

1 Introduced by the Jacksonville Small and Emerging Business (JSEB)  
2 Special Committee (Council Members Arias and Amaro) and Co-Sponsored  
3 by Council Members Clark-Murray and Johnson and amended by the Rules  
4 Committee:

5  
6  
7 **ORDINANCE 2024-437-E**

8 AN ORDINANCE REGARDING THE JACKSONVILLE SMALL  
9 AND EMERGING BUSINESS PROGRAM; AMENDING SECTION  
10 126.607 (JSEB MONITORING COMMITTEE; ANNUAL  
11 PROGRAM REVIEW), SUBPART B (PROGRAM  
12 ADMINISTRATION), PART 6 (JACKSONVILLE SMALL AND  
13 EMERGING BUSINESS PROGRAM), CHAPTER 126  
14 (PROCUREMENT CODE), *ORDINANCE CODE*, TO REMOVE  
15 THE REQUIREMENT OF BOND ENHANCEMENT PROGRAMS;  
16 SECTION 126.608 (CREATION OF BOND ENHANCEMENT  
17 PROGRAM), SUBPART C (PROGRAM SUPPORT SERVICES;  
18 MARKETING AND OUTREACH; DISPARITY STUDY UPDATE),  
19 PART 6 (JACKSONVILLE SMALL AND EMERGING BUSINESS  
20 PROGRAM), CHAPTER 126 (PROCUREMENT CODE),  
21 *ORDINANCE CODE*, TO REMOVE REQUIREMENT OF BOND  
22 ENHANCEMENT PROGRAMS; AMENDING SECTION 126.613  
23 (JACKSONVILLE SMALL AND EMERGING BUSINESSES  
24 DEFINED), SUBPART D (PROGRAM ELIGIBILITY,  
25 PROCEDURES, AND OTHER REQUIREMENTS), PART 6  
26 (JACKSONVILLE SMALL AND EMERGING BUSINESS  
27 PROGRAM), CHAPTER 126 (PROCUREMENT CODE),  
28 *ORDINANCE CODE*, TO AMEND THE CERTIFICATION TERM  
29 FROM 24-MONTH TO 36-MONTH AND TO AMEND TOTAL  
30 YEARS CRITERIA FROM NINE YEARS TO FIFTEEN YEARS;  
31 AMENDING SECTION 126.614 (JSEB AND PROGRAM

1 ELIGIBILITY), SUBPART D (PROGRAM ELIGIBILITY,  
2 PROCEDURES, AND OTHER REQUIREMENTS) PART 6  
3 (JACKSONVILLE SMALL AND EMERGING BUSINESS  
4 PROGRAM), CHAPTER 126 (PROCUREMENT CODE),  
5 ORDINANCE CODE, TO REQUIRE RE-CERTIFICATION  
6 EVERY 36 MONTHS INSTEAD OF EVERY 24 MONTHS;  
7 AMENDING SECTION 126.620 (CONTINUING  
8 OBLIGATIONS OF JSEBS AND GRADUATION), SUBPART D  
9 (PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER  
10 REQUIREMENTS), PART 6 (JACKSONVILLE SMALL AND  
11 EMERGING BUSINESS PROGRAM), CHAPTER 126  
12 (PROCUREMENT CODE), ORDINANCE CODE, TO REMOVE  
13 MANDATORY GRADUATION AT NINE YEARS, STRONGLY  
14 ENCOURAGING MENTORSHIP PARTICIPATION, AND TO  
15 EXTEND MANDATORY GRADUATION TO FIFTEEN YEARS;  
16 PROVIDING FOR CODIFICATION INSTRUCTIONS;  
17 PROVIDING AN EFFECTIVE DATE.

18  
19 **WHEREAS,** the City of Jacksonville ("City") determined in 2004  
20 that growing Jacksonville small and emerging businesses ("JSEBs") was  
21 beneficial to the City and its individual residents; and

22 **WHEREAS,** to that end, the City devised the Jacksonville Small  
23 Emerging Business Program (the "Program") to address several concerns  
24 that were found to impede the growth of small businesses, including  
25 bonding issues, access to capital, training, city procurement  
26 barriers, and lack of resources for growth; and

27 **WHEREAS,** a Special Committee on the Jacksonville Small &  
28 Emerging Business ("Special Committee") was established on January  
29 5, 2024, to review the Program and make improvements and  
30 recommendations to the Program based on feedback from various Program  
31 participants, City staff, and community stakeholders; and

1       **WHEREAS**, the Special Committee held multiple meetings and  
2 heard from various guest speakers and presenters, including JSEB  
3 vendors, and other stakeholders, interested parties, and the public;  
4 and

5       **WHEREAS**, based on the Special Committee's review of the  
6 Program, the City desires to further improve certain aspects of the  
7 Program to better assist JSEBs in achieving their individual and  
8 collective goals and to promote continued participation in the  
9 Program, ensuring continuity and mentorships within the Program; now  
10 therefore

11       **BE IT ORDAINED** by the Council of the City of Jacksonville:

12       **Section 1. Amending Section 126.607 (JSEB Monitoring**  
13 **Committee; Annual Program Review), Subpart B (Program**  
14 **Administration), Part 6 (Jacksonville Small and Emerging Business**  
15 **Program), Chapter 126 (Procurement Code), Ordinance Code.** Section  
16 126.607 (JSEB Monitoring Committee; Annual Program Review), Subpart  
17 B (Program Administration), Part 6 (Jacksonville Small and Emerging  
18 Business Program), Chapter 126 (Procurement Code), *Ordinance Code*,  
19 is hereby amended to read as follows:

20                   **CHAPTER 126 - PROCUREMENT CODE**

21                   \* \* \*

22           **PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

23                   \* \* \*

24                   **SUBPART B. - PROGRAM ADMINISTRATION**

25                   \* \* \*

26   **Sec. 126.607. - JSEB Monitoring Committee; Annual Program Review.**

27       (a) Establishment; purpose. There is established a seven-member  
28 JSEB Monitoring Committee ("Committee"), to annually review,  
29 in consultation with the JSEB Administrator: (i) the status  
30 of the Program Goals, including, but not limited to, the  
31 percentage, number, and dollar value of contracts awarded to

1 JSEBs through direct contracting and subcontracts; (ii) the  
2 training programs, and the "AC Program" Program, ~~and the bond~~  
3 ~~enhancement program required herein;~~ (iii) difficulties or  
4 accomplishments of the Program; (iv) a comparison of the  
5 achievements under the Program compared with the Program  
6 Goals; (v) the maximum threshold amount for annual averaged  
7 gross revenue referenced in Section 126.613(c); and (vi) the  
8 limitation on the number of program participation years in  
9 Section 126.613(c) to determine if such amounts and  
10 limitation on the number of years are appropriate for the  
11 Program. Based on the Committee's required Program review,  
12 the Committee may recommend to the Mayor or City Council  
13 amendments to the Program in the form of a report.

14 \* \* \*

15 **Section 2. Amending Section 126.608 (Creation of Bond**  
16 **Enhancement Program), Subpart C (Program Support Services; Marketing**  
17 **and Outreach; Disparity Study Update), Part 6 (Jacksonville Small and**  
18 **Emerging Business Program), Chapter 126 (Procurement Code), Ordinance**  
19 **Code.** Section 126.608 (Creation of Bond Enhancement Program), Subpart  
20 C (Program Support Services; Marketing and Outreach; Disparity Study  
21 Update), Part 6 (Jacksonville Small and Emerging Business Program),  
22 Chapter 126 (Procurement Code), *Ordinance Code*, is hereby amended to  
23 read as follows:

24 **CHAPTER 126 - PROCUREMENT CODE**

25 \* \* \*

26 **PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

27 \* \* \*

28 **SUBPART C. - PROGRAM SUPPORT SERVICES; MARKETING AND OUTREACH;**  
29 **DISPARITY STUDY UPDATE**

30 **Sec. 126.608. - Bid Bonds ~~Creation of Bond Enhancement Program.~~**

31 ~~(a) Subject to the availability of funds, the JSEB Administrator~~

1 ~~shall competitively procure and maintain annually a contract~~  
2 ~~with a third-party contractor or contractors to provide a~~  
3 ~~bond enhancement program for the benefit of JSEBs. The bond~~  
4 ~~enhancement program shall provide support services to assist~~  
5 ~~JSEBs in their efforts to secure performance and payment bonds~~  
6 ~~for public and private contracts. The program shall not~~  
7 ~~provide the underlying bond but shall provide a refined basis~~  
8 ~~for underwriting bonds, small business support services, and~~  
9 ~~contractor monitoring necessary for such bond underwriting,~~  
10 ~~as well as improvement plans for JSEBs who do not qualify.~~

11 ~~(b)~~ Section 126.201(b) of the Code provides that JSEBs are not  
12 required to submit bid bonds for projects under \$500,000.  
13 Section 126.201(g) provides that JSEBs shall be exempt from  
14 obtaining a payment and performance bond for projects that  
15 are (i) equal to or less than the "Discretionary Bond  
16 Threshold" amount, as defined in Chapter 126, Part 2 of the  
17 Code; and (ii) equal to or less than the payment and  
18 performance bond waiver amount permitted in Section 18.11 of  
19 the Charter.

20 **Section 3. Amending Section 126.613 (Jacksonville Small and**  
21 **Emerging Businesses defined), Subpart D (Program Eligibility,**  
22 **Procedures, and Other Requirements), Part 6 (Jacksonville Small and**  
23 **Emerging Business Program), Chapter 126 (Procurement Code), Ordinance**  
24 **Code.** Section 126.613 (Jacksonville Small and Emerging Businesses  
25 defined), Subpart D (Program Eligibility, Procedures, and Other  
26 Requirements), Part 6 (Jacksonville Small and Emerging Business  
27 Program), Chapter 126 (Procurement Code), *Ordinance Code*, is hereby  
28 amended to read as follows:

29 **CHAPTER 126 - PROCUREMENT CODE**

30 \* \* \*

31 **PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

\* \* \*

**SUBPART D. - PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER REQUIREMENTS**

**Sec. 126.613. - Jacksonville Small and Emerging Businesses defined.**

\* \* \*

(b) A JSEB must provide financial statements prepared by a certified public accountant and participate in one or more training, education, or mentoring programs during each 36-month ~~24-month~~ period commencing from the certification date and provide evidence of such to the JSEB Administrator.

(c) To be certified as a JSEB, an individual owner must meet the following criteria:

\* \* \*

(3) Have not been in the program for a total of more than fifteen ~~nine~~ years from the date of the JSEB's first contract as a prime contractor of the City or as a subcontractor retained by a prime contractor of the City, whichever is earlier, provided, however, that participation may be increased by two one-year periods for good cause as determined by the JSEB Administrator;

\* \* \*

**Section 4. Amending Section 126.614 (JSEB and Program Eligibility), Subpart D (Program Eligibility, Procedures, and Other Requirements), Part 6 (Jacksonville Small and Emerging Business Program), Chapter 126 (Procurement Code), Ordinance Code.** Section 126.614 (JSEB and Program eligibility), Part 6 (Jacksonville Small and Emerging Business Program), Chapter 126 (Procurement Code), *Ordinance Code*, is hereby amended to read as follows:

**CHAPTER 126 - PROCUREMENT CODE**

\* \* \*

**PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

\* \* \*

**SUBPART D. - PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER  
REQUIREMENTS**

\* \* \*

**Sec. 126.614. - JSEB and Program eligibility.**

- (a) Only businesses that meet the criteria of the Program may be certified for participation in the Program. The applicant has the burden of persuasion.
- (b) The certification status of all JSEBs shall be reviewed every 36 24 months from the date of initial certification through a re-certification application. Failure of the firm to see re-certification by filing the necessary documentation with the Equal Business Opportunity Office withing 60 days from the date of receipt of written notification from the Equal Business Opportunity Office may result in de-certification.
- (c) It is the responsibility of the JSEB to notify the JSEB Administrator of any change in its circumstances affecting its continued eligibility for the Program. Failure to do so may result in the firm's de-certification.
- (d) The JSEB Administrator shall decertify a firm that does not meet the eligibility criteria.
- (e) A JSEB may receive no more than five prime contracts set aside, including prime contracts from participation goals, per year or an aggregate total prime contracts set aside per year in the amount of \$4,000,000, whichever is greater.
- (f) Joint ventures between JSEBs and non-JSEBs are not eligible for the Program, unless they provide structured, detailed, mentoring opportunities, proof of which shall be provided to the JSEB Administrator.

**Section 5. Amending Section 126.620 (Continuing**

1 obligations of JSEBs and graduation), Subpart D (Program Eligibility,  
2 Procedures, and Other Requirements), Part 6 (Jacksonville Small and  
3 Emerging Business Program), Chapter 126 (Procurement Code), Ordinance  
4 Code. Section 126.620 (Continuing obligations of JSEBs and  
5 graduation), Subpart D (Program Eligibility, Procedures, and Other  
6 Requirements), Part 6 (Jacksonville Small and Emerging Business  
7 Program), Chapter 126 (Procurement Code), Ordinance Code, is hereby  
8 amended to read as follows:

9 **CHAPTER 126 PROCUREMENT CODE**

10 \* \* \*

11 **PART 6. - JACKSONVILLE SMALL AND EMERGING BUSINESS PROGRAM**

12 \* \* \*

13 **SUBPART D. - PROGRAM ELIGIBILITY, PROCEDURES, AND OTHER**  
14 **REQUIREMENTS**

15 \* \* \*

16 **Sec. 126.620. - Continuing obligations of JSEBs and graduation.**

17 A JSEB shall apply for re-certification every 36 ~~24~~ months from  
18 the date of initial certification through a re-certification  
19 application developed by the JSEB Administrator. Failure of the firm  
20 to seek re-certification by filing the necessary documentation with  
21 the Equal Business Opportunity Office within 60 days from the date  
22 of receipt of written notification from the Equal Business Opportunity  
23 Office may result in de-certification.

24 (a) It is the responsibility of the JSEB to notify the Equal  
25 Opportunity Office of any changes in its circumstances  
26 affecting its continued eligibility for the Program. Failure  
27 to do so may result in the firm's decertification and  
28 preclusion from future participation.

29 (b) The JSEB that no longer meets certification may be decertified  
30 at any time.

31 (c) A firm, or qualifying individuals, who have participated in



1 the JSEB program for a total of nine years from the date of  
2 the JSEB's first contract as a prime contractor of the City  
3 or as a subcontractor retained by a prime contractor of the  
4 City, whichever is earlier, may earn the designation JSEB  
5 Prime Member and are strongly encouraged to serve as mentors  
6 to other participants in the Program shall graduate from the  
7 Program.

8 (d) A firm, or qualifying individuals, who have participated in  
9 the JSEB program for a total of fifteen years from the date  
10 of the JSEB's first contract as a prime contractor of the  
11 City or as a subcontractor retained by a prime contractor of  
12 the City, whichever is earlier, and subject to the extensions  
13 for good cause provided in Section 126.613, shall graduate  
14 from the Program.

15 **Section 6. Codification Instructions.** The Codifier and the  
16 Office of General Counsel are authorized to make all chapter and  
17 division "tables of contents" consistent with the changes set forth  
18 herein. Such editorial changes and any other necessary to make the  
19 *Ordinance Code* consistent with the intent of this legislation are  
20 approved and directed herein, and changes to the *Ordinance Code* shall  
21 be made forthwith and when inconsistencies are discovered.

22 **Section 7. Effective Date.** This Ordinance shall become  
23 effective upon signature by the Mayor or upon becoming effective  
24 without the Mayor's signature.

25  
26 Form Approved:

27  
28           /s/ Mary E. Staffopoulos

29 Office of General Counsel

30 Legislation Prepared By: Shannon MacGillis