

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, OPPOSING FLORIDA SENATE BILL 534 AND ANY SIMILAR LEGISLATION THAT WOULD PREEMPT LOCAL GOVERNMENTS FROM IMPOSING CERTAIN REQUIREMENTS ON STATE-FUNDED PUBLIC WORKS PROJECTS SUCH AS: A) IMPOSING REQUIREMENTS ON CONTRACTORS PERTAINING TO WAGES, BENEFITS, HIRING, STAFFING, AND TRAINING, AND B) RESTRICTING QUALIFIED BIDDERS FROM SUBMITTING BIDS, BEING AWARDED BIDS OR CONTRACTS, OR PERFORMING WORK BASED ON PRIOR POOR PERFORMANCE, OR MISCONDUCT; DIRECTING THE CITY'S STATE LOBBYISTS TO INCLUDE THIS ISSUE AS A 2017 STATE LEGISLATIVE PRIORITY; AND DIRECTING THE CITY CLERK TO TRANSMIT A COPY OF THIS RESOLUTION TO CERTAIN STATE AND LOCAL OFFICIALS.

WHEREAS, Senate Bill 534 ("SB 534") has been filed for consideration during the Florida Legislature's 2017 session by Senator Keith Perry (R – Gainesville); and

WHEREAS, except as required by federal or state law, SB 534, as filed, would prohibit local governments that contract for the construction, maintenance, repair, renovation, remodeling, or improvement of public works projects, funded in whole or in part by State funds, from requiring a contractor, subcontractor, material supplier or carrier from a) paying employees a predetermined amount of wages or prescribe any wage rate, b) providing employees a specified type, amount, or rate of employee benefits, c) controlling, limiting, or expanding staffing, or d) recruiting, training, or hiring employees from a designated, restricted, or single source; and

WHEREAS, SB 534 defines "public works project" as "a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof," including the construction, maintenance, repair, renovation, or remodeling, or improvement thereof, which is owned, in whole or in part, by any political subdivision and which to be paid for, in whole or in part, with state funds; and

WHEREAS, in addition, SB 534, as filed, would also prohibit local governments from restricting qualified bidders from submitting bids, being awarded any bid or contract, or performing work on public works projects, regardless of whether such bidder previously performed poorly or engaged in misconduct; and

WHEREAS, the City of Miami Beach ("City") currently imposes a living wage requirement in Chapter 2 of the City Code for certain maintenance and service contractors, and requires that such contractors also either provide medical and insurance benefits or the equivalent in wages; and

WHEREAS, the City Code also currently imposes a prevailing wage requirement on certain construction contracts; and

WHEREAS, in determining the lowest and best bidder on a formal bid, Section 2-369 of the City Code requires that the following be considered: (1) the ability, capacity and skill of the bidder to perform the contract; (2) whether the bidder can perform the contract within the time specified, without delay or interference; (3) the character, integrity, reputation, judgment, experience and efficiency of the bidder; (4) the quality of performance of previous contracts; and (5) the previous and existing compliance by the bidder with laws and ordinances relating to the contract; and

WHEREAS, to effectuate its policy of utilizing responsible contractors, the City Code provides for the debarment of contractors that have been convicted of certain civil or criminal offenses, or have failed to perform, or have unsatisfactorily performed, with regard to a prior City contract; and

WHEREAS, should SB 534 pass, local governments such as the City would no longer be able to take steps to ensure that workers from within that locality benefit from construction projects, even when the project is funded primarily by its own taxpayers; and

WHEREAS, further, local governments would lose the ability to safeguard the ability of a contractor's employees working on a public project, funded in whole or in part by State funds, to earn a living wage, a prevailing wage, or even receive health or life insurance benefits; and

WHEREAS, more specifically, SB 534 would take away the City's prerogative as a market participant to not hire a particular contractor based on prior poor performance or misconduct; and

WHEREAS, SB 534 could adversely affect the City's power in certain State-funded public works contracts to properly emphasize and incentivize quality performance by City contractors; and

WHEREAS, for the reasons set forth above, SB 534 could adversely affect the quality of construction projects and undermine the ability of local governments to set and maintain high ethical and quality standards for contractors that also take into consideration local needs and protect local workers and residents; and

WHEREAS, accordingly, the Mayor and City Commission wish to express their strong opposition to SB 534, and to any similar legislation, and to make this issue a legislative priority for the 2017 Florida Legislative Session.

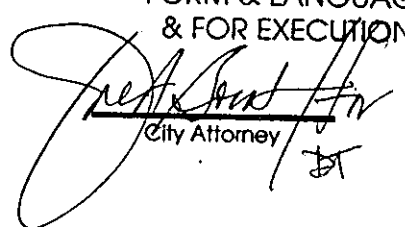
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby oppose SB 534, and any similar legislation that would preempt local governments from imposing certain requirements on State-funded public works projects such as a) imposing requirements on contractors pertaining to wages, benefits, hiring, staffing, and training, and b) restricting qualified bidders from submitting bids, being awarded bids or contracts, or performing work based on prior poor performance or misconduct; direct the City's State lobbyists to include this issue as a 2017 State legislative priority; and direct the City Clerk to transmit copies of this Resolution to the Governor of Florida, the Senate President, the House Speaker, Senator Keith Perry, and the Chair and Members of the Miami-Dade State Legislative Delegation.

PASSED and **ADOPTED** this ____ day of February, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney
2/6/17
Date