

City Council Presentation on Ordinance 2023-20: Part II



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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/	Procurement Modes, Methods and Procedures
Reorganization/ Scope of Awards Committee	Contract Administration Oversight	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**

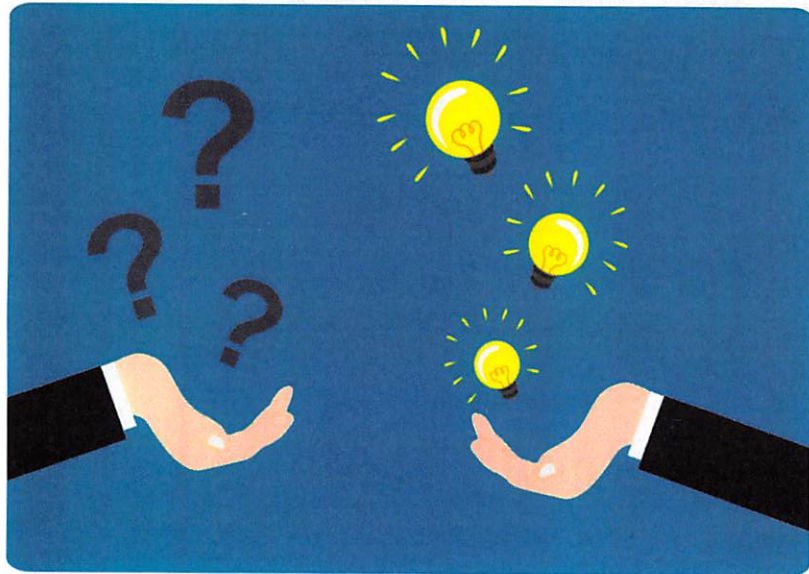
**USE OF ELECTRONIC
PROCUREMENT**

**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:**

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**Dustin Freeman, Chief of
Procurement**