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Making Miami-Dade County Procurement More Efficient, Transparent and Competitive

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Overview

For businesses seeking to work with Miami-Dade County, the procurement process can present significant opportunities—but also substantial administrative, procedural and timing challenges. That is why, at the initiative of Chairman Anthony Rodriguez, the Board of County Commissioners established the Special Task Force to Reduce Inefficiencies in Procurement, or STRIP, and why I was honored to serve as its Chair.

Our charge was both broad and practical: examine the County’s procurement laws, procedures and systems across the full procurement lifecycle, from early planning and scope development through solicitation, evaluation, award, protests and contract performance. We considered procurements involving goods and services, architecture and engineering, construction, design-build, public-private partnerships, leases, development agreements and concessions.

After extensive meetings with the County’s Strategic Procurement Department, the County Attorney’s Office, subject matter experts and industry stakeholders—including a workshop focused on the small business

community—the Task Force approved 59 recommendations presented in a **May 19, 2026, Final Report**. Collectively, these recommendations were intended to shorten procurement timelines, reduce unnecessary administrative burdens, improve transparency and fairness, strengthen accountability and support small business participation.

Based on the Final Report, on September 1, 2026, the Board of County Commissioners approved four ordinances implementing most of the recommendations.

- **Objections and Bid Protests.**

The first ordinance focused on the procedures to object and protest procurement decisions.

See **Agenda Item 5(E) Substitute, File No. 261547 (Amended)**.

- **SBE and Local Business Preferences.**

The second ordinance involved changes to the procedure to review and grant Small Business Enterprise (SBE) and local business preferences.

See **Agenda Item 5(F) Substitute, File No. 261548 (Amended)**.

- **Procurement Workflow.**

The third ordinance directed the Mayor to implement, subject to available funding and feasibility, various recommendations primarily aimed at streamlining the procurement workflow from scope development through award, including setting procurement timeline goals, automating workflow, and allowing bidders and the public to track procurement progress online. The ordinance also established Board policy requiring each Commissioner to designate one staff member to be trained and certified in procurement matters and streamlined proposal submissions by removing several required affidavits.

See **Agenda Item 5(G) Substitute, File No. 261705 (Adopted)**.

- **Evaluation Committees.**

The fourth ordinance focused on the size, composition, and procedures to be followed by evaluation committees.

See **5(H) Substitute, File No. 261546 (Amended)**.

Several of the ordinances were amended on the floor before adoption, and the final, adopted versions have not yet been posted online. The summaries below reflect our understanding of the ordinances as adopted, including the floor amendments.

Updates to Objections and Bid Protest Procedures

The first ordinance amends Section 2-8.4 of the Code and Implementing Order ("IO") 3-21, making significant changes to the County's bid protest framework.

Elevated Protest Thresholds

Perhaps the most significant change involves the protest thresholds. The ordinance amends I.O. 3-21 to raise the ceiling for informal protests from \$250,000 to \$5 million, aligning the informal process with the Mayor's current delegated authority for contract awards. Formal protests—which involve hearings before an appointed Hearing Examiner and presentation to the Board—now apply only to contracts exceeding \$5 million. Contracts valued at \$250,000 or less are no longer subject to protest rights, a notable increase from the prior \$25,000 floor. For practitioners, this means that protests for a large portion of County procurements will now proceed through the streamlined informal process, with departmental review and resolution rather than a full evidentiary hearing.

New Objection Window for Two-Step Procurements

The ordinance amends Section 2-8.4 to add a new objection window for two-step qualification-based procurements. Because the SBE and Local Preferences ordinance now permits local preference eligibility to be determined up to the time of award, this provision ensures that any scoring or ranking issues—particularly those involving local preference determinations—are resolved before shortlisting. Under the revised procedures, proposers have five working days following the first step to raise objections concerning rankings, scoring, or committee recommendations. Issues not raised during this window are waived and cannot form the basis of a later bid protest. During the Board meeting, Commissioner Raquel Regalado requested an amendment requiring that any objections raised during this window be noted so that when items reach the Commission, the Commissioners are aware whether a timely objection was filed. If none was raised, the Commission may elect not to entertain objections that were not timely raised. This amendment was accepted as an enhancement to ensure issues are addressed promptly rather than allowing concerns to surface late in the process and derail a procurement.

Motions to Dismiss

The ordinance amends Section 2-8.4(c) to introduce motions to dismiss as a procedural tool in formal bid protests. Within five working days of the Hearing Examiner's appointment, the County may move to dismiss a protest where there is no genuine dispute as to any material fact and the County is entitled to a decision in its favor as a matter of law. The Hearing Examiner must rule on the motion within five working days, and if granted, the dismissal is final and binding. This mechanism allows the County to resolve protests raising purely legal issues—such as timeliness—without the expense and delay of a full evidentiary hearing. To accommodate this new step, the deadline for completing hearings has been extended from ten to fifteen working days following appointment.

Attorney's Fees for Frivolous Protests

The ordinance also amends Section 2-8.4(c) to add a potential fee-shifting consequence for frivolous protests, though its application is limited. For

procurements valued at over \$25 million, if the Hearing Examiner determines that a protest is frivolous—meaning it lacks material facts to support the claim or is not supported by existing law—the Hearing Examiner shall award attorney’s fees to the County and any party defending the award. To preserve this remedy, the County or Intervenor must file a notice of intent to seek fees within five working days of the protest being filed. Notably, a protestor can avoid fee liability by withdrawing the protest before the hearing commences. The \$25 million threshold and withdrawal safe harbor ensure that smaller businesses are not deterred from seeking to resolve procurement controversies due to the risk of fee exposure.

Filing Fee Adjustments

The ordinance also amends I.O. 3-21 to adjust the filing fee structure. The lowest fee tier—previously \$500 for contracts between \$25,001 and \$250,000—has been eliminated, consistent with the removal of protest rights for contracts at or below \$250,000. For informal protests (now covering contracts up to \$5 million), the administrative fee has been eliminated entirely, reducing the upfront cost for protestors in this expanded category. Formal protests for contracts over \$5 million retain both the filing fee and administrative fee structure.

SBE and Local Business Preferences

The second ordinance amends Sections 2-10.4.01, 2-8.1.1.1, 2-8.1.1.2, and 2-8.5 of the Code, modernizing the County’s Small Business Enterprise (SBE) and local preference programs. The ordinance standardizes SBE participation percentages for A&E contracts and adopts contract-level utilization requirements that reduce compliance risk for task-based A&E procurements. It eliminates the SBE Advisory Boards, introduces automatic SBE set-asides for smaller purchases, and establishes a new process permitting vendors to demonstrate local preference eligibility after submittal. The ordinance also creates make-up plans to address SBE shortfalls during active contracts.

Standardized SBE Participation for Architecture and Engineering

Before these changes, Prime consultants on task-based A&E contracts committed to specific utilization percentages for each SBE Subconsultant throughout the contract term. Task-based contracts are typically long-term arrangements where the County issues individual task orders at its discretion depending on project needs. Under the prior firm-level approach, the Prime had to utilize each SBE at the rate committed in its proposal—even when the tasks in a particular order fell outside that SBE’s area of expertise. In practice, this introduced significant uncertainty into contract administration. If task orders were more intensive in one discipline than another, the Prime risked contractual non-compliance simply because the actual mix of work did not match the projections made at proposal time.

The ordinance amends Section 2-10.4.01 to adopt contract-level SBE utilization requirements for these task-based contracts, replacing the prior firm-level commitment approach. Under the new contract-level approach, the Prime has flexibility to deploy the SBEs on its team based on the actual needs of each task order, with the understanding that the overall contract-level goal must still be met by the end of the contract term. This change eliminates the compliance risk created when task order work does not align with proposal projections, while still ensuring meaningful SBE participation across the contract’s life.

In addition, to streamline the determination of the SBE utilization level that should apply to a specific contract, rather than continuing to make that determination on a case-by-case basis, the ordinance establishes standardized SBE participation percentages: 10 percent for task-based contracts and 15 percent for defined-scope, project-specific awards. Deviations from these standardized percentages require written justification approved by the Strategic Procurement Department.

Elimination of SBE Advisory Boards

Because the ordinance replaces case-by-case SBE utilization determinations with standardized percentages, the SBE Advisory Boards and Project Review Analysis Committees that previously reviewed those

determinations are no longer necessary. The ordinance accordingly eliminates these entities, which will shorten procurement timelines and reduce administrative costs. The County has indicated it will continue to solicit feedback from SBE firms through other channels to ensure the implementation of an equitable procurement process.

Automatic Set-Asides for Invitations to Quote

For Invitations to Quote involving purchases of \$250,000 or less, the ordinance amends Sections 2-8.1.1.1 and 2-8.1.1.2 to provide an automatic SBE set-aside whenever a certified small business submits a bid within 10 percent of the lowest non-SBE bid. This mechanism supports small business participation while simplifying compliance and preserving competition in the County's smaller procurements.

Local Preference Verification Before Award

The ordinance amends Section 2-8.5 to clarify that information regarding a vendor's eligibility as a local business may be furnished to the County for verification after bid or proposal submission and before award, pursuant to the solicitation's deadlines. This change provides vendors a fair opportunity to claim local preference before being rendered automatically ineligible for not checking a box at the time of submission—a common source of bid protests and disputes with the County. The ordinance also directs the Office of the Inspector General to perform random audits to verify claims involving Local Business Preference and Locally Headquartered Business Preference.

Make-Up Plans During Active Contracts

The ordinance provides a mechanism to permit remedies for non-compliance with SBE utilization plans during the performance of active contracts, rather than limiting remedies solely to future contracts. Contractors who fall short of their SBE commitments may now address deficits through make-up plans on existing contracts, accelerating work opportunities for certified small businesses and enabling corrective action

during contract performance rather than deferring consequences to future procurements.

Procurement Workflow Enhancements

The third ordinance takes a two-track approach to implementing the Task Force's procurement workflow recommendations. The first track consists of Code amendments and Board policies that take effect upon adoption. The second track directs the administration to implement certain recommendations and report back to the Board within 90 days on the progress of those initiatives.

Code Amendments Eliminating Affidavit Requirements

Lobbyist Affidavit

The ordinance amends Section 2-11.1 of the Code to eliminate the lobbyist affidavit requirement for individuals appearing on oral presentation and negotiation teams in procurement matters. Under prior law, proposers were required to submit an affidavit listing all technical experts and employees participating in presentations or negotiations who were not registered lobbyists. The ordinance removes this requirement, treating such participation as an exception to lobbying registration requirements without a separate filing obligation.

Certificates of Assurance and Fair Subcontracting Affidavit

The ordinance amends Sections 2-8.8, 2-8.1.1.1.1, and 2-8.1.1.1.2 to streamline SBE compliance documentation. The Certificate of Assurance—a separate form that bidders submitted acknowledging that SBE measures applied to the project and committing to submit a Utilization Plan—is eliminated. Bidders continue to submit Utilization Plans via the County's web-based system, but no longer need to file a separate acknowledgment form in addition to the Utilization Plan itself. The ordinance also eliminates the requirement under Section 2-8.8 for bidders to provide a detailed statement of subcontracting policies and procedures prior to contract award, and for contractors to report all subcontracts used in the work as a

condition of final payment. Additionally, the SBE Services and Goods Programs rename the Review Committees to Review Teams, reflecting an administrative shift in how goal-setting disputes are handled.

Due Diligence Affidavit for Related-Party and Collusion Matters

The ordinance amends Sections 2-8.1.1 (for goods and services) and 10-33.02.1 (for construction) to eliminate the post-recommendation due diligence affidavit. Previously, a contractor recommended for award was required to submit an affidavit within five business days stating whether it was related to other bidders and attesting that its proposal was genuine and not collusive. The ordinance removes the affidavit requirement. The ordinance also repeals Resolution R-63-14, which had established the due diligence affidavit requirement.

Board Policies

The ordinance establishes two Board policies that take effect upon adoption. First, the Board commits to considering the impact on procurement timelines when it considers policy changes related to procurement or takes action relating to an ongoing procurement. Second, each Commissioner is required to designate one member of his or her staff to be trained and certified in procurement matters, with training and certification provided by the Strategic Procurement Department. These policies reflect the Task Force's recognition that both legislative action and Commission office involvement can affect procurement efficiency.

Directives to the Administration

Expanded Role for the Chief Procurement Officer

The ordinance directs the administration to consider expanding the role of the existing Chief Procurement Officer (CPO) to oversee procurement policies and procedures across all County departments—not just within the Strategic Procurement Department. Each department would designate a Procurement Lead to serve as the point of contact for procurement matters and coordinate directly with the CPO.

The CPO would also share authority with department directors over the hiring, goal setting, and evaluation of Procurement Leads. The recommended structure is intended to ensure County-wide consistency. The CPO would also establish baseline procurement standards, provide training, and make staffing recommendations to the Mayor.

Additional Administrative Directives

The ordinance directs the County Mayor to implement, to the greatest extent possible, a number of additional Task Force recommendations that do not require Code amendments but instead call for administrative, operational, or system-level changes. These directives include establishing procurement cycle time targets (90 to 120 days for contracts up to \$5 million; 120 to 150 days for larger contracts); adopting a task management system to establish roles and responsibilities for participants in the procurement process, measure the duration of each step, and publish the procurement stage online for bidders and the public to track; providing an automatic 10-business-day extension to submittal deadlines when the County answers questions less than 10 days before the deadline; providing training to County department staff to improve the development of scope for solicitations; developing an online public repository for procurement documents and evaluation scores; and standardizing the software applications used for each type of procurement.

For leases of County-owned property, the ordinance directs the development of a standard form ground lease, with input from lenders and capital markets and tax credit experts. Proposers would be required to identify any objections to its terms in their solicitation responses or be foreclosed from raising them during negotiations.

For A/E contracts, in particular, the ordinance directs the administration to examine shifting towards using Federal Acquisition Regulation (FAR) overhead audits and a negotiated margin—rather than the County’s current approach—as the basis for establishing fee structures on architecture and engineering contracts. The administration is also directed to explore adopting a “safe harbor” multiplier, which may be capped by

the County consistent with audited cost data and the negotiated margin framework. This change is intended to align the County's A/E pricing methodology with established federal standards, helping ensure fair and reasonable pricing.

The County Mayor is required to report to the Board within 90 days of enactment on the progress of these initiatives.

Evaluation Committees

The fourth ordinance amends Section 2-11.1 of the Code (the Cone of Silence provisions) and revises Implementing Orders 3-34 and 3-39, making significant changes to the size, composition, procedures, and training requirements for Competitive Selection Committees (CSCs). Below are some of the key changes.

Closed Oral Presentations

The ordinance amends Section 2-11.1 of the Code (the Cone of Silence provisions) to permit closed, recorded oral presentations before selection committees during competitive procurements. This change harmonizes County practice with Florida Statutes Section 286.0113, which provides an exemption for certain procurement-related meetings. While presentations may now be closed to the public during the evaluation, the recordings must be made available to the public following the conclusion of the applicable procurement stage.

Committee Size and Composition

The ordinance establishes new minimum committee sizes based on contract value. Procurements for contracts under \$20 million will be reviewed by three voting members, and for contracts of \$20 million or more there will be five voting members. All committees must have two alternate members, with the County Mayor authorized to appoint additional alternates when appropriate. The ordinance also changes how committee members are appointed. For three-member committees, two members must come from the affected user department (named by the user

department director) and one from a non-user department (named by the Strategic Procurement Department). For five-member committees, at least a majority must come from the user department. For procurements involving professional services under Section 287.055, Florida Statutes (the Consultants' Competitive Negotiation Act), non-user department members must be professionally licensed engineers or architects, unless waived by SPD for good cause.

Elimination of Dropped Scores

The ordinance eliminates the prior practice of dropping the lowest selection committee score in competitive procurements for the acquisition of professional services. Under the new approach, as amended on the floor, scores that deviate by more than 25% from the average scores of the other committee members are eliminated.

Standardized Instructions and Rationale Requirements

The ordinance directs the administration to develop standardized instructions for selection committee members in qualitative competitive procurements. Under the new requirements, committee members must articulate the rationale supporting their scoring decisions and, following completion of the scoring process, articulate the basis for determining which proposers should advance to oral presentations.

Technology for Oral Presentations

For competitive procurements with an estimated contract value of less than \$5 million, the ordinance restricts the technology that proposers may use during oral presentations. All vendors must use only the presentation technology and equipment provided by the County; vendor-supplied or alternative technology is not permitted. The County's procurement staff must notify all vendors in writing in advance of the specific equipment that will be available. This requirement is intended to ensure fairness and consistency by placing all proposers on equal footing during oral presentations.

Conclusion

Taken together, these four ordinances represent a meaningful step toward the goals the Task Force set out to achieve: shorter procurement timelines, reduced administrative burdens, greater transparency and fairness, stronger accountability, and continued support for small business participation. While not every recommendation made it into these ordinances—and implementation of the administrative directives will take time—the Board’s action on September 1, 2026, demonstrates a commitment to modernizing Miami-Dade County’s procurement system. For businesses seeking to work with the County, these reforms should translate into a more predictable, efficient, and accessible process. We will continue to monitor implementation and provide updates as the County puts these changes into practice.



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