



To: Yusbel Gonzalez, Procurement Specialist

From: Cristina M. Suárez, Deputy City Attorney for the City of Coral Gables

Approved: Miriam Soler Ramos, City Attorney for the City of Coral Gables *MSR*

RE: Legal Opinion Regarding Miami-Dade County Living Wage

Date: May 8, 2019

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I agree with your understanding that the contractor may only request a price adjustment consistent with the percentage change of the Miami-Dade County Living Wage Rate for the respective year. As we discussed, Miami Dade County's Living Wage Ordinance itself does not even state that a contractor is entitled to a price increase when the living wage rate is adjusted. Therefore, my opinion is based on the City's response to the question answered in Addendum No. 2 to the RFP which provides that in order for the City to comply with a request to adjust the contract pricing, the "Contractor shall submit documentation requesting the price adjustment *in accordance with the Miami Dade County Living Wage Rate for the respective year.*" (emphasis added). It is my opinion that this language indicates that the contractor may request an adjustment to the contract pricing only in the amount of the percentage change in the living wage rate for the respective year.

This opinion is issued pursuant to Sections 2-252(e)(1) and (8) and 2-502 of the City Code.

**From:** [Ramos, Miriam](#)  
**To:** [Paulk, Enga](#)  
**Subject:** FW: Legal Opinion - Miami-Dade County Living Wage  
**Date:** Wednesday, May 8, 2019 3:08:27 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)

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Enga, please publish.

*Miriam Soler Ramos, Esq., B.C.S.*

*City Attorney*

*Board Certified by the Florida Bar in  
City, County, and Local Government Law*  
City of Coral Gables

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**From:** Suarez, Cristina  
**Sent:** Wednesday, May 8, 2019 2:53 PM  
**To:** Gonzalez, Yusbel <ygonzalez@coralgables.com>  
**Cc:** Walker, Celeste <cwalker@coralgables.com>; Ramos, Miriam <mramos@coralgables.com>  
**Subject:** RE: Legal Opinion - Miami-Dade County Living Wage

Yusbel:

I agree with your understanding that the contractor may only request a price adjustment consistent with the percentage change of the Miami-Dade County Living Wage Rate for the respective year. As we discussed, Miami Dade County’s Living Wage Ordinance itself does not even state that a contractor is entitled to a price increase when the living wage rate is adjusted. Therefore, my opinion is based on the City’s response to the question answered in Addendum No. 2 to the RFP

which provides that in order for the City to comply with a request to adjust the contract pricing, the “Contractor shall submit documentation requesting the price adjustment ***in accordance with the Miami Dade County Living Wage Rate for the respective year.***” (emphasis added). It is my opinion that this language indicates that the contractor may request an adjustment to the contract pricing only in the amount of the percentage change in the living wage rate for the respective year.

This opinion is issued pursuant to Sections 2-252(e)(1) and (8) and 2-502 of the City Code.

Thanks,  
Cristina

**Cristina M. Suárez**  
**Deputy City Attorney & City Prosecutor**

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**From:** Gonzalez, Yusbel  
**Sent:** Wednesday, May 8, 2019 8:41 AM  
**To:** Suarez, Cristina <[csuarez@coralgables.com](mailto:csuarez@coralgables.com)>  
**Cc:** Walker, Celeste <[cwalker@coralgables.com](mailto:cwalker@coralgables.com)>  
**Subject:** Legal Opinion - Miami-Dade County Living Wage  
**Importance:** High

Good morning Cristina:

The City currently has a contract with SFM Services, Inc., for Janitorial Maintenance Services, effective April 28, 2016. In Section 2.27 of the RFP document, the City stated the following:

## **2.27 MIAMI-DADE COUNTY LIVING WAGE**

The successful proposer shall pay its employee's no less than the required living wage rate for Miami Dade County in accordance with the Miami Dade County's Living Wage Ordinance. The Living Wage rate and Notice can be obtained from the Department of Small Business Development at 305-375-3111 or on the web at: [www.miamidade.gov/sba/living\\_wage\\_poster.asp](http://www.miamidade.gov/sba/living_wage_poster.asp) The City reserves the right to perform payroll audits.

During the question and answer period, via Addendum No. 2 to the RFP, the City stated the following in response to a question:

Q4) Section 2.27 - Will the City adjust the contract pricing annually when Miami-Dade County adjusts its living wage each year on October 1?

A4) In order for the City to comply, Contractor shall submit documentation requesting the price adjustment in accordance with the Miami Dade County Living Wage Rate for the respective year.

Every year the County publishes the Living Wage and indicates the percentage adjustment from the previous fiscal year. Our understanding is that if a contractor requests a price adjustment due to a change in the living wage, the contractor may only adjust its pricing by the percentage change indicated in the living wage. Can you please review and provide us with a legal opinion?

The full contract is attached. This is the link to the County's living wage:

<http://www.miamidade.gov/smallbusiness/living-wage-reports.asp>

If possible, we'd like to receive a response by the end of today, if not tomorrow morning.

Sincerely,

**Yusbel Gonzalez, CPPB**

Procurement Specialist

City of Coral Gables

Procurement Division

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Miami, FL 33155

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