

1 Introduced by Council Member Howland:

2
3 **ORDINANCE 2023-871**

4 AN ORDINANCE CREATING A NEW SECTION 126.318
5 (SELECTION PROCEDURES FOR FEDERAL AND STATE
6 LOBBYING AND GRANT WRITING PROFESSIONAL SERVICES
7 CONTRACTS), PART 3 (PROFESSIONAL SERVICES
8 CONTRACTS), CHAPTER 126 (PROCUREMENT CODE),
9 *ORDINANCE CODE*; PROSPECTIVELY AMENDING SUBPART
10 C (PROCUREMENT METHODS AND PROCEDURES), PART 3
11 (PROCUREMENT THRESHOLDS, MODES, METHODS, AND
12 PROCEDURES), CHAPTER 126 (PROCUREMENT CODE),
13 *ORDINANCE CODE*; ESTABLISHING A PROSPECTIVE DATE
14 OF JULY 1, 2024, FOR THE CODE AMENDMENTS
15 CONTAINED IN SECTION 2 OF THIS ORDINANCE TO
16 BECOME EFFECTIVE; PROVIDING CODIFICATION
17 INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

18
19 **BE IT ORDAINED** by the Council of the City of Jacksonville:

20 **Section 1. Creating a new Section 126.318 (Selection Procedures**
21 **for Federal and State Lobbying and Grant Writing Professional Services**
22 **Contracts), Part 3 (Professional Services Contracts), Chapter 126**
23 **(Procurement Code), Ordinance Code.** A new Section 126.318 (Selection
24 Procedures for Federal and State Lobbying and Grant Writing
25 Professional Services Contracts), Part 3 (Professional Services
26 Contracts), Chapter 126 (Procurement Code), *Ordinance Code*, hereby
27 created to read as follows:

28 **CHAPTER 126 PROCUREMENT CODE**

29 * * *

30 **PART 3. PROFESSIONAL SERVICES CONTRACTS**

31 * * *

1 **Sec. 126.318. - Selection Procedures for Federal and State Lobbying**
2 **and Grant Writing Professional Services Contracts.**

3 (a) Notwithstanding anything to the contrary in this Chapter, no
4 single-source, or other non-competitively awarded, contract with the
5 City of Jacksonville, to provide federal and state lobbying and
6 grant writing professional services shall be valid or binding against
7 the City, unless and until approved by the City Council; and no City
8 officer or employee shall execute the same without City Council
9 approval. This Section shall apply to all applicable proposed single-
10 source and other non-competitively awarded contracts for federal and
11 state lobbying and grant writing professional services, whether
12 negotiated and preliminarily approved through the professional
13 services processes of this Part, or by any other process.

14 (b) In considering any proposed contract referred to in subsection
15 (a) above, the City Council may accept, reject, or propose
16 modifications to any such proposed contract, and may, subject to the
17 approval of the other contracting parties, modify the terms thereof,
18 including but not limited to the scope, financial, duration, renewal,
19 and termination terms of the proposed contract; it being the intent
20 of the City Council that no third party shall have any interest,
21 anticipation or expectation in or to any proposed terms of a contract
22 until such is approved by City Council and executed by all
23 signatories thereto.

24 **Section 2. Prospectively amending Subpart C (Procurement**
25 **Methods and Procedures), Part 3 (Procurement Thresholds, Modes,**
26 **Methods, and Procedures), Chapter 126 (Procurement Code), Ordinance**
27 **Code.** Effective July 1, 2024, Subpart C (Procurement Methods and
28 Procedures), Part 3 (Procurement Thresholds, Modes, Methods, and
29 Procedures), Chapter 126 (Procurement Code), *Ordinance Code*, is
30 hereby amended to read as follows:

31 **CHAPTER 126 PROCUREMENT CODE**

1 * * *

2 PART 3. - PROCUREMENT THRESHOLDS, MODES, METHODS
3 AND PROCEDURES

4 * * *

5 SUBPART C. - PROCUREMENT METHODS AND PROCEDURES

6 * * *

7 Sec. 126.310. - Selection Procedures for Federal and State Lobbying
8 and Grant Writing Professional Services Contracts.

9 (a) Notwithstanding anything to the contrary in this Chapter, no
10 single-source, or other non-competitively awarded, contract with the
11 City of Jacksonville to provide federal and state lobbying and grant
12 writing professional services shall be valid or binding against the
13 City, unless and until approved by the City Council; and no City
14 officer or employee shall execute the same without City Council
15 approval. This Section shall apply to all applicable proposed single-
16 source and other non-competitively awarded contracts for federal and
17 state lobbying and grant writing professional services, whether
18 negotiated and preliminarily approved through the professional
19 services processes promulgated pursuant to this Part, or by any
20 other process.

21 (b) In considering any proposed contract referred to in subsection
22 (a) above, the City Council may accept, reject, or propose
23 modifications to any such proposed contract, and may, subject to the
24 approval of the other contracting parties, modify the terms thereof,
25 including but not limited to the scope, financial, duration, renewal,
26 and termination terms of the proposed contract; it being the intent
27 of the City Council that no third party shall have any interest,
28 anticipation or expectation in or to any proposed terms of a contract
29 until such is approved by City Council and executed by all
30 signatories thereto.

1 **Sec. 126.~~310~~311. - Payment of city contracts.**

2 (a) *Compliance with contract terms and timing.* All City payments
3 made pursuant to a contract, including a purchase order, or
4 award under this Chapter shall be made in accordance with the
5 terms of the award and/or contract. The City shall endeavor to
6 pay contractors monthly, upon proper payment application to the
7 applicable City Department. City Departments are to perform all
8 necessary inspections and otherwise endeavor to ensure that
9 prompt review and as applicable approval that certified work is
10 completed. The City shall pay all approved invoices promptly and
11 in accordance with Chapter 218, Part 7 (Local Government Prompt
12 Payment Act), F.S.

13 (b) *Certification of payment by contractor.* As a condition precedent
14 to the City's obligation to make a progress or final payment on
15 a capital improvement project, a prime contractor shall give to
16 the city a payment affidavit stating, if that be the fact, that
17 any and all subcontractors, suppliers, laborers and others
18 furnishing labor, services, or materials on the capital
19 improvement project under contract with or at the direction of
20 the prime contractor have been paid in full or, if the fact be
21 otherwise, showing the names and contact information for all
22 subcontractors, suppliers, laborers and others who have not been
23 paid in full and the amount due or to become due each of them
24 for labor, services, or materials furnished. The affidavit
25 should be in a form approved by the Director.

26 (c) *Joint Payment.*

27 (1) All contracts in amounts up to \$500,000, where payment or
28 performance bonds have been waived in accordance with
29 Section 18.11 of the Charter, shall provide for the joint
30 payment of contractors and subcontractors for services
31 rendered.

1 (2) As to all other contracts not included in subsection (1)
2 above, where payment or performance bonds are not required
3 as a matter of law, the City may, at the City's option,
4 pay the contractor and any sub-contractors jointly.

5 **Sec. 126.311312. - Required contract provisions.** All contracts made
6 pursuant to this Chapter shall include any contract provisions
7 required by law. The Chief shall detail in the Procurement Operating
8 Manual all such required contract provisions to be included in
9 contracts executed pursuant to this Chapter.

10 **Section 3. Establishment of prospective date of July 1,**
11 **2024, for the Code amendments contained in Section 2 of this ordinance**
12 **to become effective.** The Code amendments contained in Section 2 of
13 this ordinance shall not become effective until July 1, 2024.

14 **Section 4. Codification Instructions.** The Codifier and the
15 Office of General Counsel are authorized to make all chapter and
16 division "tables of contents" consistent with the changes set forth
17 herein, including renumbering of sections. Such editorial changes
18 and any others necessary to make the *Ordinance Code* consistent with
19 the intent of this legislation are approved and directed herein, and
20 changes to the *Ordinance Code* shall be made forthwith and when
21 inconsistencies are discovered.

22 **Section 5. Effective Date.** This Ordinance shall become
23 effective upon signature by the Mayor or upon becoming effective
24 without the Mayor's signature.

1 Form Approved:

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3 /s/ Lawsikia J. Hodges

4 Office of General Counsel

5 Legislation Prepared by: Lawsikia J. Hodges

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