HOWLAND AMENDMENT
(Finance Committee - 2023-492)

Council Member Howland offers the following amendment to File No. 2023-492:

(1) On **page 1, line 11,** after "ORDINANCE CODE;" **insert** "CREATING A NEW SECTION 52.115 (PROCUREMENT), CHAPTER 52 (JACKSONVILLE HOUSING FINANCE AUTHORITY), *ORDINANCE CODE*";"

(2) On **page 4, line 28 ½, insert** a new section 3 to read as follows: "**Creating a new Section 52.115 (Procurement), Chapter 52 (Jacksonville Housing Finance Authority), *Ordinance Code*.** A new Section 52.115 (Procurement), *Ordinance Code*, is hereby created and shall read as follows:

Chapter 52 - Jacksonville Housing Finance Authority

* * *

Section 52.115. Procurement.

The Authority, as an independent agency of the City, may establish its own procurement code with procedures for purchasing supplies, services, and capital improvements consistent with applicable laws. However, the Authority shall be required to use and procure supplies, services, and capital improvements in accordance with Chapter 126, *Ordinance Code*, until such time that the Authority establishes its own procurement code. The Authority's procurement code shall be subject to the Office of General Counsel's review for legal sufficiency and compliance with applicable laws. The Authority shall provide the Council Secretary with a copy of established procurement code within five (5) business days of initial adoption.";

(3) Renumber remaining sections accordingly; and

(4) On **page 1, line 1**, amend the introductory sentence to add that

the bill was amended as reflected herein.

Form Approved:

_____

Office of General Counsel

Legislation Prepared By:

GC-#1586757-v2-Howland_Amd_-_Bill_No__2023-492_(Finance_Committee).docx

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City Council Presentation

Ordinance 2023-20: Part II

By Lawsikia J. Hodges, Deputy General Counsel

Government Operations, Office of General Counsel

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Three Presentation Topics – Over Three Committee Cycles

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

Chapter 126 (Procurement Code) Part 1. Ethics and Transparency in Public Contracting – Subpart B

Ethics in Public Contracting

- **Bidder/Suppliers Ethics**
  - Prohibited Contractors under Federal and State Law
  - Immigration Reform and Control Act (two years after conviction)
  - Human Trafficking or Human Trafficking related charge including Sex Offenders (beginning conviction through duration of parole period)
  - Bid Collusion Prohibited
  - Required Disclosure Regarding City Officers and Employees
  - Ex Parte Communications Prohibited
- **Public Officials/Employees Ethics**
  - Public official required to disclose financial interest in bid
    - Disclosure must be in writing and occur at the time the bid or contract is submitted (no later than second full working day) or prior to the time public official acquires a financial interest
    - Class D Offense (failure to make disclosure)
    - Violations include termination of contract, decertification, debarment
  - Prohibited purchases from Public Officials/Employees (self-dealing)
    - Purchases of supplies, services, or capital improvements from a public official or employee (except for waivers/exemptions in Florida law) is prohibited
    - Purchases also prohibited if public official or employee has a financial interest (except for waivers/exemptions in Florida law)
  - Unauthorized purchases prohibited (willfully or negligently) – purchase order or contract contrary to the P-Code
  - Exception for using agencies and employees relying on the advice of the Procurement Division
  - Unauthorized expenditure of artwork that includes a persons likeness in artwork
  - Bid Tampering – Section 838.22, Florida Statutes

Transparency

Public Access to Records

- Procurement Division records shall be public records except as otherwise exempt or confidential
- Records will be open to inspection and copying during normal business hours
- Procurement Division may charge reasonable fees for copies

Electronic Access to Procurement Documents

- Post P-Code, Procurement Operating Manual, policies, procedures, rules, directives, etc., to Procurement Division's Website
- Make Procurement Division documents (awards, purchase orders, solicitation documents) electronically accessible to public, subject to available funding

Triennial Supplier Survey

- Chief required to conduct a survey every three years (triennial) to obtain supplier feedback
- Survey topics: information transparency/accessibility, pre-bid conferences, bid submittal packages, bid evaluations, and awards.
- Chief shall consider survey results and may recommend changes to the Procurement Operating Manual for JPAC's approval

Chapter 21 – Executive Branch, Generally
Part 4. - Contract Administration and Oversight

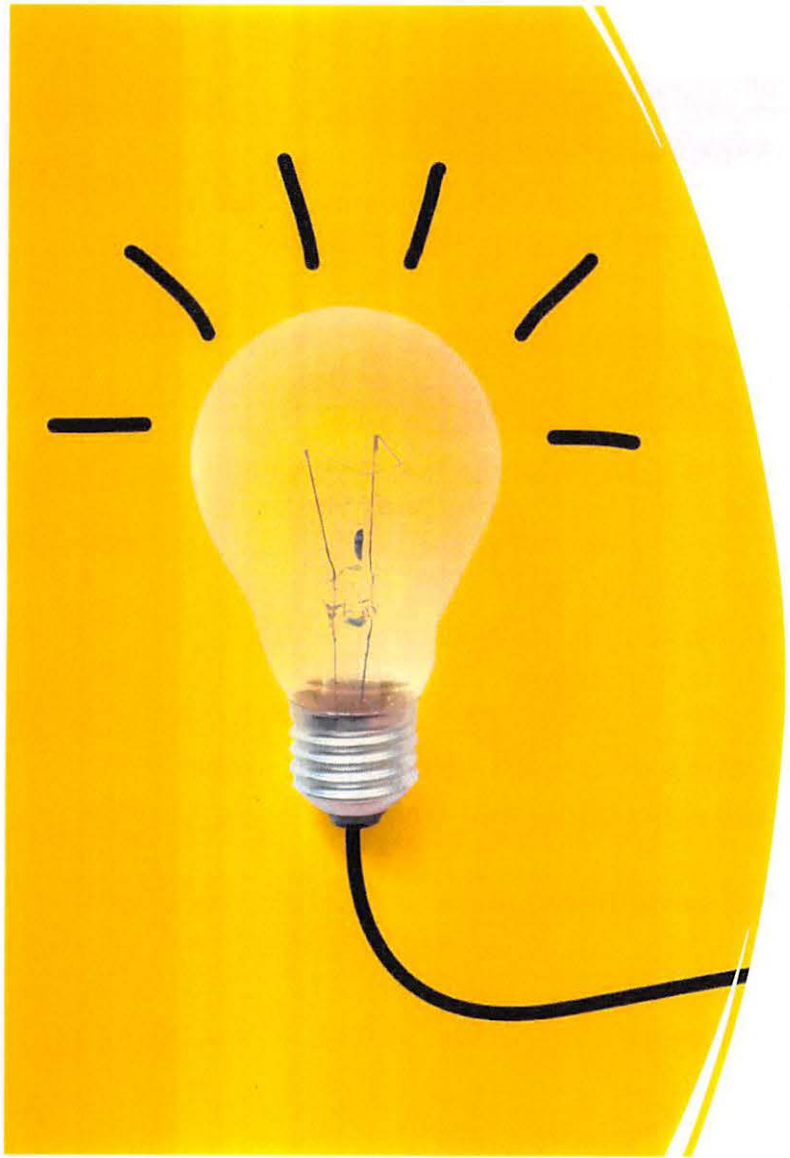
Contract Risk Assessment Program

Contract Risk Assessment Program

- Developed by Chief Administrative Officer in consultation with the Inspector General and identifies key high-risk contract factors

Contract Administrator

- Assigned by directors, CEOs and shall be responsible and accountable for administration and oversight of high-risk contracts:
  - Ensuring that the contract deliverables are met
  - Ensuring that City's payment of invoices are justified
- "Contract deliverables" shall include:
  - Project scope
  - Consistency with appropriation purposes and limitations
  - Project time limits and scheduling compliance
  - Project milestones
  - Product and performance delivery
  - Review dates
  - Plan updates
  - Contract renewal evaluation.



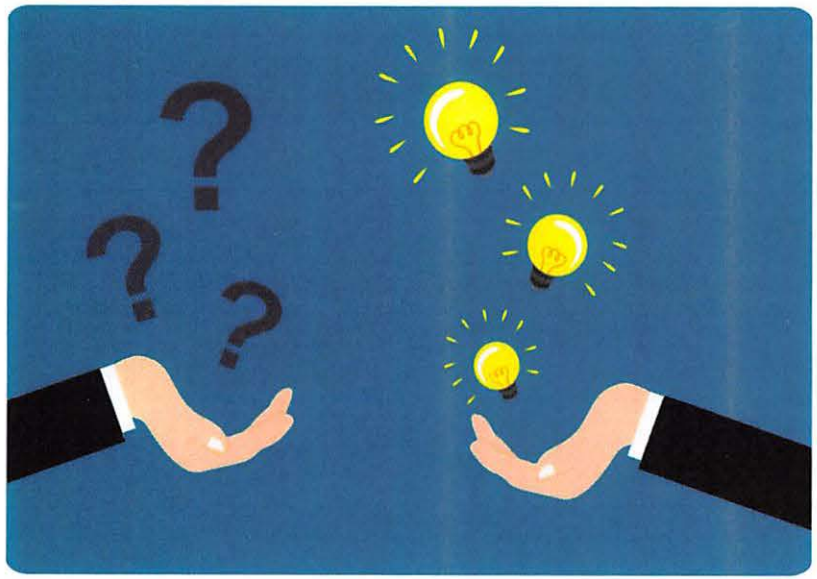
Annual Training of City Using Agencies

Collaborative training efforts of tri-offices:

- Chief of Procurement
- City Ethics Director
- Inspector General

Training topics:

- Procurement methods and procedures
- Ethics in public contracting
- Contract risk assessment program
- Contract administration and oversight



For questions or bill amendment ideas, please call:

Lawsikia J. Hodges (OGC)

(904) 255-5059

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(904) 255-8811

Matt Lascell, Inspector General

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