

1 Introduced by Council Member Howland and Co-Sponsored by Council
2 Members Freeman, Miller, Arias, Carrico and White and amended by the
3 Rules Committee:

4
5 **ORDINANCE 2023-871-E**

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

20
21 **BE IT ORDAINED** by the Council of the City of Jacksonville:

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

30 **CHAPTER 126 PROCUREMENT CODE**

31 * * *

PART 3. PROFESSIONAL SERVICES CONTRACTS

* * *

Sec. 126.318. - Selection Procedures for Federal or State Lobbying or Grant Writing Professional Services Contracts.

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

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

Section 2. Prospectively amending Subpart C (Procurement Methods and Procedures), Part 3 (Procurement Thresholds, Modes, Methods, and Procedures), Chapter 126 (Procurement Code), Ordinance

1 **Code.** Effective July 1, 2024, Subpart C (Procurement Methods and
2 Procedures), Part 3 (Procurement Thresholds, Modes, Methods, and
3 Procedures), Chapter 126 (Procurement Code), *Ordinance Code*, is
4 hereby amended to read as follows:

5 **CHAPTER 126 PROCUREMENT CODE**

6 * * *

7 **PART 3. - PROCUREMENT THRESHOLDS, MODES, METHODS**
8 **AND PROCEDURES**

9 * * *

10 **SUBPART C. - PROCUREMENT METHODS AND PROCEDURES**

11 * * *

12 **Sec. 126.310. - Selection Procedures for Federal or State Lobbying**
13 **or Grant Writing Professional Services Contracts.**

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

27 (b) In considering any proposed contract referred to in subsection
28 (a) above, the City Council may accept, reject, or propose
29 modifications to any such proposed contract, and may, subject
30 to the approval of the other contracting parties, modify the
31 terms thereof, including but not limited to the scope,

1 financial, duration, renewal, and termination terms of the
2 proposed contract; it being the intent of the City Council
3 that no third party shall have any interest, anticipation or
4 expectation in or to any proposed terms of a contract until
5 such is approved by City Council and executed by all
6 signatories thereto.

7 **Sec. 126.310311. - Payment of city contracts.**

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

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

1 Director.

2 (c) *Joint Payment.*

3 (1) All contracts in amounts up to \$500,000, where payment or
4 performance bonds have been waived in accordance with
5 Section 18.11 of the Charter, shall provide for the joint
6 payment of contractors and subcontractors for services
7 rendered.

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

12 **Sec. 126.311312. - Required contract provisions.** All contracts made
13 pursuant to this Chapter shall include any contract provisions
14 required by law. The Chief shall detail in the Procurement Operating
15 Manual all such required contract provisions to be included in
16 contracts executed pursuant to this Chapter.

17 **Section 3. Establishment of prospective date of July 1,**
18 **2024, for the Code amendments contained in Section 2 of this Ordinance**
19 **to become effective.** The Code amendments contained in Section 2 of
20 this Ordinance shall not become effective until July 1, 2024.

21 **Section 4. Codification Instructions.** The Codifier and the
22 Office of General Counsel are authorized to make all chapter and
23 division "tables of contents" consistent with the changes set forth
24 herein, including renumbering of sections. Such editorial changes and
25 any others necessary to make the *Ordinance Code* consistent with the
26 intent of this legislation are approved and directed herein, and
27 changes to the *Ordinance Code* shall be made forthwith and when
28 inconsistencies are discovered.

29 **Section 5. Effective Date.** This Ordinance shall become
30 effective upon signature by the Mayor or upon becoming effective
31 without the Mayor's signature.

1 Form Approved:

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3 /s/ Mary E. Staffopoulos

4 Office of General Counsel

5 Legislation Prepared By: Lawsikia J. Hodges

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