committee Coordinator shall administer the process and shall not be a member of the Committee.
- C. The County Mayor or County Mayor's designee may appoint non-voting technical advisors to supplement the technical expertise of selection committees. Technical advisors are official members of the Committee but may not cast a vote and are not counted for purposes of quorum.

- D. The County Mayor or County Mayor's designee shall appoint three alternate voting members at the time the Committee is appointed. The Selection Committee Coordinator may convert alternate voting members to voting members in the event that substitution of a voting member is required. If the alternate voting member has not attended all prior meetings of the Committee, the substitution will only be allowed before any scoring meeting has occurred.

Upon notice, SBD or such other administrator designated by the County Mayor shall consult with the issuing department or agency and recommend Committee appointments to the County Mayor or County Mayor's designee within seven (7) calendar days.

**PERFORMANCE OF COMPETITIVE SELECTION COMMITTEES:**

Within ten (10) calendar days following the deadline for submitting proposals, the Selection Committee Coordinator shall prepare a list of respondents and subcontractors and transmit that list with an accompanying affidavit to Competitive Selection Committee members for completion. Each individual, including any non-voting technical advisors, appointed to a Committee shall sign the accompanying affidavit attesting to his/her neutrality in performing the duties of a Committee member ("Neutrality Affidavit") and acknowledge that his/her service on such committee shall be in compliance with the Conflict of Interest and Code of Ethics Ordinance (Sec. 2-11.1) and submit it to the Selection Committee Coordinator within three (3) business days. An individual who provides false information may be subject to investigation and prosecution under Florida law. County employees providing false information shall also be subject to disciplinary action up to and including dismissal from County employment. All Committee members shall affirm and acknowledge that service on the Committee is subject to the requirements and prohibitions of the County's Cone of Silence Ordinance and the State of Florida's Government in the Sunshine Law.

Moreover, and in accordance with the Resolution No. R-449-14, individuals appointed to the Committee must submit their updated resume, through the Selection Committee Coordinator, to the Commission Auditor at the same time as they submit their Neutrality Affidavit. Within five (5) business days following receipt of resumes by the Selection Committee Coordinator, the Commission Auditor shall conduct background checks for all Committee members verifying no family control, financial interest, and/or employment (past or present), with any vendor or proposed subcontractor under consideration by the Committee.

The Committee Auditor shall submit the results of the background check to the issuing department overseeing the competitive process. The Commission Auditor will also submit the results of the background checks to the Commission on Ethics and Public Trust for further review of the findings. The Commission on Ethics and Public Trust shall endeavor to provide any response within fourteen (14) calendar days.

Any request by County staff to be excused from Committee service must be in writing, delineating serious and legitimate reasons, and must be signed by the Department/Agency Director and sent to the County Mayor or County Mayor's designee through Small Business Development or other administrator. In the event that a Committee member is excused from service, an identified alternate shall assume the responsibilities of a voting Committee member.

**SMALL BUSINESS ENTERPRISE COMPLIANCE REVIEW:**

Within ten (10) calendar days following the deadline for submitting proposals, the County Mayor or County Mayor’s designee or such other authorized person shall review all proposals and, if necessary, request SBD or such other County Mayor designee to review any applicable proposal materials for compliance with or applicability of any relevant Small Business Enterprise Program goals, measures, or preferences. SBD or such other County Mayor designee shall conduct its review and provide any applicable response within ten (10) calendar days after receiving a request from the County Mayor or County Mayor’s designee.

For the avoidance of doubt, the timelines provided here shall govern in the absence of any applicable deadlines provided elsewhere in the County Code, other County administrative/implementing orders, or other applicable law. In the event of a conflict between this implementing order and any deadlines provided elsewhere for review of Small Business Enterprise Program goals, measures, or preferences, the earlier deadline shall prevail.

**SCORING GUIDELINES:**

Except for Committees procuring “Professional Services” as defined by Section 2-10.4 of the Code of Miami-Dade County, Committee members shall be provided written guidelines and shall use the guidelines in preparing their scores for the evaluation of each criteria identified in the solicitation.

The guidelines shall be in substantially the form provided below:

<b>Rating</b>	<b>Score as a Percentage of Total Available Points for Criteria</b>	<b>Guidelines</b>
Excellent	90-100%	The proposal’s response to the criteria is complete and well defined, providing relevant supporting details and examples. The response to this criteria indicates a high prospect for outstanding performance on the resulting contract. All or a majority of the expectations for this criteria are clearly met or exceeded.
Good	70-89%	The proposal’s response to the criteria is generally complete and well defined, providing reasonably well-developed responses with a good amount of relevant supporting details and examples. The response to this criteria indicates a moderate to high prospect for good performance on the resulting contract. Most of the expectations are met for this criteria.

Fair	50-69%	The proposal's response to the criteria is fairly complete but lacking some definition or clarity. The response is not well developed to address the criteria and provides limited supporting details and examples. The response to this criteria indicates a prospect of achieving satisfactory performance on the resulting contract, but there may also be some risk. Few of the expectations are demonstrated to be met for this criteria.
Poor	49% or below	The proposal's response to the criteria is not complete or provides minimal information, lacking sufficient details and examples. The response to this criteria indicates a moderate to high risk of not achieving satisfactory performance on the resulting contract. Does not demonstrate ability to meet expectations for this criteria.

The Selection Committee Coordinator shall schedule an initial scoring meeting to occur within thirty (30) calendar days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations. However, if the Selection Committee Coordinator reasonably determines a solicitation to be complex by virtue of its technical subject matter, contract award amount, or other relevant factors, then the initial scoring meeting shall be scheduled no later than sixty (60) days after completion of all required background checks, SBE compliance reviews, responsiveness opinions in accordance with I.O. 2-13, or other applicable determinations to provide Committee members sufficient time to review all proposal materials. If the Selection Committee determines that any additional meetings are required to, for example, receive oral presentations from prospective bidders or provide additional time to review proposals prior to scoring, then such meetings shall occur no later than fifteen (15) calendar days after the initial scoring meeting of the Selection Committee.

During the scoring meeting, the Selection Committee Coordinator shall monitor the points awarded to each vendor by each Committee member. In the event that a Committee members score for a criteria varies in excess of thirty-three percent (33%) of the average score award by all Committee members by criteria, the Selection Committee Coordinator shall request that such Committee member provide a verbal justification in the meeting for the score. The Selection Committee Coordinator should encourage Committee members to discuss this criteria including the justification provided. The Committee members may change their scores based on the specific discussion. Should the variation remain, the Selection Committee Coordinator shall confirm and state on the record the justification provided by the Committee member. This justification shall be included in the Selection Committee Coordinator's report to the County Mayor or County Mayor's designee. Upon review of the such score and the justification, the County Mayor or County Mayor's designee may accept or reject that selection Committee member's score and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. In addition, if any of the deadlines established in this Implementing Order are missed, then the County Mayor shall disclose the missed deadlines and the department that missed the relevant deadline in the County Mayor's memorandum contained in the agenda package where the related matter is presented to the Board for consideration.

**SCORING OF SELECTION COMMITTEES FOR PURCHASE OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, AND LAND SURVEYING AND MAPPING SERVICES:**

For selection committees procuring “Professional Services” as defined in Section 2-10.4 of the Code of Miami-Dade County, the highest and lowest final score for each firm in the first evaluation tier shall be discarded and not used to compute the final total score of such firm.

**SELECTION COMMITTEE CONSIDERATION OF REPORTS AND FINDINGS OF THE MIAMI-DADE COUNTY OFFICE OF THE INSPECTOR GENERAL OR MIAMI-DADE COUNTY COMMISSION ON ETHICS AND PUBLIC TRUST:**

The County Mayor or County Mayor’s Designee shall provide to the Committee all reports and findings of the Miami-Dade Office of the Inspector General (“OIG”) or the Miami-Dade County Commission on Ethics and Public Trust (“COE”) which find substantiated allegations or adverse findings, conclusions, or recommendations regarding any vendor or proposed subcontractor under consideration by the Committee within seven years of the submittal date of the proposals being evaluated (collectively, “Reports”) for consideration in accordance with the evaluation of each applicable criteria identified in the solicitation. In the event the OIG or COE issues a Report after the Committee has scored and ranked the vendors the County Mayor or County Mayor’s designee may re-empanel the Committee to consider if such Report would change the previous rankings of the vendors. If the Committee determines that the Report would change the previous rankings of the vendor identified in the Report, then the Committee shall re-score the vendor identified in the Report solely based on the impact the information identified in the Report would have on the scoring of the vendor in accordance with the applicable criteria identified in the solicitation, re-rank the vendors, and submit a written justification for the revised rankings to the County Mayor or County Mayor’s designee. Upon review of such re-ranking and the justification, the County Mayor or County Mayor’s designee may accept or reject the new rankings and a report of such decision shall be provided to the Board of County Commissioners for solicitations requiring approval of the Board. The County Mayor shall, in any recommendation to the Board of County Commissioners, either attach all reports and findings issued by the OIG or the COE and considered by the Committee or provide a description of such reports and findings and a link to where such reports and findings may be viewed.

**ADMINISTRATIVE LEAVE FOR SELECTION COMMITTEE MEMBERS:**

County employees shall only be entitled to receive any applicable administrative leave for their work on Competitive Selection Committees if they serve as a scoring member and have timely completed all committee-related duties, and such administrative leave must be used within one year from the date that the employee completes his or her service as a scoring member of a Competitive Selection Committee.

**EFFECTIVE DATE:**

This Implementing Order shall become effective after approval by the Board of County Commissioners.