

City Council Presentation on Ordinance 2023-20: Part II



**Małgorzata J. Hodges, Deputy General Counsel
Government Operations, Office of General Counsel**

Three Presentation Topics – Over Three Committee Cycles

Part I	Part II	Part III
Aug. 14 th - 15 th	Sept. 5 th - 6 th	Sept. 18 th -19 th
General Regulations	Ethics and Transparency in Public Contracting/ Contract Administration Oversight	Procurement Modes, Methods and Procedures
Reorganization/ Scope of Awards Committee		Other/ Miscellaneous

Procurement Modes (New Part 3, Ch. 126)

➤ Electronic Procurement System

- Subject to available funding and as permitted by law, the Chief may implement an electronic procurement system to conduct procurement transactions; includes without limitation, electronic systems such as e-procurement, e-commerce, e-government procurement and any other comparable or similar digital or electronic systems used to conduct procurement transactions
- Authorizes electronic postings, records, and notices.

Procurement Methods – Various Procurement Tools

Current Procurement Tools

- Invitation to Bid (ITB) (Chapter 255, F.S.)
- Request for Proposals (RFP) (Chapter 255, F.S.)
- Competitive Multi-step Bidding (Chapter 255, F.S.)
- Consultants' Competitive Negotiation Act (CCNA) (Architectural, Engineering, Landscape Architectural, or Surveying & Mapping Services) (Section 287.055, F.S.)
- Design-Build Contracts (Section 287.055, F.S.)
- Single-Source Procurements
- Emergency Procurements
- Government Procured Contracts (Piggyback)
- Direct Negotiations

Procurement Methods – Various Procurement Tools

New Procurement Tools

- Construction Management and Program Management (Section 255.103, F.S.)
- Guaranteed Energy, Water, and Wastewater Performance Savings Contracting (Section 489.145, F.S.)
- Invitation to Negotiate (ITN)
- Public Private Partnerships (Section 255.065, F.S.)
- Unsolicited Proposals
- Government Collaborative Agreements (exempt)
- Government Joint Projects (exempt)
- Government Auction Purchases (exempt)
- Short-Term No Costs Pilot Projects (exempt)
- Any other procurement method permitted or used by state

Procurement Operating Manual

- **Chief of Procurement will develop the Procurement Operating Manual – Manual will exist separate from the Code**
- **Procurement Operating Manual to include at a minimum:**
 - Procedures for various procurement methods (public notice requirements, advertisement requirements, evaluation criteria, minimum)
 - Rules regarding electronic procurement system
 - Performance and payment bonds, bid bonds and other security
 - Rules regarding contracts, purchase orders
- **Safeguards regarding Procurement Operating Manual**
 - Rules, regulations, and procedures shall not be inconsistent with the Code or applicable governing state or federal law
 - Chief shall recommend changes to Procurement Operating Manual to JPAC
 - JPAC, based on Chief's recommendations, will recommend to the Mayor
 - Mayor approve final amendments to Procurement Operating Manual
- Chief is required to notify and file copies of Procurement Operating Manual amendments to the Council Secretary, Inspector General, and Council Auditor
- Chief provide quarterly reports to Mayor, Council Secretary, Council Auditor, and Inspector General regarding single-source or emergency purchases more than the formal threshold

Section 126.105

- This section requires the Planning and Development Department to review capital improvement projects; but Section 122.604 requires the Finance and Administration, Public Works, and the Planning Departments to meet with all agencies in preparing the capital improvement project budget

Section 126.310

- Deletes Section 126.310 (Bond Counsel), which requires bond counsel to be approved by City Council as to the City and by the independent agency as to an independent agency required to use Chapter 126. Article 7 of the City Charter and Chapter 108, Part 5 of the Code governs the selection of outside counsel.

Part 5, Ch. 126

- Deletes existing Part 5 of Chapter 126 (Extraordinary Critical Purchasing Procedures) because these purchases and procedures fall within (and may be added to) the emergency procurement procedures contained in the Procurement Operating Manual

Deleted Code Sections

**Section
126.112**

- Ex-Offender Program has been moved to a new Part 5, Chapter 126

**Section
126.114**

- Buy American preference has been moved to a new Part 7, Chapter 126

**Part 9,
Ch. 126**

- Art in Public Places Program has been moved to new Subpart B, Part 6 (Cultural Service Grant Program), Chapter 118

**Moved
Code
Sections**

Implementation Timeline of New Procurement Code/Procurement Operating Manual Changes

- Chief of Procurement amend Procurement Operating Manual with Mayor's approval by **Jan. 1, 2024** (est. 6-9 months)
- Chief of Procurement provide copies of amended Procurement Operating Manual to OIG, Council Secretary, and Council Auditor to allow for a **30-day comment period**
 - Chief of Procurement may consider comments received from OIG, Council Secretary, and Council Auditor
- Prospective ordinance effective date for new Code changes and updated Procurement Operating Manual - current date **February 1, 2024**

Most Efficiencies/Streamlining – Foundational

REORGANIZATION OF
AWARDS COMMITTEES

USE OF ELECTRONIC
PROCUREMENT

EXPANSION OF
PROCUREMENT TOOLBOX

GREATER FLEXIBILITY OVER
PROCEDURES IN
PROCUREMENT OPERATING
MANUAL

Proposed Bill Amendments – Oct. 2nd/3rd

- 1) Local business preference policy (CM Gay)
- 2) Direct sales tax (CM Gay)
- 3) Updates to implementation timeline (Chief)
- 4) Cybersecurity purchases exempt from competitive solicitation (Chief/ITD)
- 5) Ombudsman office as separate division (Freeman/Pittman)
- 6) Contractor performance ratings (Chief)
- 7) Strengthen best practices/customary (Chief)
- 8) Disclose business relationships (Chief)
- 9) Emergency CIP project (Chief)



For questions or bill amendment ideas, please call:

Lawsikia J. Hodges (OGC)

(904) 255-5059

Dustin Freeman, Chief of Procurement



Procurement Division
(Finance and Administration Department)

Baselines



Procurement Administrative Lead Time (PALT)

ORIENTATION

CAPITAL

SERVICES

DESIGN

GOODS

Procurement lead times vary depending on the requirement and requested outcome. The current average lead times for when requisitions enter an Analyst or Buyers 1Cloud queue until the time action is taken to advertise, generate award cover, process PO or other procurement action based on procurement type.

- Formal Solicitation Procurement Analyst development and review time: **2 weeks or less**
- Formal PO (no-solicitation): **48 hours**
- Informal Solicitation: Buyer development and review time: **3-5 days**
- Informal PO (no-solicitation): Buyer review: **48 hours**
- Formal Procurement lifecycle from requisition submittal to contract award: **60-90 days**



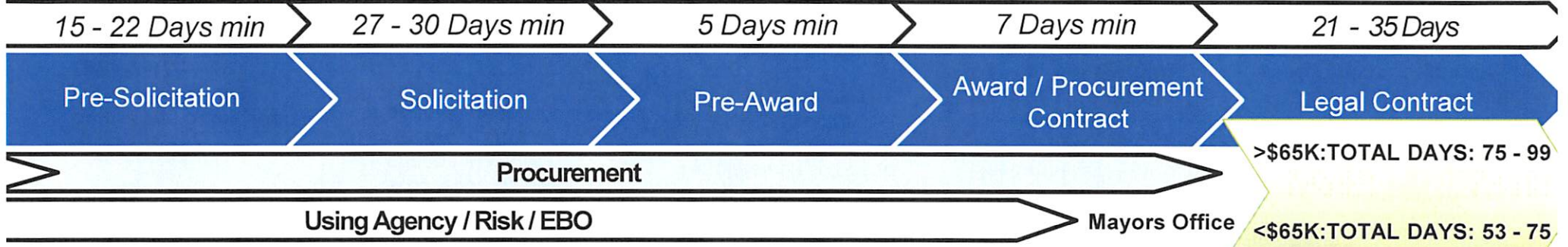
Professional, Design, Contractual Services / Capital

Competitive Baselines (does not include Special Procurements)

ORIENTATION	CAPITAL	SERVICES	DESIGN	GOODS
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RED FONT: Required by Ordinance and/or State Statute

GREEN FONT: Procurement / OGC Lead Time



>\$65K: TOTAL DAYS: 75 - 99
 <\$65K: TOTAL DAYS: 53 - 75

- ✓ Using Agency Market Research / Requirement Development: **Time Varies**
- ✓ Using Agency Requisition Submission / Workflow Approval: **Time Varies**
- ✓ Procurement Analyst Reviews / Drafts Solicitation: **7 Days min**
- ✓ EBO/Risk Review: **7-14 Days min**
- ✓ Procurement Post Public Notice: **1 Day**

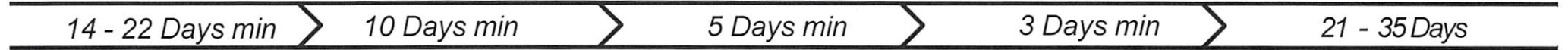
- ✓ **Florida SS 255.0525 (<\$500K 21 Days / >\$500K 30 Days)**
- ✓ If <\$500K: **Add 6 Days** to Solicitation Due to Change at Daily Record / Bid Opening Every Wednesday:
- ❖ Timely Filed Spec Protest, Potential Delay: **Time Varies**

- ✓ Procurement Receives Bids and Unseals. **1 Day**
- ✓ Procurement Analyst Tabulates Results and Sends to Using Agency: **3 Days min**
- ✓ Using Agency Submits Agency Memo: **Time Varies**
- ❖ If Evaluated: **Time Varies**
- ✓ Procurement Analyst Prepares Award: **1 Day min**

- ✓ Procurement Posts Agenda: Every Tuesday: **2 Days.**
- ✓ Awards Committee Recommends Approval: Every Thursday: **1 Day**
- ✓ Mayor Approves or Denies: **4 Days**
- ❖ Timely Filed Award Protest, Potential Delay: **Time Varies**
- ❖ Demonstrations: **Time Varies**
- ❖ Using Agency Potential Negotiations: **Time Varies**

- ✓ Using Agency Submits Legal Request: **Time Varies**
- ✓ OGC Attorney Reviews and Drafts. **21 Days min**
- ✓ Using Agency Obtains Contractor Signature. **Time Varies**
- ✓ OGC Obtains City Signatures to Fully Execute Legal Contract. **14 Days min**

INFORMAL CIP (<\$200K) Design (<\$35K)





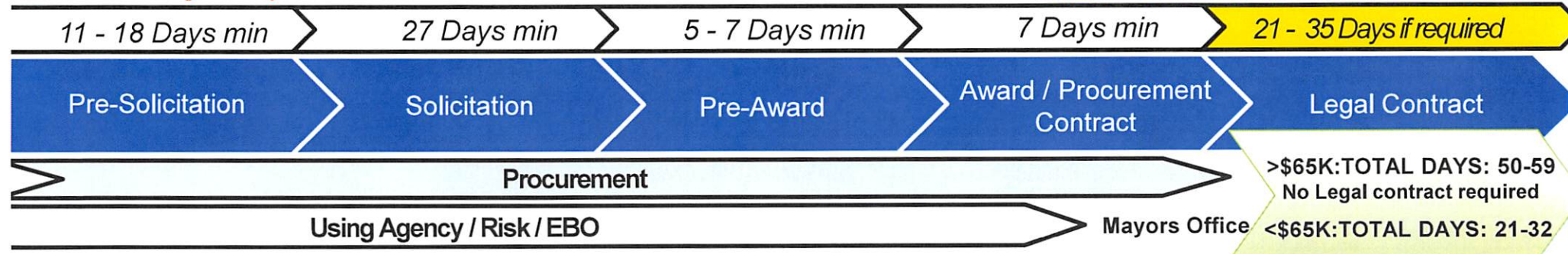
Goods

Competitive Baselines (does not include Special Procurements)

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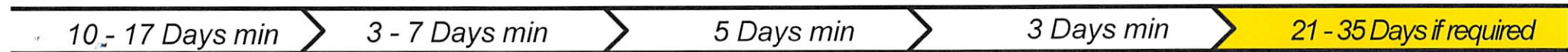
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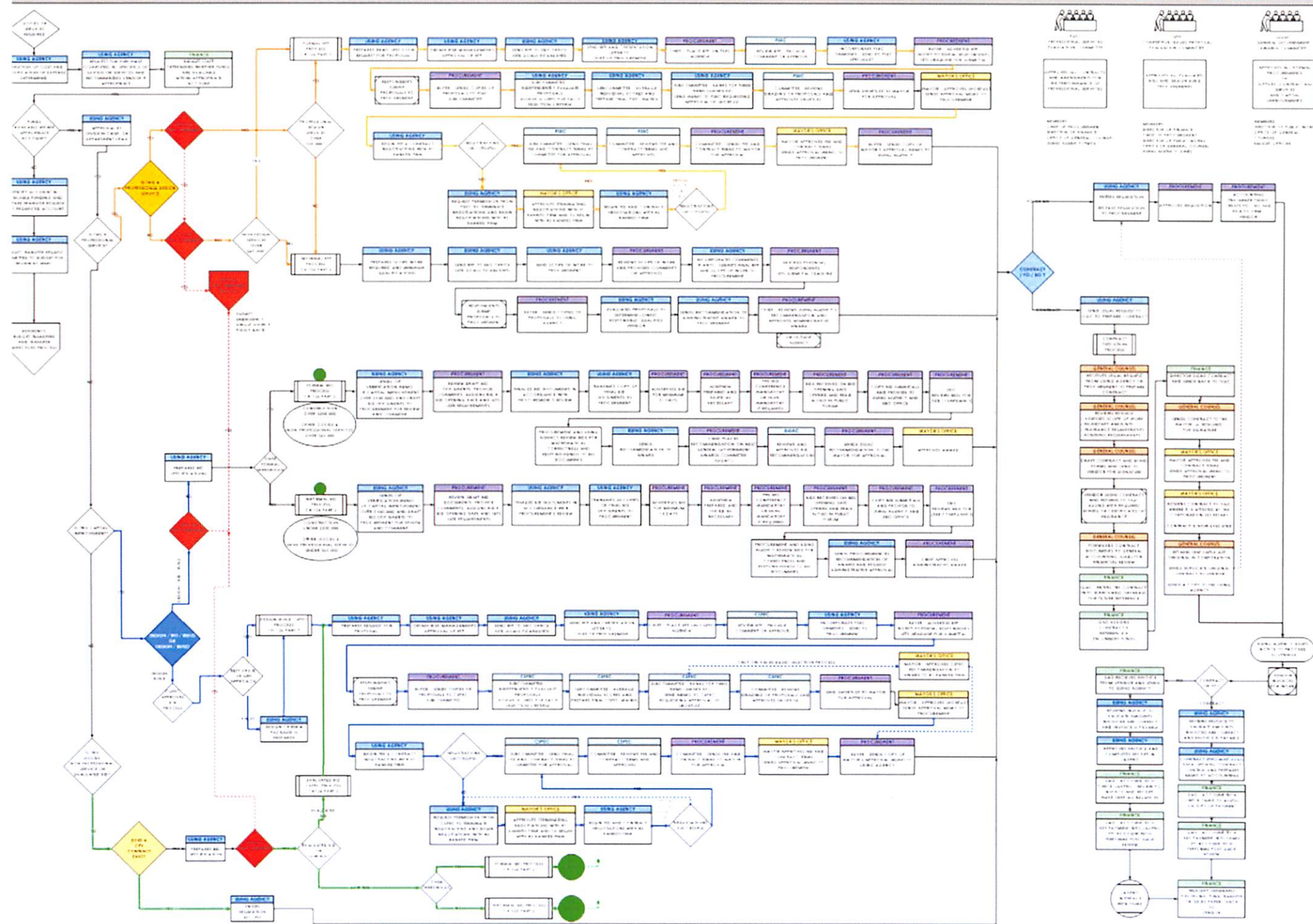


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|--|---|---|---|---|
| <ul style="list-style-type: none"> ✓ Using Agency Market Research / Requirement Development: Time Varies ✓ Using Agency Requisition Submission / Workflow Approval: Time Varies ✓ Procurement Analyst Reviews / Drafts Solicitation: 3 Days min ✓ EBO/Risk Review: 7-14 Days min ✓ Procurement Post Public Notice: 1 Day | <ul style="list-style-type: none"> ✓ 126.102(n) (>\$65K 21 Days) ✓ Add 6 days to solicitation due to change at Daily Record / Bid opening every Wednesday: ❖ Timely filed Spec protest, potential delay: 7-14 days or until cured. | <ul style="list-style-type: none"> ✓ Procurement receives Bids and unseals. 1 Day ✓ Procurement Analyst Tabulates Results and Sends to Using Agency to Confirm LPTA.: 3 Days min ✓ Using Agency submits memo and Analyst Prepares Award: 1-3 Days min | <ul style="list-style-type: none"> ✓ Procurement Posts Agenda Every Tuesday for 2 Days. ✓ Awards Committee Recommends Approval: Every Thursday: 1 Day ✓ Mayor Approves or Denies. 4 Days min ❖ Timely filed Award protest, potential delay: 7-14 days or until cured. | <ul style="list-style-type: none"> ✓ Using Agency Submits Legal Request: Time varies ✓ OGC Attorney Reviews and Drafts. 21 Days min ✓ Using Agency Obtains Contractor Signature. Time varies ✓ OGC Obtains City Signatures to Fully Execute Legal Contract. 14 Days min |
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INFORMAL GOODS <\$65K



PROCUREMENT PROCESS MAP



SPECIAL PROCUREMENT PROCESS MAP

