

NCSPHS AMENDMENT #2

The Neighborhoods, Community Services, Public Health and Safety Committee offers the following second amendment to File No. 2023-20:

- (1) On **page 1, line 24**, after "PROGRAM" insert "AND LOCAL BUSINESS PARTICIPATION POLICY";
- (2) On **page 3, line 15**, after "DEPARTMENT;" insert "PROVIDING FOR LEGISLATIVE SUNSET OF THE LOCAL BUSINESS PARTICIPATION POLICY ON APRIL 1, 2027;";
- (3) On **page 4, line 26**, after "Program" insert "and Local Business Participation Policy";
- (4) On **page 4, line 31**, after "American Program" insert "and Local Business Participation Policy";
- (5) On **page 28, line 20**, strike "and";
- (6) On **page 28, line 20½**, insert a new Subsection 126.306(d) (xvi) to read as follows:

"xvi. Procedures regarding the Buy American Program and the Local Business Participation Policy in Part 7 of this Chapter; and";
- (7) Renumber the remaining Subsection accordingly;
- (8) On **page 37, line 25**, after "PROGRAM" insert "AND LOCAL BUSINESS PARTICIPATION POLICY";
- (9) On **page 37, line 25½**, insert "SUBPART A. BUY AMERICAN PROGRAM";
- (10) On **page 38, line 8**, strike "Part" and insert "Subpart";
- (11) On **page 40, line 27**, strike "buy" and insert "Buy";
- (12) On **page 41, line 16**, strike "* * *" and insert a new Subpart B. to read as follows:

"SUBPART B. LOCAL BUSINESS PARTICIPATION POLICY

Sec. 126.710. - Definitions.

For purposes of this Subpart and subject to Section 126.714, "Local business" means a business that is: (1) a registered JSEB pursuant to Part 6 of this Chapter; or (2) meetings the following criteria:

- (i) has all required business occupational licenses to operate in one of the following counties: Baker, Clay, Flagler, Nassau, St. Johns, Putnam, or Duval County (individually, a "Northeast Florida County"),
- (ii) is a business entity registered with the State of Florida, Division of Corporations, indicating a principal office located in a Northeast Florida County or presents other verifiable documents to substantiate business location in a Northeast Florida County that is satisfactory to the Chief,
- (iii) has maintained a permanent, physical business address located within the limits of a Northeast Florida County from which the business operates or performs business for a minimum twelve (12) consecutive month period immediately preceding the submission of a response to solicitation under this Chapter, and
- (iv) has at least three (3) full-time employees or one (1) principal officer at a Northeast Florida County office location.

Sec. 126.711. - Local business participation required.

For capital improvement procurements of \$7,000,000 or more that are awarded to a non-local business, the non-local business

shall be required to use local business to perform or supply at least forty percent (40%) of the project based on the initial award amount (the "Local Participation Requirement"). The Chief shall ensure that the Local Participation Requirement is included in each competitive solicitation, as applicable, unless the Chief determines, based on satisfactory written justification provided by the using agency overseeing the project, that the Local Participation Requirement is not feasible or economical to the City's interests. In such instances where the Local Participation Requirement is not feasible or economical, the Chief, in consultation with the using agency, may establish a lower local participation percentage requirement that is not less than twenty percent (20%). JSEB participation, as required by the JSEB Administrator pursuant to Part 6 of this Chapter, shall count toward meeting the Local Participation Requirement established pursuant to this Section.

Sec. 126.712. - Exemptions.

The Local Participation Requirement shall not apply to the following:

- (i) Any procurement procedures required by state law that prohibit the application of a local participation policy;
- (ii) Purchases or contracts which are funded, in whole or in part, by a government or other entity in which the laws, regulations or policies governing such funding prohibit application of local participation policy; and
- (iii) Emergency purchases permitted under this Code.

Sec. 126.713. - Additional rules.

The Chief may promulgate additional rules and regulations in the Procurement Operating Manual consistent with this Subpart, including, but not limited to, rules regarding the local business participation policy as applied to procurement methods authorized in this Chapter and good faith efforts by non-local businesses to comply with the requirements of this Subpart.

Sec. 126.714. - Reciprocity.

This local participation policy shall not extend to any Northeast Florida County with an existing local preference or participation policy that does not extend to Duval County.

Sec. 126.715. - Reporting requirement.

The Chief shall provide an annual report to the Mayor and the City Council no later than December 31 of each year for the previous fiscal year regarding the local business participation given pursuant to this Subpart. The first such report shall be due no later than December 31, 2025. Such annual report shall at a minimum include information and data regarding:

- (i) Projects where the local business participation was required pursuant to this Subpart (including number of projects and project amounts);
- (ii) Local businesses participating in projects pursuant to this Subpart; and
- (iv) Bid protests filed regarding the local business participation policy.

* * *";

- (13) On **page 71, line 28 ½, insert** a new Section 15 to read as follows:

"Section 15. Providing a Legislative Sunset Date Ending April

1, 2027 for the Local Business Participation Policy. The provisions of Subpart B (Local Business Participation Policy), Part 7 (Buy American Program and Local Business Participation Policy), Chapter 126 (Procurement Code), *Ordinance Code*, shall sunset on April 1, 2027, unless, prior to the sunset date, the City Council shall pass legislation to extend the Local Business Participation Policy. Upon the sunset and repeal of the Local Business Participation Policy, the following amended Sections of the Code shall immediately be adopted and become effective with no further action by the Council and as amended shall read as follows:

~~PART 7. - BUY AMERICAN PROGRAM AND LOCAL BUSINESS PARTICIPATION POLICY~~

~~SUBPART A. BUY AMERICAN PROGRAM~~

Sec. 126.701. - Statement of policy and purpose.

It is the policy of the City of Jacksonville to procure American manufactured, assembled or produced goods whenever feasible and in the best interests of the City under this Chapter. The City Council finds that the economic welfare and security of its residents is of utmost concern to the City. Local and regional preferences can stimulate and sustain the local economy and thereby provide a public benefit. Likewise, a domestic preference policy which encourages the selection and utilization of American-made goods and products can similarly be a stimulus to the local and regional economy by encouraging the production, manufacture and assembly of products which would be suitable for use in American-made products. Therefore, it is hereby declared that the carrying out of the purposes of this Part ~~Subpart~~ by the City is deemed to be furthering a proper municipal purpose.

* * *

SUBPART B. LOCAL BUSINESS PARTICIPATION POLICY

~~Sec. 126.710. - Definitions.~~

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- ~~(i) has all required business occupational licenses to operate in one of the following counties: Baker, Clay, Flagler, Nassau, St. Johns, Putnam, or Duval County (individually, a "Northeast Florida County"),~~
- ~~(ii) is a business entity registered with the State of Florida Division of Corporations indicating a principal office located in a Northeast Florida County or presents other verifiable documents to substantiate business location in a Northeast Florida County that is satisfactory to the Chief,~~
- ~~(iii) has maintained a permanent physical business address located within the limits of a Northeast Florida County from which the business operates or performs business for a minimum twelve (12) consecutive month period immediately preceding the submission of a response to solicitation under this Chapter and,~~
- ~~(iv) has at least three full-time employees or one principal officer at a Northeast Florida County office location.~~

~~Sec. 126.711. - Local business participation required.~~

~~For capital improvement procurements of \$7,000,000 or more that are awarded to a non-local business, the non-local business shall be required to use local business to perform or supply at least forty percent (40%) of the project based on the initial~~

~~award amount (the "Local Participation Requirement"). The Chief shall ensure that the Local Participation Requirement is included in each competitive solicitation, as applicable, unless the Chief determines, based on satisfactory written justification provided by the using agency overseeing the project, that the Local Participation Requirement is not feasible or economical to the City's interests. In such instances where the Local Participation Requirement is not feasible or economical, the Chief, in consultation with the using agency, may establish a lower local participation percentage requirement that is not less than twenty percent (20%). JSEB participation, as required by the JSEB Administrator pursuant to Part 6 of this Chapter, shall count towards meeting the Local Participation requirement established pursuant to this section.~~

~~**Sec. 126.712. - Exemptions.**~~

~~The local participation requirement shall not apply to the following:~~

- ~~(i) Any procurement procedures required by state law that prohibit the application of a local participation policy;~~
- ~~(ii) Purchases or contracts which are funded, in whole or in part, by a government or other entity in which the laws, regulations or policies governing such funding prohibit application of local participation policy; and~~
- ~~(iii) Emergency purchases permitted under this Code.~~

~~**Sec. 126.713. - Additional rules.**~~

~~The Chief may promulgate additional rules and regulations in the Procurement Operating Manual consistent with this Subpart,~~

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~~**Sec. 126.714. — Reciprocity.**~~

~~This local participation policy shall not extend to any Northeast Florida County with an existing local preference or participation policy that does not extend to Duval County.~~

~~**Sec. 126.715. — Reporting requirement.**~~

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~~(i) Projects where the local business participation was required pursuant to this Subpart (including number of projects and project amounts);~~

~~(ii) Local businesses participating in projects pursuant to this Subpart; and~~

~~(iii) Bid protests filed regarding the local business participation policy.”;~~

(14) Renumber the remaining Sections accordingly;

(15) On **page 1, line 1**, amend the introductory sentence to add that the bill was amended as reflected herein.

Form Approved:

 /s/ Mary E. Staffopoulos

Office of General Counsel

Legislation Prepared By: Mary E. Staffopoulos

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