

1 Introduced by Council Member Cumber and Co-Sponsored by Council
2 Members Salem, Carlucci and Gay and substituted by the Finance
3 Committee and twice amended by the Neighborhoods, Community Services,
4 Public Health and Safety Committee:
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7 **ORDINANCE 2023-20-E**

8 AN ORDINANCE RELATING TO THE CITY OF
9 JACKSONVILLE'S PROCUREMENT CODE; REPEALING AND
10 REPLACING PART 1 (GENERAL REGULATIONS), PART 2
11 (SUPPLIES, CONTRACTUAL SERVICES AND CAPITAL
12 IMPROVEMENTS), PART 3 (PROFESSIONAL SERVICES
13 CONTRACTS), PART 5 (EXTRAORDINARY CRITICAL
14 PURCHASING PROCEDURES), PART 7 (DESIGN-BUILD
15 CONTRACTS), AND PART 9 (ART IN PUBLIC PLACES),
16 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
17 AND PART 6 (CULTURAL SERVICE GRANT PROGRAM),
18 CHAPTER 118 (CITY GRANTS), *ORDINANCE CODE*, IN
19 THEIR ENTIRETY; CREATING A NEW PART 1 (GENERAL
20 REGULATIONS; ETHICS AND TRANSPARENCY IN PUBLIC
21 CONTRACTING), PART 2 (JACKSONVILLE PROCUREMENT
22 AWARDS COMMITTEE), PART 3 (PROCUREMENT
23 THRESHOLDS, MODES, METHODS, AND PROCEDURES),
24 PART 5 (EX-OFFENDER PROGRAM), PART 7 (BUY
25 AMERICAN PROGRAM AND LOCAL BUSINESS
26 PARTICIPATION POLICY), AND PART 9 (PROTESTS,
27 SUSPENSION, AND DEBARMENTS), CHAPTER 126
28 (PROCUREMENT CODE), *ORDINANCE CODE*, TO MODERNIZE
29 AND PROVIDE FOR GREATER EFFICIENCIES IN THE CITY
30 OF JACKSONVILLE PROCUREMENT CODE; CREATING A NEW
31 PART 6 (CULTURAL SERVICE GRANTS AND ART IN

1 PUBLIC PLACES), SUBPART A (CULTURAL SERVICE
2 GRANT PROGRAM) AND SUBPART B (ART IN PUBLIC
3 PLACES PROGRAM), CHAPTER 118 (CITY GRANTS),
4 *ORDINANCE CODE*, TO RELOCATE THE ART IN PUBLIC
5 PLACES PROGRAM PREVIOUSLY UNDER PART 9, CHAPTER
6 126, *ORDINANCE CODE*, TO PART 6, CHAPTER 118,
7 *ORDINANCE CODE*; CREATING A NEW PART 4 (CONTRACT
8 ADMINISTRATION AND OVERSIGHT; CONTRACT
9 EXECUTION), CHAPTER 21 (EXECUTIVE BRANCH,
10 GENERALLY), *ORDINANCE CODE*, TO REQUIRE CONTRACT
11 ADMINISTRATION AND OVERSIGHT IN CITY CONTRACTS;
12 AMENDING PART 4 (NONDISCRIMINATION POLICY),
13 CHAPTER 126 (PROCUREMENT CODE), *ORDINANCE CODE*,
14 TO AMEND THE DEFINITION OF NONDISCRIMINATION
15 CONSISTENT WITH EMPLOYEE SERVICES
16 NONDISCRIMINATION POLICY; AMENDING PART 6
17 (JACKSONVILLE SMALL AND EMERGING BUSINESS
18 PROGRAM), CHAPTER 126 (PROCUREMENT CODE),
19 *ORDINANCE CODE*, TO MAKE THE PART CONSISTENT WITH
20 THE CHANGES IN THIS ORDINANCE; AMENDING SECTION
21 122.605 (REVIEW, AMENDMENT, ADOPTION AND
22 APPROPRIATION BY CITY COUNCIL), PART 6 (CAPITAL
23 IMPROVEMENT PLAN), CHAPTER 122 (PUBLIC
24 PROPERTY), *ORDINANCE CODE*, TO PROVIDE FOR
25 EMERGENCY CAPITAL IMPROVEMENT PROJECTS IN
26 ACCORDANCE WITH CHAPTER 126, *ORDINANCE CODE*;
27 AMENDING SECTION 108.505 (SPECIAL COUNSEL), PART
28 5 (LEGAL SERVICES), CHAPTER 108 (CENTRAL
29 SERVICES), *ORDINANCE CODE*, TO REFERENCE BOND AND
30 DISCLOSURE COUNSEL; AMENDING SECTION 24.603
31 (DUTIES OF CHIEF OF PROCUREMENT), PART 6

1 (PROCUREMENT DIVISION), CHAPTER 24 (FINANCE AND
2 ADMINISTRATION DEPARTMENT), *ORDINANCE CODE*, TO
3 ADD ADDITIONAL DUTIES OF THE CHIEF OF
4 PROCUREMENT REGARDING CONTRACT ADMINISTRATION
5 AND OVERSIGHT; PROVIDING FOR OFFICE OF GENERAL
6 COUNSEL TO ENGAGE BOND COUNSEL AND DISCLOSURE
7 COUNSEL TO ASSIST THE CITY IN ITS FINANCE
8 MATTERS PURSUANT TO ARTICLE 7 OF THE CITY
9 CHARTER; ESTABLISHING A PROSPECTIVE DATE OF JULY
10 1, 2024, FOR CODE REPEALS, AMENDMENTS, AND NEW
11 PROVISIONS CONTAINED IN THIS ORDINANCE TO BECOME
12 EFFECTIVE; DIRECTING THE CHIEF OF PROCUREMENT TO
13 UPDATE THE PROCUREMENT OPERATING MANUAL
14 CONSISTENT WITH THIS ORDINANCE PRIOR TO JUNE 1,
15 2024; PROVIDING FOR OVERSIGHT BY THE
16 PROCUREMENT DIVISION, FINANCE AND
17 ADMINISTRATION DEPARTMENT; PROVIDING FOR
18 LEGISLATIVE SUNSET OF THE LOCAL BUSINESS
19 PARTICIPATION POLICY ON APRIL 1, 2027; PROVIDING
20 FOR CODIFICATION INSTRUCTIONS; PROVIDING AN
21 EFFECTIVE DATE.

22
23 **WHEREAS**, the City of Jacksonville's Procurement Code has not
24 been comprehensively reviewed and updated by the City Council in over
25 30 years; and

26 **WHEREAS**, the City desires to streamline and make the City's
27 procurement process more efficient for City agencies and third-party
28 entities contracting with the City by adapting the existing Code
29 procedures to the City's Enterprise Resource Planning (ERP) system,
30 streamlining the existing procurement awards committees, and
31 providing greater efficiency and flexibility to the City regarding

1 procurement methods, modes, and procedures; and

2 **WHEREAS**, additionally, the City desires to increase
3 transparency, accountability, and ethics in City procurement for the
4 benefit of City officers, City employees, and the citizens of
5 Jacksonville; now therefore

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

7 **Section 1. Recitals.** The recitals above are true and
8 correct and incorporated herein by this reference.

9 **Section 2. Repealing and Replacing Part 1 (General**
10 **Regulations), Part 2 (Supplies, Contractual Services and Capital**
11 **Improvements), Part 3 (Professional Services Contracts), Part 5**
12 **(Extraordinary Critical Purchasing Procedures), Part 7 (Design-Build**
13 **Contracts), and Part 9 (Art in Public Places), Chapter 126**
14 **(Procurement Code), Ordinance Code, and Part 6 (Cultural Service**
15 **Grant Program), Chapter 118 (City Grants), Ordinance Code, in their**
16 **entirety.** Part 1 (General Regulations), Part 2 (Supplies, Contractual
17 Services and Capital Improvements), Part 3 (Professional Services
18 Contracts), Part 5 (Extraordinary Critical Purchasing Procedures),
19 Part 7 (Design-Build Contracts), and Part 9 (Art in Public Places),
20 Chapter 126 (Procurement Code), *Ordinance Code*, and Part 6 (Cultural
21 Service Grant Program), Chapter 118 (City Grants), *Ordinance Code*,
22 are hereby repealed and replaced in their entirety. Copies of the
23 repealed Parts 1-3, 5, 7, and 9, Chapter 126, *Ordinance Code*, and
24 Part 6, Chapter 118, *Ordinance Code*, have been placed **On File** with
25 the Legislative Services Division.

26 **Section 3. Creating a new Part 1 (General Regulations;**
27 **Ethics and Transparency in Public Contracting), Part 2 (Jacksonville**
28 **Procurement Awards Committee), Part 3 (Procurement Thresholds, Modes,**
29 **Methods, and Procedures), Part 5 (Ex-Offender Program), Part 7 (Buy**
30 **American Program and Local Business Participation Policy), and Part**
31 **9 (Bid Protests, Suspension, and Debarments), Chapter 126**

1 **(Procurement Code), Ordinance Code.** Part 1 (General Regulations;
2 Ethics and Transparency in Public Contracting), Part 2 (Jacksonville
3 Procurement Awards Committee), Part 3 (Procurement Thresholds, Modes,
4 Methods, and Procedures), Part 5 (Ex-Offender Program), Part 7 (Buy
5 American Program and Local Business Participation Policy), and Part
6 9 (Bid Protests, Suspension, and Debarments), Chapter 126
7 (Procurement Code), *Ordinance Code*, are hereby created to read as
8 follows:

9 **CHAPTER 126 - PROCUREMENT CODE**

10 **PART 1. - GENERAL REGULATIONS; ETHICS AND TRANSPARENCY IN PUBLIC**
11 **CONTRACTING**

12 **SUBPART A. - GENERAL REGULATIONS**

13 **Sec. 126.101. - Short title.**

14 This chapter shall be known as the Jacksonville Procurement Code (the
15 "Jax P-Code" or "Chapter").

16 **Sec. 126.102. - Interpretation; Guiding Principles.**

17 This Jax P-Code shall be construed and applied to promote the
18 following guiding principles. The guiding principles of this Jax P-
19 Code are to:

- 20 a) Simplify, clarify, and modernize the local laws governing the
21 City's procurement process;
- 22 b) Permit the continued improvement and development of the City's
23 procurement process' policies and practices;
- 24 c) Provide for increased public confidence in the City's
25 procurement process' policies and practices;
- 26 d) Ensure the fair treatment of all persons who participate in the
27 City's procurement process;
- 28 e) Provide increased economy and efficiency in the City's
29 procurement process;
- 30 f) Maximize to the fullest extent practicable the City's purchasing
31 value in the City's procurement process;

- 1 g) Foster effective open competition to the fullest extent
2 practicable in the City's procurement process while also meeting
3 the City's procurement needs;
- 4 h) Adapt the City's procurement policies and practices to the
5 City's Enterprise Resource Planning (ERP) system; and
- 6 i) Provide safeguards for the maintenance of quality and integrity
7 in the City's procurement process.

8 **Sec. 126.103. - Applicability to City agencies.**

9 Except as otherwise provided herein, this Jax P-Code shall apply to
10 all City procurements and independent agency procurements in
11 accordance with Section 126.104. Nothing in this Jax P-Code or the
12 Procurement Operating Manual shall prevent any using agency from
13 complying with the terms and conditions of any grant, gift, or bequest
14 where otherwise authorized by law.

15 **Sec. 126.104. - Applicability to independent agencies.**

16 This Chapter is applicable to independent agencies that are required
17 by ordinance or Charter to procure services through the Division.
18 Independent agencies that are not required to procure services through
19 the Division may voluntarily procure services pursuant to this
20 Chapter.

21 **Sec. 126.105. - Definitions.**

22 The following terms or phrases, wherever used or referred to in this
23 Chapter, shall have the following respective meanings for the
24 purposes of this Chapter, unless different meanings are clearly
25 indicated by the context. Capitalized terms used in this Chapter,
26 but not defined herein, shall have the meanings ascribed to them in
27 the Procurement Operating Manual. When not inconsistent with the
28 context, words used in the present tense shall include the future,
29 and words in the plural shall include the singular and words in the
30 singular shall include the plural.

31 *Bid* means the document(s) received by the City pursuant to a

1 competitive solicitation issued under this Chapter. The term
2 includes (i) price quotes received pursuant to an invitation to
3 bid, (ii) proposals received pursuant to a request for proposals,
4 (iii) statements of qualifications received pursuant to a request
5 for qualifications, (iv) replies received pursuant to an invitation
6 to negotiate.

7 *Bidder* means those persons who submit a bid, proposal, response,
8 or reply to a competitive solicitation issued under this Chapter.

9 *Capital improvement* means (i) any permanent addition,
10 construction, or fixture to publicly owned real property or
11 structures or (ii) a "capital improvement project" as defined in
12 Chapter 122, Part 6 of the Code, as amended.

13 *Chief* means the Chief of Procurement as established in Chapter 24
14 of the Code or any successor chief position.

15 *Competitive solicitation* means the process of requesting and
16 receiving sealed bids for formal purchases in accordance with the
17 terms of an invitation to bid, a request for proposals, a request
18 for qualifications, invitation to negotiate or other competitive
19 procurement process hereunder.

20 *Contractual services* mean the rental, repair and maintenance of
21 equipment and personal property required by using agencies but not
22 furnished by their own employees, and utilities and other services
23 of all types, including types not enumerated herein. This term
24 shall not include professional services, professional design
25 services, or capital improvements as defined herein.

26 *City Ethics Office* means the Office of Ethics, Compliance and
27 Oversight established in Chapter 602 of the Code.

28 *Department* means the Department of Finance and Administration, or
29 any successor department or City unit.

30 *Director* means the Director of the Department of Finance and
31 Administration or any successor director position.

1 *Division* means the Division of Procurement, or any successor
2 division or City unit.

3 *Emergency* means an immediate danger to the public health, safety,
4 or welfare, an immediate danger of loss of public or private
5 property, a reasonably unforeseen breakdown in machinery, a
6 reasonably unforeseen threatened curtailment, diminution, or
7 termination of an essential governmental service, the reasonably
8 unforeseen development of a dangerous condition or the development
9 of a reasonably unforeseen circumstance that threatens the
10 curtailment or diminution of an essential governmental service or
11 of deposits and investments of City capital or other threatened
12 losses to the City that, in the opinion of the Chief, require
13 emergency action.

14 *Formal purchase* means the definition ascribed to this term in this
15 Chapter.

16 *Local bidder* means a bidder who maintains a permanent place of
17 business in the City and is a separate and distinct term from that
18 used in Part 6 herein, which contains differing requirements. If,
19 with respect to a purchase or contract, there shall be no local
20 bidder within the City, the term local bidder shall include a
21 bidder whose principal office is in and whose principal business
22 is conducted in the State of Florida.

23 *Procurement* means buying, purchasing, renting, leasing, or
24 otherwise acquiring any supplies, services, or construction. It
25 also includes all functions that pertain to the obtaining of any
26 supply, service, or construction, including the description of
27 requirements, selection and solicitation of sources, preparation
28 and award of contract and contract administration.

29 *Procurement Operating Manual* means the manual containing the rules,
30 regulations, and procedures promulgated in accordance with this
31 Chapter.

1 *Professional design services* mean those services within the scope
2 of the practice of architecture, professional engineering,
3 landscape architecture, or registered surveying and mapping, as
4 defined by the laws of the State of Florida, or those performed by
5 any architect, professional engineer, landscape architect, or
6 registered surveyor and mapper in connection with his or her
7 professional employment or practice.

8 *Professional services* mean services other than those defined herein
9 as "professional design services," the value of which is
10 substantially measured by the professional competence of the person
11 or entity performing them and which are not susceptible to
12 realistic competition by cost of services alone. Professional
13 services will generally include, without limitation, services
14 customarily rendered by medical practitioners or professionals,
15 certified public accountants, audit services, attorneys,
16 financial, political, personnel, technological, systems, planning
17 and management consultants, and insurance brokers for purposes of
18 consulting, structuring coverage and procuring insurance.

19 *Responsive bidder or proposer or respondent* means a bidder or
20 proposer or respondent who has submitted a bid or proposal or reply
21 that conforms, in all material respects, to an invitation for bids,
22 request for proposals, an invitation to negotiate or any other
23 procurement method authorized pursuant to this chapter.

24 *Supplies* means commodities, goods, materials, equipment and other
25 tangible articles or things which shall be furnished to or used by
26 a using agency, including commercial printing, binding or
27 publication of stationery, forms, journals, and reports.

28 *Supplier or Contractor* means a person or entity contracting with
29 the City or a using agency to provide services pursuant to this
30 Chapter.

31 *Using agency* means a (i) City department, division, office, board,

1 agency, commission, or other governmental unit of the City; or
2 (ii) an independent agency required or voluntarily requesting to
3 use the services of the Division.

4 **Sec. 126.106. - Execution of contracts.**

5 (a) *Execution of form approved contracts.* Contracts form approved
6 by the Office of General Counsel and executed by the contractor
7 and the City pursuant to this Chapter on behalf of the executive
8 branch shall be executed by the Mayor, or his designee, and the
9 Corporation Secretary. The Corporation Secretary shall maintain
10 copies of executed contracts for the executive branch. Contracts
11 form approved by the Office of General Counsel and executed by
12 the contractor and the City pursuant to this Chapter on behalf
13 of the internal operations of the office of the legislative
14 branch shall be executed by the City Council President or, if
15 authorized by the City Council President, the Vice President,
16 and the City Council Secretary. The City Council Secretary shall
17 maintain copies of executed contracts for the legislative
18 branch.

19 (b) *Execution of purchase order contracts.* Purchase orders, except
20 those for capital improvements, shall be approved and executed
21 by the Chief after approval by the Director as to the
22 availability of funds. The terms and conditions contained in
23 purchase orders shall be binding upon contractors doing business
24 with the City or using agency.

25 (c) *Electronic execution.* Unless otherwise prohibited by law or the
26 Code, contracts and purchase orders executed in accordance with
27 this Chapter may be transmitted and executed in electronic form,
28 which may include without limitation the use of electronic and
29 digital programs, applications, or signatures (e.g., DocuSign,
30 Adobe Acrobat, etc.).

31 **Sec. 126.107. - Access to supplier records; supplier compliance with**

1 **applicable laws.**

2 (a) *City access to and examination of supplier records.* Suppliers
3 shall agree by contract and be deemed to have agreed by doing
4 business with the City to allow access and examination at all
5 reasonable times by the City Council Auditor, the Inspector
6 General, the City Ethics Office or any duly authorized
7 representative of the City Council Auditor, Inspector General
8 or City Ethics Office to business records directly pertinent to
9 the transaction until the expiration of three years after final
10 payment pursuant to the transaction or contract. Regarding the
11 City Council Auditor, all examinations shall be in accordance
12 with Article 5 of the Charter and Chapters 13 and 102 of the
13 Code. Regarding the Inspector General and the City Ethics
14 Office, the Inspector General and the City Ethics Office may
15 examine business records of persons or entities doing business
16 with the City pursuant to Chapter 602 of the Code.

17 (b) *Compliance with applicable laws.* Suppliers shall agree by
18 contract and be deemed to have agreed by doing business with the
19 City to comply with all applicable federal, state, and local
20 laws, rules, and regulations as the same exist or as may be
21 amended from time to time, including, but not limited to the
22 Public Records Law, F.S. Ch. 119.

23 **Sec. 126.108. - Exemptions from competitive solicitation.**

24 The following purchases, supplies, services, and agreements are
25 exempt from competitive solicitation under this Chapter:

- 26 (a) Any exempt contractual services or commodities described under
27 Section 287.057, F.S., as applicable;
- 28 (b) Program or agency reviews if the fee for such review services
29 does not exceed the formal threshold amount applicable to such
30 services;

- 1 (c) Government Collaborative Agreements;
2 (d) Government Joint Projects;
3 (e) Active Government Procured Contracts (Piggyback);
4 (f) Short-Term No Costs Pilot Projects;
5 (g) Supplies or services to be provided by those specifically
6 prescribed within authorizing legislation;
7 (h) Professional services performed by a nonprofit professional
8 organization or the members thereof, when the membership
9 includes a significant number of City employees engaged in the
10 practice of the profession;
11 (i) Art reproduction services from local suppliers;
12 (j) Financial Instruments, Investments, and Services;
13 (k) Services related to Building Inspection Division work; and
14 (l) Any goods, supplies, services, including professional services,
15 relating to cybersecurity matters, including those matters
16 exempt from public records and open meetings pursuant to Section
17 119.0725, F.S.

18 Unless otherwise provided herein, the exempt services listed above
19 shall be subject to all other provisions and requirements of this
20 Chapter. The Chief may promulgate non-competitive procedures
21 pertaining to the procurement of exempt services listed above in the
22 Procurement Operating Manual, subject to JPAC and the Mayor's
23 approval.

24 **Sec. 126.109. - Severability.**

25 If any provision of this Jax P-Code or any application thereof to any
26 person or circumstances is held invalid, such invalidity shall not
27 affect other provisions or applications of this Jax P-Code which can
28 be given effect without the invalid provision or application.
29 Accordingly, the provisions of this Jax P-Code are declared to be
30 severable.

31 **SUBPART B. - ETHICS AND TRANSPARENCY IN PUBLIC CONTRACTING**

1 **Sec. 126.110. - Definitions.**

2 For purposes of this subpart the following terms shall have the
3 meanings given below:

4 *Bid* means any written bid, written proposal, written reply,
5 written quote or written offering of any kind or description
6 whatsoever submitted for the purpose of being awarded or entering
7 a contract, purchase agreement, sales transaction, or other
8 contractual agreement with the City under the provisions of this
9 P-Code.

10 *Contract* means any contract, agreement, purchase order or other
11 document used to evidence the existence of a purchase or sales
12 transaction under the provisions of this P-Code, or any subsequent
13 change order or amendment to any such contract document.

14 *Public official* means any one or more individuals who have been
15 elected to any state or local office and which office has a
16 geographical jurisdiction or description covering all of, more
17 than but including all or a portion of, or less than but including
18 a portion of, Duval County, Florida, any one or more individuals
19 who have been appointed to the governing body of any independent
20 agency of the City, or an appointed employee of the City.

21 *Financial interest* means any ownership interest of a public
22 official in any proposer, bidder, contractor, or first tier
23 subcontractor (that is, a person or business entity under contract
24 to provide or providing capital improvement services, professional
25 design services, professional services, labor, materials,
26 supplies or equipment directly to the proposer, bidder, or
27 contractor) whereby the public official knows that he or she has
28 received or will receive any financial gain resulting from or in
29 connection with the soliciting, procuring, awarding, or making of
30 a bid or contract; provided, however, financial interest shall
31 not include any interest in any increase in value of, or dividends

1 paid on, any stock which is publicly traded on any public stock
2 exchange.

3 **Sec. 126.111. - Integrity in public contracting - contractors.**

4 (a) *Declaration and findings.* In recognition that the preservation
5 of the integrity of the public contracting and procurement
6 process of the City is vital and is a matter of great public
7 interest, the City Council determines and declares that:

8 (1) The procedures of the City for determining with whom the
9 City transacts business exist to secure for the public the
10 benefits of free, fair, and open competition among those
11 persons whose conduct reflects good citizenship for the
12 public.

13 (2) The opportunity to bid on public entity contracts or to
14 supply goods and services to the City or to otherwise
15 transact business with the City is a privilege, not a
16 right.

17 (3) In order to preserve the integrity of the public
18 contracting and purchasing process, the privilege of
19 transacting business with the City should be denied to
20 persons or entities involved in certain crimes or listed
21 on certain state or national prohibited contractor lists.

22 (4) It is the intent of the City Council to provide sufficient
23 authority to the City, its departments, and independent
24 agencies, to ensure the integrity of public contracting
25 and purchasing. To the extent any provision contained
26 herein is in direct conflict with federal or state laws,
27 such applicable federal or state laws shall control and
28 govern.

29 (b) *Prohibited contractors.* The City shall not accept any bid from
30 or award any contract to or transact any business with:

31 (1) Any persons, entities, or affiliates that the City is

1 prohibited from accepting or awarding bids to or
2 transacting business with under federal or state laws;

3 (2) Any person or entity who pleads nolo contendere or guilty
4 or who is convicted in a court of competent jurisdiction
5 for violating Section 101 of the Immigration Reform and
6 Control Act of 1986 (unlawful employment of an alien) for
7 a period of two years beginning from the date of such plea
8 of nolo contendere, guilty plea or conviction by a court
9 of competent jurisdiction; and

10 (3) Any person or entity who is convicted in a court of
11 competent jurisdiction for human trafficking or any human
12 trafficking-related charge, including sex trafficking, or
13 a sex offender crime for the duration of any parole period
14 following the date of such conviction.

15 The Chief shall include in the Procurement Operating Manual, in
16 consultation with the Office of General Counsel, a listing of
17 the current federal or state laws that fall under the purview
18 of subsection (b)(i) above.

19 (c) *Collusion prohibited.*

20 (1) By virtue of submitting a bid each bidder shall be deemed
21 to guarantee that he has not been a party with other
22 bidder(s) to an express or implied agreement to bid a fixed
23 or uniform price. Violation of this implied guarantee shall
24 render void the bid of the offending bidder(s) and, subject
25 to applicable requirements and/or discretion described
26 herein, may result in forfeiture of the offender's bid bond
27 and other disciplinary measures contained herein and/or
28 under Florida law.

29 (2) A disclosure to or acquisition by a competitive bidder, in
30 advance of the opening of the bids, of any of the terms or
31 conditions of the bid submitted by another competitor may

1 render those bidders' bids void and, subject to applicable
2 requirements and/or discretion described herein, may
3 result in forfeiture of the offender's bid bond.

4 (d) *Required disclosures regarding City officers and employees.*

5 Any bid to a competitive solicitation made pursuant to this
6 Chapter shall include a statement under oath executed by the
7 bidder disclosing the names of all officers and employees of the
8 City and of independent agencies to which F.S. Ch. 112, Pt. III,
9 applies who may have a private financial interest, directly or
10 indirectly, in the award and/or subject matter of the bid,
11 proposal, response or reply.

12 (e) *Certain ex parte communications prohibited.*

13 Adherence to procedures that ensure a fair open and impartial
14 procurement process is essential to public confidence in the
15 City's procurement process. The Chief shall promulgate and
16 publish rules that prohibit certain ex parte bidder
17 communications during the City's procurement process.

18 **Sec. 126.112. - Integrity in public contracting - City officers and**
19 **employees.**

20 (a) *Public official bid and contract disclosure and prohibition;*
21 *prohibition of purchases from Public Officers or Employees.*

22 (1) *Required disclosure.* A public official who knows that he
23 or she has a financial interest in a bid or contract shall
24 make disclosure in writing to the Division or using agency,
25 whichever is receiving or has received the bid or contract,
26 (i) at the time that the bid or contract is submitted or
27 subsequently no later than the close of the second full,
28 regular work day after the bid or contract is submitted
29 (not including the day that the bid is submitted or any
30 Saturday, Sunday or City holiday), or (ii) prior to or at
31 the time that the public official acquires a financial

1 interest in the bid or contract and such disclosure shall
2 include but not be limited to the following: the bid
3 number, the name of the public official and his or her
4 public office or position, the name and address of the
5 business entity in which the public official has a
6 financial interest, and the position or relationship of
7 the public official with that business entity.

8 (2) *Class D offense.* It shall be unlawful and a class D offense
9 for a public official to fail or refuse to make the
10 disclosure required in subsection (1) of this Section.

11 (3) *Prohibited purchases from officers or employees.*
12 Notwithstanding any waivers or exemptions permitted under
13 Florida law, purchase of supplies, contractual services
14 or capital improvements shall not be made from a person
15 who is an officer or employee subject to F.S. Ch. 112,
16 Pt. III or in which any officer or employee has a private
17 financial interest, direct or indirect, within the meaning
18 of F.S. Ch. 112, Pt. III.

19 (4) *Remedies for violations.* Notwithstanding other penalties
20 described herein, those who violate this Section shall be
21 subject to withholding of payments under the contract,
22 termination of the contract for breach, contract penalties,
23 decertification and/or being debarred from or deemed
24 nonresponsive in future City solicitations and contracts
25 for up to three years (for less egregious violations, as
26 determined by the Chief, a period of probation may be
27 proposed, any violations during which period will result
28 in debarment of no less than three years). The City or
29 using agency acting by and through its awarding authority
30 may: (i) nullify and terminate the purchase and sales
31 transaction and any contract arising from or in connection

1 with any bid or contract involving failure or refusal to
2 disclose a financial interest of a public official as
3 described in this Section; and (ii) declare the same null
4 and void.

5 (b) *Unauthorized purchases.*

6 (1) *Unauthorized purchases by officers or employees.* It shall
7 be unlawful for an officer or employee of the City or of a
8 using agency willfully or negligently to order any purchase
9 or to make a contract in a manner contrary to the provisions
10 of this P-Code. A purchase ordered or contract or sales
11 transaction made contrary to the provisions hereof shall
12 be null and void unless and until accepted and ratified by
13 the appropriate awarding authority, which awarding
14 authority shall then advise the Chief and the City Council
15 Auditor as to its disposition. Unless authorized or
16 permitted to do so by executive order of the Mayor, no one
17 other than those described in Section 126.106 hereof shall
18 have the authority, whether actual or apparent, to execute
19 any purchase order, contract, including contract
20 modifications, or any sales transaction on behalf of the
21 City. The prohibition contained in this section shall not
22 apply to errors or omissions of the Division in providing
23 advice to using agencies regarding purchases under this
24 Chapter.

25 (2) *Chief referrals.* The Chief shall refer all purchases,
26 contracts, or sales transactions made contrary to the
27 provisions of this P-Code to the appropriate awarding
28 authority and a copy to the Mayor, City Council Auditor,
29 and Inspector General designating the purchase, contract,
30 or sales transaction as unauthorized with a recommendation
31 as to its disposition. Relevant facts or information in

1 the possession of the Chief believed to aid the awarding
2 authority in its determination shall be included.

3 (3) *Unauthorized expenditures for certain artwork or*
4 *improvements.* It shall be unlawful for an officer or
5 employee of the City, or of a using agency, to expend funds
6 for any artwork or improvement which includes thereon a
7 likeness of any living person. The prohibition contained
8 herein shall not apply to the expenditure of funds for a
9 photograph or portrait of a public employee or official
10 kept in the normal course of business, in the offices where
11 the public employee or official conducts business, nor for
12 random decorative artwork which is not intended as
13 recognition for the living persons depicted.

14 (c) *Bid tampering prohibited.* Procurements made pursuant to this
15 Chapter are subject to the bid tampering prohibition in Section
16 838.22 (Bid tampering), F.S.

17 (d) *Employee disclosure of personal and business relationships.* A
18 City employee performing, or participating in, a single-source
19 procurement or serving as an Evaluation Committee member shall,
20 prior to performing, or participating in, a single-source
21 procurement or serving as an Evaluation Committee member
22 disclose in writing to the Chief all current or former personal
23 and business relationships with the contractor, bidder,
24 respondent, or proposer, its officers, employees, and agents on
25 a disclosure form developed by the City Ethics Office. Such
26 disclosure form shall include a definition of "current or former
27 personal and business relationships". The Chief, in consultation
28 with the City Ethics Office and the applicable department head,
29 chief, or other comparable supervisory personnel, shall review
30 and approve such written disclosures. The Chief may promulgate
31 additional procedures related to this subsection in the

1 Procurement Operating Manual.

2 **Sec. 126.113. - Transparency in public contracting.**

3 (a) *Public access to records.* Except as otherwise exempt or
4 confidential by law, the Division's records shall be public
5 records and made available to the public upon request. Such
6 records shall be open to inspection and copying by the public
7 during normal business hours. In accordance with City public
8 records policies, the Division may charge the public reasonable
9 costs for gathering and copying records.

10 (b) *Electronic access to procurement documents.* The Jax P-Code,
11 the Procurement Operating Manual, and any procurement policies,
12 procedures, rules, directives, and other procurement governing
13 documents, including amendments thereto, shall be posted
14 electronically on the Division's website in a conspicuous
15 manner for the public to view. Subject to available funds, the
16 Chief may make procurement documents under this Chapter,
17 including awards, solicitations documents, purchase orders,
18 etc., electronically accessible to the public.

19 (c) *Triennial supplier survey.* The Chief shall triennially conduct
20 a survey to obtain feedback from bidders and suppliers on the
21 City's procurement process. Such survey shall be on a form
22 approved by City and participation in the survey shall be open
23 to past, current, and prospective bidders and suppliers. Survey
24 topics may include, without limitation, various aspects of the
25 City's procurement process such as information transparency and
26 accessibility, pre-conferences, bid submittal packages,
27 evaluations, and awards. The Chief shall review and consider
28 such survey results and may recommend amendments to the
29 Procurement Operating Manual in accordance with this Chapter.

30 **PART 2. - JACKSONVILLE PROCUREMENT AWARDS COMMITTEE**

31 **Sec. 126.201. - Jacksonville Procurement Awards Committee**

1 **established.**

2 The Jacksonville Procurement Awards Committee or JPAC is hereby
3 established for the purpose of awarding contracts pursuant to this
4 Chapter.

5 **Sec. 126.202. - Composition.**

6 JPAC shall consist of the following three members: the Director, the
7 Director of Public Works, and the City Risk Manager, or their
8 respective designees. However, when an independent agency is using
9 the services of the Division, the chief administrative
10 officer/executive director, or other equivalent position, of the
11 independent agency, or his designee, shall be a member of the JPAC
12 in lieu of the Director; and further provided, that, when the Downtown
13 Investment Authority ("DIA") is the using agency, the DIA executive
14 director shall be a member of JPAC in lieu of the Director.

15 **Sec. 126.203. - Evaluation Committees.**

16 For all evaluated competitive solicitations, the Chief shall
17 designate an evaluation committee consisting of at least two
18 individuals recommended by the respective using agency ("Evaluation
19 Committee"). Prior to the Chief designating individuals to serve on
20 an Evaluation Committee, the Chief shall require all potential
21 evaluators to complete the disclosure form required in Section
22 126.112(d) of the Code and obtain an ethical clearance from the City
23 Ethics Office and the applicable department head, chief, or other
24 comparable supervisory personnel. The Evaluation Committee shall
25 evaluate and score competitive solicitation proposals, responses, or
26 replies in accordance with the competitive solicitation terms.

27 **Sec. 126.204. - Duties.**

28 JPAC shall have the following duties:

- 29 (a) To approve award recommendations for formal purchases in
30 accordance with this Chapter;
- 31 (b) To cancel any formal purchase competitive solicitation made in

1 accordance with this Chapter or rejecting any and all bids,
2 proposals, responses or replies, in whole or in part, when the
3 public or City's interest will best be served thereby, at the
4 recommendation of the Chief, in consultation with the using
5 agencies;

6 (c) To approve any procedures promulgated by the Chief regarding
7 bonds and bidder responsibility determinations;

8 (d) To recommend to the Mayor for approval amendments to the
9 Procurement Operating Manual based upon the Chief's
10 recommendations;

11 (e) To formulate and adopt standards for supplies and contractual
12 services required by using agencies, at the recommendation of
13 the Chief in consultation with the using agency; and

14 (f) To hear and make final decisions upon any protests, suspensions,
15 and debarments made pursuant to this Chapter.

16 However, unless otherwise provided by executive order of the Mayor
17 regarding the designation or delegation of the Mayor's approval
18 authority, actions by the JPAC shall become final only upon approval
19 by: (i) the independent agency; or (ii) the Mayor or his designee,
20 as applicable.

21 **Sec. 126.205. - Meetings; public notice; minutes.**

22 JPAC shall meet at least once a week but may meet more frequently as
23 necessary to accommodate the procurement needs of using agencies.
24 Unless otherwise provided by law, all meetings shall be subject to
25 Section 286.011 (Open Meetings Laws), F.S. JPAC shall keep official
26 minutes of its meetings, which shall be maintained on file in the
27 Division as a permanent electronic or physical public record. JPAC,
28 to the extent feasible, shall also keep recordings of the JPAC
29 proceedings, subject to public records retention laws.

30 **Sec. 126.206. - Voting; quorum.**

31 JPAC recommendations shall require a concurring vote of a majority

1 of the members present. Three JPAC members shall constitute a quorum
2 for the purpose of meetings and transacting business.

3 **Sec. 126.207. - Officers.**

4 The Chair of JPAC shall be the Director and the Vice Chair of JPAC
5 shall be the Director of Public Works. JPAC may elect other officers
6 from among its members.

7 **Sec. 126.208. - Rules of procedure.**

8 JPAC may establish rules of procedure necessary to its governing and
9 the conduct of its affairs, consistent with the applicable provisions
10 of the Ordinance Code.

11 **Sec. 126.209. - Administrative support.**

12 The Chief and Division shall provide JPAC with administrative support.

13 **Sec. 126.210. - Compliance.**

14 JPAC shall be subject to the provisions of Chapter 112, Part III,
15 F.S., and Chapters 50, 58 and 602 of the Code, except as may be
16 otherwise set forth in this Chapter.

17 **PART 3. - PROCUREMENT THRESHOLDS, MODES, METHODS**

18 **AND PROCEDURES**

19 **SUBPART A. - PROCUREMENT THRESHOLDS**

20 **Sec. 126.301. - Formal Purchases.**

21 Unless exempt under Section 126.108 of this P-Code, the following
22 purchases shall be formal purchases:

- 23 (1) Supplies, professional services, or contractual services, has
24 defined herein, where the estimated costs or fees thereof exceed
25 \$150,000;
- 26 (2) Professional design services, as defined herein, where the
27 estimated cost for the basic construction of a project exceeds
28 the threshold amount provided in F.S. § 287.017, for Category
29 Five, as may be revised from time to time, or where the estimated
30 fees for a planning or study activity exceed the threshold amount
31 provided in F.S. § 287.017, for Category Two, as may be revised

1 from time to time; or

2 (3) Capital improvements where the estimated cost thereof exceeds
3 the threshold amount provided in F.S. § 255.0525(2), as may be
4 revised from time to time (on a case-by-case basis, the Chief
5 shall have the discretion to reduce the threshold amount for
6 capital improvements consistent with the competitive
7 encouragement threshold amount of F.S. § 255.101(2), as may be
8 revised from time to time).

9 Unless otherwise exempt under this Chapter, Formal Purchases shall
10 be publicly noticed, advertised, and competitively procured as
11 provided in the Procurement Operating Manual. No formal purchase
12 order, contract, or agreement shall be subdivided to avoid this
13 requirement. A successful bidder who is awarded a formal contract for
14 equal to or less than the discretionary payment and performance bond
15 exemption amounts set forth in F.S. § 255.05(1)(d), (the "Statutory
16 Discretionary Bond Threshold"), may, at the discretion of the JPAC,
17 upon the request of the using agency and recommendation of the Chief,
18 be exempted from executing the otherwise required payment and
19 performance bonds. Final determinations on the need for payment bonds
20 for projects equal to or less than the Statutory Discretionary Bond
21 Threshold shall be made by the Chief after determining if there is
22 an alternate form of security or payment method more readily available
23 or appropriate. For JSEBs, as defined in Chapter 126, Part 6, payment
24 and performance bonds shall not be required on City projects with a
25 value equal to or less than the Statutory Discretionary Bond Threshold
26 or equal to or less than the payment and performance bond waiver
27 amount permitted in Section 18.11 of the Charter.

28 **Sec. 126.302. - Informal Purchases.** Purchases and sales other than
29 those defined in Section 126.301 shall be considered Informal
30 Purchases and made in accordance with the process and procedures for
31 Informal Purchases detailed in the Procurement Operating Manual.

SUBPART B. PROCUREMENT MODES

Sec. 126.303. - Electronic procurement system.

(a) *Authorization for the use of electronic transactions and systems.* Subject to available funding and as permitted by law, the Chief may implement an electronic procurement system to conduct procurement transactions, including, but not limited to, competitive solicitations, informal quotations, or any other procurement method by electronic means or in electronic form. Electronic means shall include, 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. Any such electronic procurement system shall include standardization and normalization of data to enable such system to be compatible and interoperable with other City departments, divisions, and agencies.

(b) *Electronic posting.* The City may electronically post solicitations, decisions and other matters related to procurement on a centralized Internet website designated by the City for this purpose.

(c) *Electronic records.* As permitted by law, wherever this Code or the policies and procedures promulgated hereunder require that a document, record, or notice be in writing, an electronic format is authorized.

(d) *Electronic public notices.* The Chief may publish electronic public notices for procurement methods used in this Chapter in accordance with Section 50.0311, F.S.

Sec. 126.304. - Electronic media and digital signatures.

The City's use of electronic transmissions, forms, and media, including acceptance of electronic submittals and signatures, including digital signatures, is authorized consistent with Chapter

1 668, F.S., for use of such electronic transmission, form, and media,
2 so long as such guidance provides for:

- 3 (1) Appropriate security to prevent unauthorized access to the
4 competitive solicitation, approval, award, and contracting
5 process; and
- 6 (2) Accurate retrieval or conversion of electronic forms of such
7 information into a medium which permits inspection and copying
8 in accordance with Chapter 119.07 and 119.071, F.S.

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

10 **Sec. 126.305. - Pre-selection procurement methods.**

11 (a) *Authorization.* The Chief may authorize any one or more of the
12 following Pre-Selection Procurement Methods below.

13 (1) *A Request for Information (RFI).* The Chief, in
14 consultation with the using agency, may issue a Request
15 for Information solicitation to collect information about
16 the capabilities of bidders.

17 (2) *A Request for Qualifications (RFQ).* The Chief, in
18 consultation with the using agency, may issue a Request
19 for Qualifications solicitation to solicit information
20 from bidders to evaluate a bidder's qualifications and
21 qualify two or more bidders for future solicitations.

22 (3) *An Intent to Bid (ITB).* The Chief, in consultation with
23 the using agency, may issue an intent to bid which is
24 intended to provide notice and information to potential
25 bidders. The publication of an intent to bid does not
26 obligate the City to make the purchases referred to in the
27 intent to bid.

28 **Sec. 126.306. - Procurement methods and selection.**

29 (a) *Procurement methods.* The following procurement methods are
30 authorized under this Chapter and governed by applicable
31 procurement laws, including, but not limited to, the state

1 procurement laws referenced:

- 2 (1) Invitation to Bid (ITB) (Chapter 255, F.S.);
- 3 (2) Request for Proposals (RFP) (Chapter 255, F.S.);
- 4 (3) Competitive Multi-step Bidding (Chapter 255, F.S.);
- 5 (4) Consultants' Competitive Negotiation Act (CCNA)
- 6 (Architectural, Engineering, Landscape Architectural, or
- 7 Surveying & Mapping Services) (Section 287.055, F.S.);
- 8 (5) Design-Build Contracts (Section 287.055, F.S.);
- 9 (6) Construction Management and Program Management (Section
- 10 255.103, F.S.);
- 11 (7) Invitation to Negotiate (ITN);
- 12 (8) Single-Source Procurements;
- 13 (9) Emergency Procurements;
- 14 (10) Guaranteed Energy, Water, and Wastewater Performance
- 15 Savings Contracting (Section 489.145, F.S.);
- 16 (11) Public Private Partnerships (Section 255.065, F.S.);
- 17 (12) Unsolicited Proposals;
- 18 (13) Government Collaborative Agreements;
- 19 (14) Government Joint Projects;
- 20 (15) Government Auction Purchases;
- 21 (16) Government Procured Contracts (Piggyback);
- 22 (17) Short-Term No Costs Pilot Projects;
- 23 (18) Direct Negotiations; and
- 24 (19) Any other procurement method permitted by state law and/or
- 25 used by state agencies.

26 (b) *Choice of procurement method.* The Chief, after consulting with
27 the using agency shall have the discretion and authority to
28 select the source selection method that is deemed to be in the
29 City's interest and consistent with the purposes and guiding
30 principles set forth in this Code.

31 (c) *Procedures regarding pre-selection and procurement methods.* The

1 Chief shall promulgate definitions and procedures that are
2 customary, standard, and to the extent feasible, commonly
3 considered a best practice in public procurement regarding the
4 listed Pre-Selection and Procurement Methods authorized in this
5 section. Such procedures shall not be inconsistent with any
6 applicable governing law, including the requirements of this
7 Code. Such procedures may include without limitation,
8 conditions for use of such method, public notice requirements,
9 solicitation opening, acceptance, evaluation, corrections,
10 withdrawal, and award.

11 (d) *Procurement Operating Manual*. The Chief shall develop, prepare,
12 and maintain the Procurement Operating Manual, which shall
13 include rules, regulations, and procedures relative to the
14 implementation of this Chapter. Such rules, regulations and
15 procedures shall not be inconsistent with this Code or any
16 applicable governing state or federal law. Based on the Chief's
17 recommendations, JPAC shall recommend to the Mayor for approval
18 amendments to the Procurement Operating Manual. Any such
19 amendment to the Procurement Operating Manual shall not become
20 effective until thirty (30) days after the Mayor's approval of
21 the amendment. The manual shall at a minimum prescribe rules and
22 regulations regarding:

- 23 (i) Procurement operations to be followed by using agencies,
24 the Division, and the business community;
- 25 (ii) Specifications for standardized items purchased by the City
26 and using agencies;
- 27 (iii) Procedures for the pre-selection and procurement methods
28 in accordance with this Part, subject to applicable
29 federal, state, and local laws;
- 30 (iv) Procedures as needed for the purchases, supplies, services,

- 1 and agreements that are exempt from competitive
2 solicitation under this Chapter;
- 3 (v) Types of services and any matters related thereto (e.g.,
4 capital improvements, professional services, including
5 design services, contractual services, and supplies);
- 6 (vi) Any electronic procurement system used and implemented by
7 the City in accordance with this Chapter;
- 8 (vii) Bid protest procedures not inconsistent with Part 9 of this
9 Chapter;
- 10 (viii) Performance and payment bonds, bid bonds and other
11 security;
- 12 (ix) Contracts, including purchase orders, executed pursuant to
13 this Chapter;
- 14 (x) Required solicitation, contract, and bond forms, subject
15 to review by the Office of General Counsel;
- 16 (xi) Pre-qualifications for bidders not otherwise prohibited by
17 law;
- 18 (xii) Value engineering not otherwise prohibited by law;
- 19 (xiii) Novation, change of name, change of business status
20 or assignment;
- 21 (xiv) A system of contractor performance ratings regarding the
22 Contractor's performance in City contracts;
- 23 (xv) Ethics in public contracting;
- 24 (xvi) Procedures regarding the owner direct purchase of supplies
25 in accordance with Section 126.306(h);
- 26 (xvii) Procedures regarding the Buy American Program and
27 Local Business Participation Policy in Part 7 of this
28 Chapter; and
- 29 (xviii) A listing of contract provisions required by law to
30 be included in contracts executed pursuant to this Chapter.
- 31 Nothing in this Section shall be construed as limiting or

1 superseding the provisions of this Chapter. The Chief shall
2 issue the Procurement Operating Manual and shall ensure
3 compliance therewith by the using agencies. The regulations and
4 procedures contained in the Procurement Operating Manual shall
5 represent a complete plan of operation for the City's
6 procurement system. Upon the Mayor's approval of amendments to
7 the Procurement Operating Manual, the Chief shall promptly file
8 copies of the amendments with the Council Secretary, Inspector
9 General, and Council Auditor. The Inspector General, and Council
10 Auditor may provide the Chief with comments regarding the
11 amendments prior to the amendments becoming effective.

12 (e) *Emergency procurements; procedures.* The Chief shall promulgate
13 emergency purchasing procedures in the Procurement Operating
14 Manual for all types of procurements, including supplies,
15 contractual services, capital improvements, professional
16 services, and professional design services. The emergency
17 procurement procedures shall be consistent with this Code and
18 applicable state law. Procurements subject to Section 255.20,
19 F.S., shall meet the emergency requirements provided in Section
20 255.20, F.S.

21 (f) *Required notice regarding certain procurement methods.* The
22 Chief shall provide a quarterly report to the Mayor, City
23 Council, Council Auditor, and Office of Inspector General of all
24 formal awards identified as single-source or emergency purchases
25 made each quarter pursuant to this Chapter. Additionally, the
26 Chief Administrative Officer or Chief shall present a quarterly
27 in-person report to the City Council Finance Committee regarding
28 all single-source purchases made each quarter pursuant to this
29 Chapter in excess of \$50,000. Such in-person report shall be
30 presented to the City Council Finance Committee on a day and
31 time as determined by the Finance Committee Chair.

1 (g) *Minimum responses for professional services; resolicitation*
2 *required.* Solicitations for professional services shall require
3 no less than three supplier responses. If solicitations for
4 professional services receive responses from less than three
5 suppliers, the Chief shall resolicit proposals from suppliers,
6 unless the Chief determines in writing, in consultation with the
7 using agency, that no advantage would be obtained by
8 resoliciting.

9 (h) *Owner Direct Purchases of Supplies.* The City shall use
10 applicable state sales tax exemptions in accordance with Chapter
11 212, *Florida Statutes*, and any applicable state administrative
12 rules and regulations, by directly purchasing, in lieu of the
13 contractor, the supplies necessary for a capital improvement
14 procurement made pursuant to this Chapter, subject to this
15 Subsection. The Chief shall require in every capital improvement
16 solicitation that the contractor include on the schedule of
17 values the total line-item costs by type for each supply purchase
18 necessary for the project. The City shall purchase by type each
19 supply identified on the schedule of values having a cost of
20 \$100,000 or more for non-JSEB contracts and \$10,000 or more for
21 JSEB set aside contracts. The Chief shall ensure that using
22 agencies adhere to the requirements of this Subsection, unless
23 the Chief determines, based on satisfactory written
24 justification provided by the using agency, that the City's
25 purchase of supplies for a capital improvement procurement is
26 not feasible, economical, or beneficial to the City's interests.

27 **Sec. 126.307. - Selection procedures for independent audit firm.**

28 In accordance with Section 5.11 of the Charter and the selection
29 procedures set forth in Section 218.391, F.S., the annual independent
30 audit shall be performed by an accountant, or an accounting firm
31 selected by City Council. The public notice or advertisement as well

1 as receipts of responses shall be handled by the Division. The Council
2 Auditor shall, within one business day, notify the Chief of the
3 introduction of the proposed ordinance or resolution making the award,
4 and the Chief shall place the title to such ordinance or resolution
5 on the next JPAC agenda for informational purposes. Once the ordinance
6 or resolution making the award becomes effective the Council Auditor's
7 Office shall, within three business days, notify the Chief, and the
8 Chief shall include the awarding of the service on the next JPAC
9 agenda for informational purposes. The notifications set forth in
10 this Section shall not create the requirement for any notices or
11 advertisements not otherwise required by this Chapter 126.

12 **Sec. 126.308. - Selection procedures for sports and entertainment**
13 **facilities promoter and/or manager.**

14 (a) *City Council approval required.* Notwithstanding anything to the
15 contrary in this Chapter, no contract with the City of
16 Jacksonville, to manage or promote a sports or entertainment
17 facility, which contract is awarded after May 22, 2012, shall
18 be valid or binding against the City, unless and until approved
19 by the City Council; and no City officer or employee shall
20 execute same without City Council approval. This Section shall
21 apply to all applicable proposed contracts, whether negotiated
22 and preliminarily approved through the professional services
23 processes of this Part, or by any other process.

24 (b) *City Council's right to accept, reject or modify contract.* In
25 considering any proposed contract referred to in subsection (a)
26 above, the City Council may accept, reject, or propose
27 modifications to any such proposed contract, and may, subject
28 to the approval of the other contracting parties, modify the
29 terms thereof, including but not limited to the scope,
30 financial, duration, renewal, and termination terms of the
31 proposed contract; it being the intent of the City Council that

1 no third party shall have any interest, anticipation or
2 expectation in or to any proposed terms of a contract until such
3 is approved by City Council and executed by all signatories
4 thereto.

5 **Sec. 126.309. - Selection procedures for financial instruments,**
6 **investments, and services.**

7 (a) *Exemption.* Pursuant to Chapter 110 Part 2 of the Code, as the
8 same may be revised from time to time, all deposits and
9 investments of City capital, including the General Employee
10 Pension Fund, and other applicable financially related services,
11 including, without limitation, credit enhancement, liquidity
12 support, investment managers, financial and/or investment
13 advisors, issuing, paying and/or tender agents, rating agencies,
14 printing of preliminary and/or final official statements,
15 offering memorandum, bonds, notes and/or commercial paper, and
16 similar services that are offered in a limited market, that
17 involve complex negotiations, or that require a limited time
18 frame as necessary for a financial transaction involving bonds,
19 notes, commercial paper or other similar transactions, may be
20 procured in accordance with the City's Pension and Treasury
21 Procurement Procedures. Notwithstanding the requirements of the
22 City's Pension and Treasury Procurement Procedures, the Director
23 and the City Treasurer, in cooperation with the Chief, shall
24 develop written criteria and procedures necessary to evaluate
25 and procure financially related services under this section,
26 which shall include, without limitation, such factors as
27 historic investment performance, fee structure, professional
28 staff, size of firm, research capabilities, area of
29 specialization, strategic fit with the overall financial service
30 goals and objectives.

31 (b) *Notice.* Any public notice or advertisement required under

1 procurement procedures developed in accordance with this
2 section, as well as responses thereto, shall be forwarded to the
3 Division within one business day. Once an award is made pursuant
4 to such procurement procedures, the Director shall notify the
5 Chief within one business day, and the Chief shall include the
6 awarding of the service on the next JPAC agenda for information
7 purposes. When the procedures developed in accordance with this
8 section are used for awards that are not time-sensitive, the
9 Chief shall be notified prior to public notice or advertisement
10 for solicitations, and the Chief shall place the public notice
11 or advertisement on the JPAC agenda for informational purposes
12 prior to solicitation or advertisement being made. The advanced
13 notification requirement set forth in the preceding sentence
14 shall not apply to time-sensitive bond, investment, cash, and
15 other such related services as set forth in the written
16 procedures developed in accordance with this section. The
17 notifications set forth in this subsection (b) shall not create
18 the requirement for any notices or advertisements not otherwise
19 required by this Chapter 126.

20 **Sec. 126.310. - Payment of city contracts.**

21 (a) *Compliance with contract terms and timing.* All City payments
22 made pursuant to a contract, including a purchase order, or
23 award under this Chapter shall be made in accordance with the
24 terms of the award and/or contract. The City shall endeavor to
25 pay contractors monthly, upon proper payment application to the
26 applicable City Department. City Departments are to perform all
27 necessary inspections and otherwise endeavor to ensure that
28 prompt review and as applicable approval that certified work is
29 completed. The City shall pay all approved invoices promptly and
30 in accordance with Chapter 218, Part 7 (Local Government Prompt
31 Payment Act), F.S.

1 (b) *Certification of payment by contractor.* As a condition precedent
2 to the City's obligation to make a progress or final payment on
3 a capital improvement project, a prime contractor shall give to
4 the city a payment affidavit stating, if that be the fact, that
5 any and all subcontractors, suppliers, laborers and others
6 furnishing labor, services, or materials on the capital
7 improvement project under contract with or at the direction of
8 the prime contractor have been paid in full or, if the fact be
9 otherwise, showing the names and contact information for all
10 subcontractors, suppliers, laborers and others who have not been
11 paid in full and the amount due or to become due each of them
12 for labor, services, or materials furnished. The affidavit
13 should be in a form approved by the Director.

14 (c) *Joint Payment.*

15 (1) All contracts in amounts up to \$500,000, where payment or
16 performance bonds have been waived in accordance with
17 Section 18.11 of the Charter, shall provide for the joint
18 payment of contractors and subcontractors for services
19 rendered.

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

24 **Sec. 126.311. - Required contract provisions.** All contracts made
25 pursuant to this Chapter shall include any contract provisions
26 required by law. The Chief shall detail in the Procurement Operating
27 Manual all such required contract provisions to be included in
28 contracts executed pursuant to this Chapter.

29 * * *

30 **PART 5. - EX-OFFENDER PROGRAM**

31 **Sec. 126.501. - Statement of policy.**

1 It is the policy of the City of Jacksonville that the rehabilitation
2 of ex-offenders is an essential component in a community fight against
3 criminal activity; the hiring of ex-offenders into fair paying jobs
4 helps restore the economic stability of ex-offenders, perpetuates
5 their rehabilitation, reduces recidivism and contributes to a
6 community crime free environment; providing consideration and
7 opportunities to ex-offenders with companies doing business with the
8 City of Jacksonville can be accomplished without compromising the
9 security of the businesses, or the City and its citizens, and without
10 unnecessarily depriving others of opportunities; and that the City
11 of Jacksonville should take a leading role in the rehabilitation of
12 ex-offenders, and has done so through the City's third-party service
13 provider ex-offender re-entry programs that provide job training
14 and/or job placement services to Ex-Offenders.

15 **Sec. 126.502. - Definitions.**

16 As used in this part:

17 *City Ex-Offender Program Providers* shall collectively mean the
18 Jacksonville Sheriff's Office Jacksonville Re-Entry Center and
19 any entity under contract with the City to provide job training
20 and/or job placement services to Ex-Offenders.

21 *Contractor* for purposes of this Section only shall mean a person
22 or entity awarded a City contract in the amount of \$200,000 or
23 greater.

24 *Ex-Offender* means a person who has pled guilty, no contest or
25 nolo contendere to a felony offense; or has been found guilty
26 of a felony offense by a judge or jury; regardless of
27 adjudication of guilt.

28 *Ex-Offender Program Provider* shall mean the Jacksonville
29 Sheriff's Office Jacksonville Re-Entry Center, any entity under
30 contract with the City to provide job training and/or job
31 placement services to Ex-Offenders, or any other entity that

1 specializes in job training and/or job placement services for
2 Ex-Offenders.

3 **Sec. 126.503. - Contracting requirements for businesses contracting**
4 **with the City of Jacksonville.**

5 No contract in an amount of \$200,000 or greater for construction,
6 remediation, or capital improvements shall be awarded unless the
7 contractor agrees in writing on a bid form provided by the City (the
8 "Form 4A") to do the following (collectively, the "Form 4A
9 Requirements"):

- 10 (a) Identify potential job opportunities under the project that may
11 be available for Ex-Offenders after contract award;
- 12 (b) Consider for job placement after contract award at least one
13 otherwise qualified Ex-Offender, to the extent a job opportunity
14 is available under the project and an otherwise qualified Ex-
15 Offender has applied for such job;
- 16 (c) Execute a notarized compliance tally report ("Compliance
17 Report") at the time of submission of progress payment(s) on
18 such contractor's employment practices and experience during the
19 project with respect to the hiring of Ex-Offenders that includes
20 the following information:
- 21 (1) the number of Ex-Offenders hired and currently working, or
22 an explanation as to why no Ex-Offenders have been hired;
- 23 (2) the number of Ex-Offenders interviewed for employment under
24 the project;
- 25 (3) an explanation as to why any Ex-Offender who applied for
26 employment was refused employment;
- 27 (4) whether the contractor maintains an employment policy that
28 Ex-Offenders will be given full and fair consideration in
29 employment;
- 30 (5) whether the contractor indicates on recruitment literature
31 that Ex-Offenders will be given full and fair consideration

1 in employment by the contractor;

2 (6) whether a job opening under the project was available
3 during the reporting period; and

4 (7) a statement from the contractor that the contractor has
5 contacted an Ex-Offender Program Provider no later than
6 thirty (30) days after the issuance of a notice to proceed
7 under the project to obtain information regarding available
8 Ex-Offenders for employment; and

9 (d) Assist the City in addressing the goal of securing employment
10 for Ex-Offenders by complying with the City's Procurement Rules
11 Regarding Ex-Offenders, as may be amended.

12 **Sec. 126.504. - Compliance; exemption.**

13 To the extent permitted by applicable state or federal law, if a
14 contractor fails to comply with the Form 4A Requirements, the City
15 may withhold payments due under the contract until such contractor
16 has complied with the same. Notwithstanding the foregoing, if a
17 contractor hires an Ex-Offender during the project and indicates the
18 same on the Compliance Report, upon providing the City with
19 satisfactory evidence of the hire, such contractor shall be exempt
20 from performing the Form 4A Requirements for the remainder of the
21 project term. For purposes of this subsection, "satisfactory
22 evidence" shall include, without limitation, the contractor's payroll
23 information and other information obtained from the Florida
24 Department of Corrections website. The contractor shall include such
25 satisfactory evidence of the Ex-Offender hire with the Compliance
26 Report.

27 **Sec. 126.505. - Webpage information.**

28 The Chief shall list the address and contact information of the City
29 Ex-Offender Program Providers on the City's Procurement Division
30 webpage. To the extent permitted, the City may request the City Ex-
31 Offender Program Providers to compile a listing of available Ex-

1 Offenders for employment by skillset and provide contractors with
2 such listing upon request. The Chief shall also provide the City Ex-
3 Offender Program Providers with the winning bidder's contact
4 information for each approved construction, remediation, or capital
5 improvement project award letter in an amount of \$200,000 or greater.

6 **Sec. 126.506. - Reporting.**

7 The Chief shall provide an annual report to the Mayor and the City
8 Council no later than December 31 of each fiscal year for the previous
9 fiscal year on the information provided by contractors on the
10 Compliance Report pursuant to this Section. The first such report
11 shall be due no later than December 31, 2018, for the fiscal year
12 beginning October 1, 2017, and ending September 30, 2018. Such annual
13 reports shall at a minimum include information and data regarding the
14 number of:

- 15 (a) Ex-offenders hired by contractors pursuant to this Section;
16 (b) Ex-offenders interviewed by contractors;
17 (c) Ex-offenders who applied for employment with a contractor and
18 were denied employment;
19 (d) Contractors that maintained an employment policy providing that
20 Ex-Offenders will be given full and fair consideration in
21 employment;
22 (e) Contractors that have indicated on recruitment literature that
23 Ex-Offenders will be given full and fair consideration in
24 employment by the contractor;
25 (f) Contractors that reported no job opening and no hiring during
26 the project;
27 (g) Contractors that contacted Ex-Offender Program Providers;
28 (h) Contracts awarded to contractors for construction, remediation
29 or capital improvement projects in an amount of \$200,000 or
30 greater and the aggregate contract award amount; and
31 (i) Contractors that failed to comply with this Section.

* * *

**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 Subpart by the City is deemed to be furthering a proper municipal purpose.

Sec. 126.702. - Definitions.

The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bid means a competitive bid procedure established through the issuance of an invitation for bid. The term "bid", as used herein, shall not include requests for proposals (unless specified in the RFP document), requests for qualifications, requests for quotes and requests for information.

Buy American preference means and shall apply to the following products that are:

(1) *Manufactured*. The term "manufactured" is interpreted to

1 mean to make or process a raw material into a finished
2 product or to turn-out in a mechanical manner;

3 (2) *Assembled*. The term "assembled" is interpreted to mean to
4 fit or to join parts together into a finished product;

5 (3) *Produced*. The term "produced" is interpreted to mean to
6 create or make from raw materials.

7 To qualify for this preference, 51 percent of the components of
8 the final product manufactured, assembled or produced to be sold
9 to the City must be made in the United States. The Chief shall
10 administratively resolve any issues relating to Buy American
11 preferential status, and that decision on whether a contractor
12 or supplier is eligible for a Buy American preference shall be
13 final.

14 *Good(s)* includes, but is not limited to, supplies, equipment,
15 materials, and printed matter.

16 **Sec. 126.703. - Exemptions.**

17 The provisions of this Section do not apply to:

18 (a) Purchases or contracts with an estimated cost below the formal
19 thresholds described in Part 3 of this Chapter. The Chief and
20 procurement staff will attempt to select products manufactured,
21 assembled, or produced in the United States if the quality and
22 price are comparable with other goods.

23 (b) Professional services, which are defined, for purposes of this
24 Section, as any services where the City is obtaining advice,
25 instruction, or specialized work from an individual, firm, or
26 corporation specifically qualified in a particular area, and
27 those services procured pursuant to F.S. § 287.055, the
28 Consultants' Competitive Negotiation Act.

29 (c) Bids for the purchase of, or contract for, the construction/
30 renovation of public buildings, facilities, public works, or
31 other public construction projects.

- 1 (d) Goods provided under a cooperative purchasing agreement or
2 utilization of other agency contracts (piggyback contracts).
- 3 (e) Purchases made or contracts let under emergency or
4 noncompetitive situations permitted under this Chapter.
- 5 (f) The business is determined to be unqualified to perform the work
6 as determined by the City.
- 7 (g) The business submits a bid that exceeds the projected budget.
- 8 (h) Contracts awarded pursuant to the Jacksonville Small and
9 Emerging Business Program, as provided in Chapter 126, Part 6
10 of the Code, including those contracts where a low bidder is a
11 prime JSEB contractor on a non-set aside bid.

12 **Sec. 126.704. - Preference in purchase of goods.**

13 Except where federal, state, or local laws, regulations, or policies
14 mandates to the contrary, in the purchase of goods by means of a
15 competitive bid, a preference will be given to a responsive and
16 responsible contractor or supplier offering American manufactured,
17 assembled or produced goods, who is within five percent of the lowest
18 responsive and responsible bidder, by way of an opportunity of
19 providing said goods for the lowest responsive and responsible bid
20 amount.

21 **Sec. 126.705. - Preference must be asserted.**

22 Said five percent buy American preference must be asserted by the
23 party seeking it at the time of the competitive bid with the submittal
24 of documentation supporting the assertion that a product is American
25 manufactured, assembled or produced, and shall be calculated by the
26 procurement division in rating competitive bids.

27 **Sec. 126.706. - Comparison of qualifications.**

28 The preferences established herein in no way prohibit the right of
29 the Chief to compare the quality of goods proposed for purchase and
30 compare qualifications, character, responsibility and fitness of all
31 persons, firms or corporations submitting bids. Further, the

1 preferences established herein in no way prohibit the right of the
2 Chief to determine based on criteria and standards developed
3 administratively to allow for selection by preference permitted in
4 another Section of this Chapter.

5 **Sec. 126.707. - Waiver.**

6 The application of the Buy American preference to a particular
7 purchase, contract, or category of contracts for goods may be waived
8 upon written recommendation of the Chief and approval of the Chief
9 Financial Officer of the City.

10 **Sec. 126.708. - Administrative policy for implementation.**

11 The Chief shall be charged with the responsibility to promulgate an
12 administrative policy or regulations consistent with this Section
13 which establishes criteria and procedures for the implementation of
14 this policy including matters involving the consideration of
15 exemptions, comparison of qualifications, and waiver of the policy
16 as provided herein.

17 **Sec. 126.709. - Reporting.**

18 The Chief shall provide an annual report to the Mayor and the City
19 Council no later than December 31 of each fiscal year for the previous
20 fiscal year regarding the Buy American Program. The first such report
21 shall be due no later than December 31, 2025. The Chief shall include
22 in the annual report information and data regarding the number of Buy
23 American preferences given to contractors and suppliers in contract
24 awards each fiscal year and other pertinent information and data
25 regarding the program.

26 **SUBPART B. LOCAL BUSINESS PARTICIPATION POLICY**

27 **Sec. 126.710. - Definitions.**

28 For purposes of this Subpart and subject to Section 126.714, "Local
29 business" means a business that is: (1) a registered JSEB pursuant
30 to Part 6 of this Chapter; or (2) meetings the following criteria:
31 (i) has all required business occupational licenses to operate in

1 one of the following counties: Baker, Clay, Flagler, Nassau, St.
2 Johns, Putnam, or Duval County (individually, a "Northeast
3 Florida County"),

4 (ii) is a business entity registered with the State of Florida,
5 Division of Corporations, indicating a principal office located
6 in a Northeast Florida County or presents other verifiable
7 documents to substantiate business location in a Northeast
8 Florida County that is satisfactory to the Chief,

9 (iii) has maintained a permanent, physical business address located
10 within the limits of a Northeast Florida County from which the
11 business operates or performs business for a minimum twelve (12)
12 consecutive month period immediately preceding the submission
13 of a response to solicitation under this Chapter, and

14 (iv) has at least three (3) full-time employees or one (1) principal
15 officer at a Northeast Florida County office location.

16 **Sec. 126.711. - Local business participation required.**

17 For capital improvement procurements of \$7,000,000 or more that are
18 awarded to a non-local business, the non-local business shall be
19 required to use local business to perform or supply at least forty
20 percent (40%) of the project based on the initial award amount (the
21 "Local Participation Requirement"). The Chief shall ensure that the
22 Local Participation Requirement is included in each competitive
23 solicitation, as applicable, unless the Chief determines, based on
24 satisfactory written justification provided by the using agency
25 overseeing the project, that the Local Participation Requirement is
26 not feasible or economical to the City's interests. In such instances
27 where the Local Participation Requirement is not feasible or
28 economical, the Chief, in consultation with the using agency, may
29 establish a lower local participation percentage requirement that is
30 not less than twenty percent (20%). JSEB participation, as required
31 by the JSEB Administrator pursuant to Part 6 of this Chapter, shall

1 count toward meeting the Local Participation Requirement established
2 pursuant to this Section.

3 **Sec. 126.712. - Exemptions.**

4 The Local Participation Requirement shall not apply to the following:

5 (i) Any procurement procedures required by state law that prohibit
6 the application of a local participation policy;

7 (ii) Purchases or contracts which are funded, in whole or in part,
8 by a government or other entity in which the laws, regulations
9 or policies governing such funding prohibit application of local
10 participation policy; and

11 (iii) Emergency purchases permitted under this Code.

12 **Sec. 126.713. - Additional rules.**

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

19 **Sec. 126.714. - Reciprocity.**

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

23 **Sec. 126.715. - Reporting requirement.**

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

30 (i) Projects where the local business participation was required
31 pursuant to this Subpart (including number of projects and

1 project amounts);

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

4 (iii) Bid protests filed regarding the local business participation
5 policy.

6 * * *

7 **PART 9. - PROTESTS, SUSPENSION, AND DEBARMENT**

8 **Sec. 126. 901. - Authority to resolve protests.**

9 (a) *Right to protest.* Any actual or prospective bidder, proposer,
10 respondent, or contractor who is aggrieved in connection with
11 the competitive solicitation or award of a contract may protest
12 to the Chief. The protest shall be submitted in writing in
13 accordance with the protest procedures contained in the
14 Procurement Operating Manual.

15 (b) *Authority to resolve protests.* The Chief shall have the
16 authority to settle and resolve a protest of an actual or
17 prospective aggrieved bidder, proposer, respondent, or
18 contractor concerning the competitive solicitation or award of
19 a contract. This authority shall be exercised in accordance with
20 regulations promulgated by JPAC.

21 (c) *Decision.* If the protest is not resolved by mutual agreement,
22 the Chief shall promptly issue a decision in writing. The
23 decision shall:

24 1. State the reason for the action taken; and

25 2. Inform the protestant of its right to administrative review
26 as provided in this chapter.

27 (d) *Notice of decision.* A copy of the decision under subsection (c)
28 of this section shall be mailed or otherwise furnished
29 immediately to the protestant and any other interested party.

30 (e) *Finality.* A decision under subsection C of this section shall
31 be final and conclusive unless any person adversely affected by

1 the decision protests administratively to JPAC.

- 2 (f) *Stay of procurements during protests.* In the event of a timely
3 protest under this section, the City shall not proceed further
4 with the competitive solicitation of or with the award of the
5 contract until the purchasing agent, after consultation with the
6 head of the using agency, makes a written determination that the
7 award of the contract without delay is necessary to protect
8 substantial interests of the City.

9 **126.902. - Contractor suspension debarment.**

- 10 (a) *Chief's discretion and recommendation.* The Chief shall have the
11 discretion to recommend the suspension or debarment or removal
12 of a contractor and/or supplier as provided herein, who:

13 (i) is more than 60 calendar days in default or breach of a
14 contract with the City;

15 (ii) has failed to perform or has unsatisfactorily performed
16 the terms and conditions of one or more contracts with the
17 City, which failure to perform or unsatisfactory
18 performance was the result of circumstances within the
19 contractor or supplier's control;

20 (iii) may be precluded from contracting with the City under this
21 Chapter;

22 (iv) has failed to abide by the federal, state and local prompt
23 payment requirements or contractual terms and conditions
24 regarding the same;

25 (v) has failed to abide by or honor commitments made pursuant
26 to Part 6 regarding the JSEB Program;

27 (vi) has violated any federal, state, or local laws, including
28 this Chapter;

29 (vii) has engaged in conduct prohibited hereunder or that is a
30 serious threat to the integrity of the public procurement
31 and contracting process, as determined by the Chief;

1 (viii) has violated the ethics provisions under this Chapter;
2 or

3 (ix) has been debarred by another government entity.

4 A debarment under this Section shall not be for a period of more
5 than three years, and a suspension under this Section shall not
6 be for a period of more than six (6) months. The authority to
7 debar or suspend shall be exercised in accordance with
8 regulations promulgated by the Chief.

9 No contractor or supplier shall be entitled to do business with
10 the City unless and until it shall have remedied any underlying
11 default and/or breach to the satisfaction of the Chief and using
12 agency. Repeated or recurring violations under this Section
13 shall be sufficient reason for the Chief to remove the
14 contractor's name permanently from the bidders' list, subject
15 to review by the JPAC and approval by the Mayor.

16 (b) *Notice of suspension or debarment.* Upon reaching a decision to
17 suspend or debar a contractor or supplier, the Chief shall
18 provide said contractor or supplier with a written notice of
19 suspension or debarment via certified mail, return receipt
20 requested, and via U.S. Mail or facsimile, stating the reason
21 for and the proposed period of suspension or debarment (for less
22 egregious violations, as determined by the Chief, a period of
23 probation may be proposed, any violations during which period
24 will subject the contractor or supplier to debarment of no less
25 than three years). As part of the notice of suspension or
26 debarment, the Chief shall advise the contractor or supplier
27 that, if, within ten calendar days after the date of the notice,
28 it fails to provide the Chief with a written Notice of Protest
29 that states, in detail, the grounds on which the protest is
30 based, then the action contained in the notice of suspension or
31 debarment shall become final without further notice, and shall

1 represent final administrative action.

2 (c) *Protest.* If, in response to a Notice of Suspension or Debarment,
3 a contractor or supplier timely provides a written Notice of
4 Protest, the Chief shall schedule a hearing before the JPAC
5 within a reasonable period after receiving the Notice of
6 Protest. Within a reasonable time, after hearing the protest and
7 considering the evidence and/or statements presented, JPAC shall
8 issue its findings and recommendation regarding the action
9 proposed by the Chief. JPAC's recommendation shall become final
10 and shall represent final administrative action.

11 (d) *Determination.* The determination as to whether a contractor or
12 supplier is in violation hereunder and whether the violation is
13 within the contractor or supplier's control shall be made by the
14 Chief. To aid in this duty, an appropriate executive officer of
15 each using agency must inform the Chief whenever a contractor
16 or supplier is in violation hereunder, regardless of the reason
17 therefor, and provide a statement of the circumstances
18 surrounding the violation. Nothing herein removes the protest
19 process set forth in this Chapter.

20 **Sec. 126.903. - Remedies prior to an award of contract.**

21 If prior to award it is determined that a competitive solicitation
22 or proposed award of a contract is in violation of law, the
23 competitive solicitation or proposed award shall be:

24 (i) Canceled; or

25 (ii) Revised to comply with the law.

26 **Section 4. Creating a new Part 6 (Cultural Service Grants**
27 **and Art in Public Places), Subpart A (Cultural Service Grant Program)**
28 **and Subpart B (Art in Public Places Program), Chapter 118 (City**
29 **Grants), Ordinance Code.** A new Part 6 (Cultural Service Grants and
30 Art in Public Places), Subpart A (Cultural Service Grant Program) and
31 Subpart B (Art in Public Places Program), Chapter 118 (City Grants),

1 *Ordinance Code*, is hereby created to read as follows:

2 **CHAPTER 118 - CITY GRANTS**

3 * * *

4 **PART 6. - CULTURAL SERVICE GRANTS AND ART IN PUBLIC PLACES**

5 **SUBPART A. - CULTURAL SERVICE GRANT PROGRAM**

6 **Sec. 118.601. - Creation and purpose.**

7 There is hereby created a Cultural Service Program, which shall be
8 comprised of the Cultural Service Grant and Capital Grant Program
9 pursuant to this Subpart A and the Art in Public Places Program
10 pursuant to Subpart B. The mission and purpose of the Cultural Service
11 Program is to provide public support to organizations which contribute
12 to the cultural quality of life of Jacksonville's citizens and to
13 administer the City's Art in Public Places Program. The provisions
14 of Chapter 118, Parts 1 through 5 shall apply to this Part 6.

15 **Sec. 118.602. - Responsibility.**

16 (a) Cultural Council of Greater Jacksonville City appointments and
17 terms:

18 (1) Members of the Cultural Council of Greater Jacksonville.
19 The Cultural Council of Greater Jacksonville is a not for profit
20 501(c)(3). Pursuant to its bylaws, the Mayor appoints, and the
21 City Council confirms six members to serve two terms of three
22 years.

23 (b) The Cultural Council of Greater Jacksonville (Cultural Council)
24 is hereby designated as the agent of the City for the purposes
25 of determining and authorizing the allocation of a lump sum
26 Cultural Service Grant and Capital Grant appropriation
27 designated in the annual budget ordinance or supplemental
28 appropriation ordinances as being appropriated for eligible
29 recipients. The determinations and authorizations made by the
30 Cultural Council and its Cultural Service Grant Committee in
31 accordance with the provisions of this Section shall be final

1 and not subject to further administrative review by any
2 executive or administrative official of the City. No cultural
3 organization as defined in this Chapter may make a request for
4 operating, program, or special project support except through
5 an allocation from the Cultural Service Grant and Capital Grant
6 Program, except for:

- 7 (1) Organizations providing children's programs which may be
8 funded through the Kids Hope Alliance; or
9 (2) Organizations qualifying for City grants administered by
10 City Divisions, which grants do not require specific City
11 Council approval.

12 **Sec. 118.603. - Lump sum appropriation to Cultural Council.**

- 13 (a) The process for the annual Cultural Service Grant and Capital
14 Grant Program appropriation will begin with the Cultural Council
15 preparation of an annual appropriation request for all cultural
16 organizations based on information provided by eligible
17 organizations in a "letter of intent." This request will reflect
18 a lump sum appropriation to be indicated in the annual City
19 budget as Cultural Service Grant and Capital Grant Program. Up
20 to 13½ percent of the total lump sum appropriation shall be
21 allocated to the Cultural Council for administration of the
22 grant program and other programs which serve the community. The
23 Capital Grant Program cannot exceed 25 percent of the total City
24 Cultural Council appropriation (example: if the total Cultural
25 Council appropriation is \$4,000,000 from the City, a maximum of
26 \$1,000,000 can be allocated for capital purposes). The Cultural
27 Service Grant and Capital Grant Program request shall be
28 submitted to the Mayor for review by the Mayor's Budget Review
29 Committee which will recommend a lump sum appropriation to be
30 included in the proposed budget for the upcoming fiscal year.
31 The Cultural Council shall include in the request relevant

1 information regarding cultural services to be provided to the
2 community as a result of the funding; and shall be responsible
3 for documenting the validity of the request to the MBRC, the
4 City Council Finance Committee and City Council throughout the
5 budgeting process.

6 (b) The process for the annual Cultural Council appropriation for
7 administering the Art in Public Places Program as provided in
8 Subpart B of this Part 6 will begin with the Cultural Council
9 preparation of an annual appropriation request to fund all
10 duties required to administer such Program. The appropriation
11 request shall be submitted and processed in the same manner and
12 at the same time as the appropriation request referenced in
13 paragraph (a), above.

14 **Sec. 118.604. - Allocation by Cultural Council; generally.**

15 Recommendations for allocation of the lump sum appropriation to
16 applicant organizations shall be made by the Cultural Service Grant
17 Committee to the Cultural Council Board of Directors. The Board shall
18 make a final determination of funding. Funding will be allocated by
19 contract between the recipient organization and the Cultural Council.
20 Organizations will be notified in writing of the results of their
21 request and will be provided with any support information or
22 justification for the Committee's decision which might be helpful. A
23 complete list of the individual operating amounts and capital amounts
24 allocations will be forwarded to the City Council Auditor's office,
25 the Office of the Mayor, the City Council and the Finance and
26 Administration Department or other department assigned by the Mayor.

27 **Sec. 118.605. - Cultural Service Grant Committee.**

28 (a) The Cultural Council shall be responsible for establishing an
29 annual Cultural Service Grant Program (CSGP) Committee. The
30 Composition of the CSGP Committee shall include one non-voting
31 and ten voting members: a CSGP Committee chairperson (non-

1 voting), appointed by the President of the Cultural Council
2 Board of Directors; three other Cultural Council Board members
3 selected by the Board President and Committee Chairperson; and
4 seven individuals selected by the above group (Cultural Council
5 Board President, CSGP Committee chairperson, and three selected
6 Cultural Council Board members) from a pool of nominations
7 established through a community wide nomination process. The
8 Cultural Service Grant Committee shall have a liaison relation
9 with one member of City Council and one representative of the
10 Mayor's Office.

11 (b) Members of the CSGP Committee shall be chosen to represent
12 racial, gender, geographic and age diversity; an expression of
13 interest in the impact of culture in the community; a willingness
14 to participate fully in the process.

15 (c) Members shall serve a three-year term and may be reappointed for
16 one additional consecutive full term. City Council and Mayoral
17 representatives shall be appointed annually.

18 (d) All members of the CSGP Committee will be confirmed by the City
19 Council upon appointment or reappointment.

20 (e) The responsibilities of the CSGP Committee include:

21 (1) Review and evaluation of all applications based on
22 established criteria;

23 (2) Serve as an on-site evaluator and lead reviewer for a
24 selected number of applicants;

25 (3) Attend an orientation session and all review sessions; and

26 (4) Participate in the allocations process.

27 (f) The Cultural Service Grant Committee shall recommend to the
28 Cultural Council Board of Directors the organizations to be
29 funded and the amount of the funding.

30 **Sec. 118.606. - Application for cultural service grants.**

31 (a) The Cultural Council shall develop and be responsible for the

1 administration of the Cultural Service Grant Program.
2 Administrative and operating procedures shall be established and
3 amended as necessary to meet the mission of the program and
4 current needs of the community. The Cultural Council may
5 classify the cultural organizations in reasonable
6 classifications for the purpose of this program. The procedure
7 prescribed herein, as further developed by the Cultural Council,
8 shall be the only procedure available to cultural organizations
9 for requesting public support.

10 (b) The following components shall be included in any administrative
11 and operating procedures developed and implemented by the
12 Cultural Council:

13 (1) The Cultural Council shall publish each year in a newspaper
14 of general circulation in the City, at least one month
15 before the last day on which appropriation request must be
16 submitted to the Cultural Council, a notice that it is
17 accepting Cultural Service Operating and/or Capital Grant
18 requests for the ensuing fiscal year, stating the place
19 where the appropriation request forms may be obtained, the
20 last day on which the completed appropriation requests must
21 be returned to the Cultural Council and when and where the
22 Cultural Council (or a duly authorized committee thereof)
23 will hold a hearing on the appropriation requests (which
24 may include a statement that the hearing may be adjourned
25 from time to time and from place to place until all the
26 appropriation requests have been heard).

27 (2) The Cultural Council shall promulgate a written procedure
28 for the submission of operations and/or capital
29 appropriation requests by eligible agencies, which
30 procedure shall be made known to each requesting agency,
31 or its agent or representative, at the time the

1 appropriation request form is supplied to the requesting
2 agency.

3 (3) The Cultural Council (which, for the purposes of this
4 subsection, includes the duly authorized Cultural Service
5 Grant committee thereof) shall consider appropriation
6 requests returned by the requesting agencies. The Cultural
7 Council shall afford the requesting agencies an opportunity
8 to make an oral or written presentation to justify or
9 explain their respective appropriation requests, and no
10 requesting agency shall be denied this opportunity solely
11 because it has never submitted an appropriation request
12 before or because a previous appropriation request has been
13 denied.

14 (4) All meetings and sessions of the Cultural Service Grant
15 Committee shall be held in a publicly accessible location
16 and shall be noticed and open to the public.

17 **Sec. 118.607. - Eligibility for cultural service grant.**

18 To be eligible for funding an organization must meet the following
19 criteria.

20 (a) The organization must be tax exempt under Section 501(c)(3) of
21 the Federal Internal Revenue Code. A copy of the organization's
22 letter of exemption from the Internal Revenue Service and all
23 amendments thereto shall be provided when the organization
24 submits its first appropriation request and thereafter when any
25 change is made.

26 (b) The organization must be a not-for-profit corporation chartered
27 by the Secretary of State under F.S. Ch. 617. A copy of the
28 corporate charter and all amendments thereto shall be provided
29 when the corporation submits its first appropriation request and
30 thereafter when any change is made.

31 (c) The organization must operate in Duval County.

- 1 (d) At the time of application, the organization must have been in
2 existence as a Florida Corporation for at least three years and
3 must have three years of filed tax returns.
- 4 (e) The organization shall have a broad base of community
5 representation in management and membership. The members of the
6 board of directors shall not receive any compensation for their
7 service as directors, but they may be reimbursed for actual
8 monetary expenditures on behalf of the organization. The
9 corporate charter or by-laws shall provide a method of selection
10 of the board of directors which will periodically subject the
11 directors to the possibility of replacement by other qualified
12 persons. The membership of the organization shall be open to as
13 large a portion of the public as possible, subject to such
14 nondiscriminatory conditions and qualifications for membership
15 as may be imposed by the corporate charter or by-laws; provided
16 that this requirement shall not be construed to prevent or
17 prohibit an organization from having different classes of
18 membership with different conditions and qualifications for
19 admission and different relative rights, privileges, and duties.
- 20 (f) If the organization is a previous recipient of a City Grant or
21 a Cultural Service Grant, the organization must have submitted
22 all required reports for previous grants.
- 23 (g) At least 76 percent of the organizations operating revenue or
24 support shall be derived from sources other than this program.
- 25 (h) The organization shall provide services or activities which
26 benefit or are made available to a broad range of the people of
27 the City and shall be offered on a nondiscriminatory basis to
28 those people.
- 29 (i) To receive general operating support, the organization must as
30 its primary function present, sponsor, exhibit or otherwise
31 offer for public consumption programs or activities in any one

1 or combination of the following disciplines: historic
2 preservation/restoration, arts in education, music, dance, folk
3 arts, humanities, literature, film/video/media, theater and
4 musical theater, visual arts, or collections or exhibits of
5 historical, archeological, scientific or ethnic artifacts,
6 handiwork or objects.

7 (j) To receive program support an organization must meet all other
8 eligibility requirements and must be requesting support
9 specifically for cultural programming as defined by this
10 ordinance.

11 (k) If a capital allocation is funded at or above \$25,000 the
12 organization must enter into a restrictive covenant agreement
13 with the City of Jacksonville to ensure dedicated use of the
14 relative facilities or properties for public proposes and arts-
15 specific purposes for a period of not less than ten years.

16 (l) The organization shall make all reasonable efforts to
17 adhere to the City of Jacksonville's procurement requirements
18 for Capital expenditures.

19 (m) Each recipient of the Operating and/or Capital grant funds must
20 go through the application process to prove that the recipient
21 can provide at least a one-dollar cash match for each dollar
22 granted. The Cultural council will make requests for
23 disbursements of funds and is responsible for monitoring and
24 ensuring the funds are spent for its intended purpose and
25 reporting on the results and use of these funds to the City of
26 Jacksonville.

27 **Sec. 118.608. - Criteria for judging applicants for cultural service**
28 **grants.**

29 All applicants to the Cultural Service Grant Program will be evaluated
30 based on the following criteria:

31 (a) Quality of programs;

- 1 (b) Community outreach and service to culturally diverse
2 populations;
- 3 (c) Management capability of board and staff;
- 4 (d) Community impact;
- 5 (e) Need for the organization in the community; and
- 6 (f) Exploration of innovative ideas and programming.

7 **Sec. 118.609. - Restrictions for use of cultural service grants.**

- 8 (a) Each recipient of appropriations made pursuant to Chapter 118
9 is responsible for ensuring that City funds are expended
10 pursuant to Section 118.301.
- 11 (b) Cultural service grant funds must be kept in an individual bank
12 account, notwithstanding the provision to the contrary in
13 Section 118.201, separate from other organization funds. It may
14 be an interest-bearing account, but the total amount of the
15 grant and the interest must be spent by the end of the contract
16 period; except that a remaining balance may be maintained in the
17 cultural service grant account, notwithstanding the provision
18 to the contrary in Section 118.301(a)(5). This balance must be
19 identified and documented in quarterly and year end reports and
20 shall not exceed \$500. This balance shall be returned to the
21 City within the first 90 days of the first fiscal year in which
22 the recipient no longer receives a Cultural Service Grant
23 appropriation. The portion of unspent funds that exceed \$500
24 shall follow the provisions of Section 118.301(a)(5).

25 **Sec. 118.610. - City contract, review, and oversight.**

- 26 (a) Upon approval of the annual budget by the City Council, one
27 contract will be prepared and administered throughout the
28 Finance and Administration Department, which will reflect the
29 total amount of the lump sum appropriation for cultural service
30 grants to all cultural organizations. Funds shall be distributed
31 to the Cultural Council on a quarterly basis in amounts to be

1 determined annually, notwithstanding the provision to the
2 contrary in Section 118.201(f) (7), upon receipt by the Finance
3 and Administration Department of a quarterly financial and
4 programmatic report.

5 (b) Upon approval of the annual budget by the City Council, a second
6 contract shall be executed between the City and the Cultural
7 Council for administering and performing such duties as required
8 by the Art in Public Places Program, as fully described in
9 Subpart B of this Part.

10 (c) The Cultural Council shall establish a quarterly reporting
11 system for all funded organizations which provides financial and
12 programmatic information documenting the use and impact of the
13 Cultural Service Grant Program funds.

14 (d) The Cultural Council shall provide the City Auditor's office
15 with an independently prepared or audited financial statement
16 (depending on grant amount) from all recipients at the
17 conclusion of the grant period. All application forms,
18 procedures, reporting requirements, and contract agreements for
19 recipient organizations (other than the Cultural Council) will
20 be developed by the Cultural Council and will be between the
21 Cultural Council and the individual recipient organizations.

22 **SUBPART B. - ART IN PUBLIC PLACES PROGRAM**

23 **Sec. 118.611. - Definitions.**

24 For the purposes of this Part, the following terms shall have the
25 meaning ascribed to them herein:

26 *Capital improvement program* means and includes the capital
27 improvement programs adopted or approved by the City Council.

28 *Construction cost(s)* means the estimated cost of vertical
29 construction or alterations of a project or projected component listed
30 within the capital improvement program including engineering,
31 architectural and other design costs. Land acquisition costs, site

1 preparation including remediation and abatement, furniture, fixtures,
2 and equipment costs as well as demolition and any allowance for tree
3 mitigation shall be excluded from the definition of vertical
4 construction costs. Furthermore, the purchase of a building, cost
5 overruns and change-order costs shall not be considered construction
6 costs for the purposes of the funding calculations set forth in this
7 part.

8 *Construction or alterations* means new construction, where
9 construction costs are \$100,000 or more, and rehabilitation,
10 renovation, remodeling, or improvements (herein collectively
11 "alterations") to existing buildings. Alterations to buildings that
12 are under \$100,000 in cost or are primarily "redecorating" and involve
13 no actual structural alterations, shall be excluded. Alterations of
14 a strictly structural or mechanical nature necessary to keep the
15 facility functional, but without altering the aesthetic character of
16 the facility shall be excluded. Examples of this type of alteration
17 would be replacing an air conditioning system or major repairs to a
18 leaking roof or windows. These types of structural items shall be
19 included when part of a larger renovation project involving aesthetic
20 changes to facilities.

21 *Public facility* means any City-owned or controlled building or
22 facility intended for habitation where public employees work on a
23 regular basis or which the general public uses on a regular basis.
24 Public facility includes, but is not limited to, office buildings,
25 recreation and community centers, libraries, firehouses, police
26 substations, vertical construction within parks and recreation
27 spaces. Public facility specifically excludes water and sewer pump
28 stations, electrical and communications substations and switching
29 houses, and similar unoccupied structures except in designated Urban
30 Art and Streetscaping Areas.

31 *Urban Art and Streetscaping Areas* are defined as art within the

1 boundaries of the Downtown Community Redevelopment Area, Riverside
2 Avondale Historic District Overlay, San Marco Neighborhood Overlay
3 Zone, and Springfield Historic District Overlay, which have been
4 identified and approved by the Art in Public Places Selection Panel.

5 **Sec. 118.612. - Public art standards.**

6 (a) Public art is a work of art to which the general public has open
7 and easy access and which will enrich and give dimension to the
8 public environment, and which reflects generally accepted
9 community standards of aesthetic appeal and artistic expression
10 in the decorative arts.

11 (b) The goal of the Art in Public Places Committee of the Cultural
12 Council of Greater Jacksonville will be to choose art which is
13 compatible with and which will enhance the architecture and
14 general environment of the City. In some cases, the work will
15 be site specific (i.e., art which is commissioned especially for
16 the specific space and becomes integral to the site). Such art
17 may relate to the function and the users of the facility, to the
18 history or population of its neighborhood and/or may become a
19 part of its architecture. Planning of site-specific works will
20 begin early in the project and may be collaboration between
21 artist and architect.

22 (c) Acceptable forms of public art shall include all visual arts
23 mediums, including, but not limited to, painting, drawing,
24 original prints, mixed media, sculpture, bas relief, mobiles,
25 murals, kinetic art, electronic art, photography, clay, glass,
26 fiber and textiles, as well as art which may be functional (e.g.,
27 doors, gates, furniture, flooring and walls).

28 (d) Public art shall not include items that are mass-produced or of
29 standard design.

30 (e) Works shall be created by artists of appropriate status who
31 shall be selected by the means outlined in detail in this part.

1 Such artists shall generally be recognized by recognized art
2 professionals, as artists of serious intent and recognized
3 ability, and shall not be a member of the project architectural,
4 engineering, or design team or of the Art in Public Places
5 Committee, Art Selection Panel or the Cultural Council Board or
6 their respective staff.

7 (f) Appropriate sites for placement of public art include any
8 outdoor, easily accessible public facility or the interior of
9 public buildings. Appropriate sites for placement of art within
10 public buildings include, but are not limited to, lobbies,
11 foyers, corridors, waiting rooms, conference rooms, plazas,
12 courtyards, transportation facilities, facades, and any other
13 sites without restricted visual or physical public access.
14 Private meeting rooms and offices are examples of inappropriate
15 sites with restricted access.

16 **Sec. 118.613. - Art in Public Places Committee.**

17 There is hereby created an Art In Public Places Committee. The
18 Committee will be an 11-member board appointed by the Mayor as
19 follows: two from the Cultural Council of Greater Jacksonville Board
20 of Directors; three from the professions of architecture, interior
21 design, landscape architecture, planning, art professional, or art
22 historian; and six from the community at large as community
23 representatives, each residing within a different planning district
24 whose interests, professions and community activities reflect the
25 diversity of the Jacksonville arts community and of the community at
26 large. All members shall be confirmed by the City Council. Initially
27 one member of each group shall be appointed for three years, one of
28 each shall serve two years and one of each shall serve one year.
29 Thereafter, all terms shall be for three years. No member appointed
30 to the Committee for two consecutive full terms shall be eligible for
31 appointment to the next succeeding term. The Committee shall be

1 responsible for receiving, reviewing, and acting on the
2 recommendations of the Art Selection Panels.

3 **Sec. 118.614. - Funding.**

4 (a) A percentage of the total allocation ("allocation percentage")
5 (including multi-year phasing) for construction costs of a
6 public facility, as determined by that percentage existing by
7 ordinance at its initial inclusion within the capital
8 improvement program, and as outlined in this Part, shall be
9 appropriated to the Art In Public Places Trust Fund.

10 (b) Funds appropriated to the Art In Public Places Trust Fund shall
11 be used to implement a city-wide plan for the creation and
12 placement of public art as developed and administered by the
13 Cultural Council.

14 (c) Eighty percent of the allocation percentage shall be dedicated
15 to the public art, ten percent of the allocation percentage
16 shall be dedicated to public art maintenance, and up to ten
17 percent of the allocation percentage shall be dedicated to
18 public art administration and community education; provided
19 however, the maintenance and administration allocation
20 percentages shall not apply to appropriations originating from
21 any funds which prohibit expenditures for maintenance and
22 administration. These amounts shall be used at the discretion
23 of the Cultural Council in collaboration with the Finance and
24 Administration Department and any other City department as
25 appropriate for the public art maintenance and administration
26 and community education.

27 (d) The maintenance costs for any installation shall be included in
28 the initial project budget.

29 **Sec. 118.615. - Duties.**

30 The duties of the Cultural Council are as follows:

31 (a) Create updates to the five-year plan known as the Art in Public

1 Places Program Five Year Plan for Program Development and
2 Implementation. This plan may also be revised from time to time
3 by the Cultural Council. Updates shall be provided to the Mayor
4 and City Council at least six months prior to the expiration of
5 the five-year plan and shall be placed on file with the
6 Legislative Services Division. The updates and revisions to the
7 plan shall be reviewed by City Council and shall not take effect
8 until City Council approval.

9 (b) Review annual City Capital Improvement Projects with appropriate
10 boards, agencies, authorities, and departments and establish a
11 list of eligible projects to include in the program.

12 (c) Develop budgets for public art administration, maintenance,
13 conservation, and community education.

14 (d) Develop an annual plan and budget for public art projects.

15 (e) Develop and oversee policy implementation and administration of
16 the public art program, which may include such things as
17 acceptance of gifts. All gifts, grants and award of monies shall
18 be deposited in the Art in Public Places Trust Fund.

19 (f) Be responsible, in its discretion, for applying for and
20 receiving state, federal and private funds related to public art
21 on behalf of the City through appropriate grant applications,
22 and for the administration thereof.

23 **Sec. 118.616. - Art selection panels.**

24 The Art in Public Places Committee shall, when deemed appropriate by,
25 and as outlined in, the Art in Public Places Program Five-Year Plan
26 for Program Development and Implementation, form Art Selection Panels
27 to make recommendations to the Committee on the selection of public
28 art. Each Selection Panel will be composed of up to nine members: a
29 Chair, who will be a member of and represent the Art In Public Places
30 Committee; a representative of the site selected for the art (staff
31 or board member); architect or other design professional for the

1 project, if available; two artists, art educators or art
2 professionals; and one to three community representatives, at least
3 one of whom shall reside in the planning district within which the
4 art shall be sited. The artists or arts professional representatives
5 will be selected from a list, maintained by the Committee, of
6 interested and qualified individuals. The Chief Administrative
7 Officer shall select a department representative to provide subject
8 matter expertise and city process guidance, including but not limited
9 to risk management, ADA compliance, and ordinance code compliance.

10 **Sec. 118.617. - Art selection; methods.**

11 (a) The Art Selection Panel shall select artists and artwork in one
12 of the following ways:

13 (i) Open competition: Requesting artists' submissions with
14 specifications regarding local, state, regional or national
15 scope.

16 (ii) Limited competition: Inviting a small number of artists to
17 respond with examples of past work or to prepare formal
18 proposals, and selecting a specific artist based on these
19 submissions.

20 (iii) Direct purchase: Purchase of existing work and all rights
21 thereto.

22 (iv) Invitational commission: Selecting a specific artist for
23 direct commission.

24 (b) The Cultural Council and the Art in Public Places Committee
25 shall seek to ensure that at least 15 percent of the artists
26 selected for purchase or commission will be resident(s) in the
27 Greater Jacksonville area, (the counties of Duval, St Johns,
28 Nassau, Clay, and Baker). The Cultural Council and the Art in
29 Public Places Committee will also encourage the selection of
30 regional artists e.g., Florida and the Southeastern United
31 States.

1 (c) All purchases made pursuant to this Section shall be made
2 pursuant to an evaluated bid process created by the Purchasing
3 Division and modified as necessary to accomplish the objectives
4 of this Chapter. A proposal fee and/or travel reimbursement may
5 be offered for the invited artists to cover the cost of the
6 formal proposals at the discretion of the Art in Public Places
7 Committee. The proposal fee and/or travel reimbursement shall
8 be part of the amount funded pursuant to this subpart.

9 Any provisions of this Chapter conflicting with the expressed intent
10 and procurement methodology of the Art In Public Places program are
11 hereby waived.

12 **Sec. 118.618. - Ownership; maintenance.**

13 (a) The City will own all the rights to the art produced by the Art
14 In Public Places program, subject to the provisions of the Visual
15 Artists Act of 1990. All contracts with artists and all art
16 purchases will require the Artist to waive the following
17 restrictions:

18 (1) Photographic reproduction rights (to be shared by artist
19 and owner);

20 (2) Right to remove/relocate art;

21 (3) Right to repair art in case of emergency;

22 (b) Artist will retain the copyright and the right to be notified
23 if the work is to be destroyed or deaccessioned or radically
24 repaired on a nonemergency basis.

25 (c) City will retain ownership of proposal models or drawings of
26 commissioned art.

27 (d) Maintenance will be the responsibility of the City and will be
28 funded by that portion of the trust fund which is allocated for
29 maintenance and conservation and will be administered in
30 cooperation with the Cultural Council based on a conservation
31 evaluation plan.

1 **Sec. 118.619. - Cultural Council responsibility.**

2 The Cultural Council shall administer the Art In Public Places program
3 on behalf of the City. The Cultural Council will provide professional
4 and support staff for the operation of the program and administration
5 of the Art in Public Places Program and the art selection process.

6 **Sec. 118.620. - School Board; independent authorities authorized to
7 use program.**

8 (a) The City Council hereby urges and requests the Duval County
9 School Board and the independent authorities of the City to
10 adopt Art in Public Places programs.

11 (b) The Duval County School Board and the independent authorities
12 of the City are hereby authorized to utilize any portion of this
13 subpart to implement an Art in Public Places program.

14 **Sec. 118.621. - Schedule.**

15 The allocation percentage appropriation created in Section 118.614(a)
16 shall apply as follows:

17 (a) 0.75 percent to any project subject to the provisions of this
18 Subpart and adopted by the City Council.

19 **Section 5. Creating a new Part 4 (Contract Administration
20 and Oversight), Chapter 21 (Executive Branch, generally), Ordinance
21 Code.** A new Part 4 (Contract Administration and Oversight), Chapter
22 21 (Executive Branch, generally), *Ordinance Code*, is hereby created
23 to read as follows:

24 **CHAPTER 21 - EXECUTIVE BRANCH, GENERALLY**

25 * * *

26 **PART 4. - CONTRACT ADMINISTRATION AND OVERSIGHT; CONTRACT EXECUTION**
27 **Sec. 21.401. - Contract administrator; contract risk assessment**
28 **program.**

29 Department directors and/or chief executive officers/executive
30 directors of using agencies shall assign a departmental or agency
31 employee (for purposes of this section the "contract administrator"),

1 to certain contracts identified by the Office of Inspector General
2 as high-risk contracts. The Chief Administrative Officer or designee,
3 in consultation with the Office of Inspector General, shall develop
4 a contract risk assessment program, which among other things
5 identifies key high-risk contract factors, for using agencies in the
6 administration and oversight of high-risk contracts. The contract
7 administrator shall be responsible and accountable for the
8 administration and oversight of high-risk contracts, ensuring that
9 the contract deliverables are met, and the City's payment of invoices
10 are justified. For purposes of this section the term "contract
11 deliverables" shall mean matters regarding the project scope and
12 consistency with appropriation purposes and limitations, project time
13 limits and scheduling compliance, project milestones, product and
14 performance delivery, review dates, plan updates, and contract
15 renewal evaluation.

16 **Sec. 21.402. - Contract administrator training.**

17 The Chief of Procurement, City Ethics Director, and Inspector General,
18 or designees, shall provide training annually to using agencies
19 regarding procurement methods and procedures, ethics in public
20 contracting, contract risk assessment program, contract
21 administration and oversight, and the contract administration
22 certification program administered by the Chief of Procurement.

23 **Sec. 21.403. - Employee disclosure of personal and business**
24 **relationships.**

25 A City employee performing, or participating in, the administration,
26 oversight, and approval of payment of a City contract made pursuant
27 to this Code shall, prior to performing, or participating in, City
28 contract administration, oversight, and approval of payment duties
29 regarding a City contract, disclose in writing to their department
30 head, division chief, or other comparable supervisory personnel, all
31 current or former personal and business relationships with the

1 contractor, its officers, employees, and agents on a disclosure form
2 developed by the City Ethics Office. Such disclosure form shall
3 include a definition of "current or former personal and business
4 relationships". The applicable department head, chief, or other
5 comparable supervisory personnel shall review and approve such
6 written disclosures in consultation with the City Ethics Office.

7 **Sec. 21.404. - Contract execution.**

8 Unless otherwise prohibited by law or the Code, City contracts may
9 be transmitted and executed in electronic form, which may include
10 without limitation the use of electronic and digital programs,
11 applications, or signatures (e.g., DocuSign and Adobe Acrobat, etc.).

12 **Section 6. Amending Part 4 (Nondiscrimination Policy),**
13 **Chapter 126 (Procurement Code), Ordinance Code.** Part 4
14 (Nondiscrimination Policy), Chapter 126 (Procurement Code), *Ordinance*
15 *Code*, is hereby amended to read as follows:

16 **CHAPTER 126 - PROCUREMENT CODE**

17 * * *

18 **PART 4. - NONDISCRIMINATION POLICY; FEDERAL AND STATE GRANT**
19 **REQUIREMENTS**

20 **Sec. 126.401. - Policy.**

21 It is hereby declared to be the City policy to assure equal
22 opportunities to every person, regardless of race, color, religion,
23 sex, ~~color~~, sexual orientation, gender identity, familial status,
24 national origin, age—handicap or national—origin disability in
25 securing or holding employment in a field of work or labor for which
26 the person is qualified, as provided and enforced by Chapter 402.
27 It is also the City policy that persons doing business with the City
28 shall recognize and comply with this policy and will not expend
29 public funds in a manner as will encourage, perpetuate, or foster
30 discrimination. Nevertheless, it is not the intent or policy of the
31 City to impose or require quotas or other formulas based on race,

1 color, religion, sex, ~~color,~~ sexual orientation, gender identity,
2 familial status, national origin, age handicap or national origin
3 disability for securing or holding employment or awarding City
4 contracts or to create a presumption of discrimination or
5 nondiscrimination. This provision shall be automatically updated to
6 conform to applicable state and federal law on protected categories.

7 **Sec. 126.402. - Definitions.**

8 As used in this part:

9 (a) *City contracts* means all contracts of the City for the purchase
10 of supplies, contractual services, including professional
11 design services, professional services, and capital
12 improvements.

13 * * *

14 (e) *Policy of nondiscrimination* means a policy of nondiscrimination
15 ~~against an employee or applicant for employment on account of~~
16 ~~race, religion, sex, color, national origin, age or handicap,~~
17 ~~which policy applies in all areas of employee relations~~
18 substantially conforming to the City's policy of
19 nondiscrimination.

20 * * *

21 **Sec. 126.406. - Effect of final order finding noncompliance.**

22 (a) With respect to a person seeking the award of a City contract,
23 a copy of a final order finding noncompliance with the policy
24 of nondiscrimination required by this Part shall be furnished
25 to the committee or the Mayor, whichever requested the
26 investigation. No City contract shall be awarded to a person
27 failing to comply with the policy of nondiscrimination required
28 by this Part.

29 (b) With respect to the nondiscrimination provisions of a City
30 contract, a copy of a final order finding noncompliance with
31 the provisions shall be furnished to the Mayor and the Chief.

1 Every order shall afford the bidder or contractor affected an
2 opportunity to demonstrate to the satisfaction of the authority
3 issuing the order which becomes final, within the reasonable
4 time as the issuing authority determines, that the breach of
5 the nondiscrimination provisions has been corrected. At the
6 expiration of the reasonable time, the issuing authority shall
7 enter a further order determining whether the breach has been
8 corrected, furnishing copies thereof to the affected person,
9 the Mayor, and the Chief. A person failing to correct the breach
10 of the nondiscrimination provisions within the period permitted
11 shall be deemed an irresponsible bidder, and no City contract
12 shall be awarded to this person. An irresponsible bidder under
13 this subsection shall have the opportunity to submit to the
14 Commission at any time a program adopting and maintaining a
15 policy of nondiscrimination and, upon approval thereof by the
16 Commission, the prohibitions of this subsection shall
17 terminate.

18 **Sec. 126.407. - Federal Uniform requirements.**

19 The City shall comply with federal and/or state procurement
20 requirements, including 2 CFR Part 200-Uniform Administrative
21 Requirements, Costs Principles, and Audit Requirements for Federal
22 Awards (2 CFR 200.318-200.326), which is incorporated herein by
23 reference, as applicable.

24 **Sec. 126.408. - Conflict with grant requirements.**

25 To the extent that a conflict exists between the provisions of this
26 Chapter and the provisions of federal and/or state procurement
27 requirements necessary to receive and expend grant funding pursuant
28 to Chapter 117, Ordinance Code, the Chief, in his or her discretion
29 in consultation with the Office of General Counsel, is authorized to
30 waive any such conflicting Code provision in this Chapter and comply
31 with the federal and/or state procurement requirement(s). If a Code

1 provision is waived pursuant to this Section, upon final approval of
2 the contract award, the Chief shall notify the City Council Auditor
3 and the City Council Secretary of the same.

4 **Section 7. Amending Part 6 (Jacksonville Small and Emerging**
5 **Business Program), Chapter 126 (Procurement Code), Ordinance Code.**
6 Part 6 (Jacksonville Small and Emerging Business Program), Chapter
7 126 (Procurement Code), *Ordinance Code*, is hereby amended to read as
8 follows:

9 **CHAPTER 126 - PROCUREMENT CODE**

10 * * *

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

12 **SUBPART A. - GENERAL PROVISIONS**

13 * * *

14 **Sec. 126.604. - Definitions.**

15 The following words and phrases as used in this Part shall have the
16 following meaning:

17 ~~Chief shall mean the Chief of Procurement pursuant to Chapter 24,~~
18 ~~Part 6 of the Code.~~

19 ~~Director shall mean the Director of Finance pursuant to Chapter 24,~~
20 ~~Part 1 of the Code.~~

21 * * *

22 **SUBPART C. - PROGRAM SUPPORT SERVICES; MARKETING AND OUTREACH;**

23 **DISPARITY STUDY UPDATE**

24 **Sec. 126.608. - Creation of bond enhancement program.**

25 (a) Subject to the availability of funds, the JSEB Administrator
26 shall competitively procure and maintain annually a contract
27 with a third-party contractor or contractors to provide a bond
28 enhancement program for the benefit of JSEBs. The bond
29 enhancement program shall provide support services to assist
30 JSEBs in their efforts to secure performance and payment bonds
31 for public and private contracts. The program shall not provide

1 the underlying bond but shall provide a refined basis for
2 underwriting bonds, small business support services, and
3 contractor monitoring necessary for such bond underwriting, as
4 well as improvement plans for JSEBs who do not qualify.

5 (b) Section 126.2301(~~b~~) of the Code provides that JSEBs are not
6 required to submit bid bonds for projects under \$500,000.
7 Section 126.2301(~~g~~) provides that JSEBs shall be exempt from
8 obtaining a payment and performance bond for projects that are
9 (i) equal to or less than the "Discretionary Bond Threshold"
10 amount, as defined in Chapter 126, Part 23 of the Code; and (ii)
11 equal to or less than the payment and performance bond waiver
12 amount permitted in Section 18.11 of the Charter.

13 * * *

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

16 * * *

17 **Sec. 126.622. - Other provisions of purchasing code to apply.**

18 Except as provided in this ~~part~~ Part to implement the Program, the
19 provisions of ~~Parts 1, 2, 3 and 4, of this~~ Chapter 126, shall apply.
20 ~~The Director shall establish rules that specify the manner in which~~
21 ~~conflicts between the provisions of Parts 1, 2, 3, or 4 of this~~
22 ~~Chapter are to be resolved.~~

23 **Section 8. Amending Section 122.605 (Review, amendment,**
24 **adoption and appropriation by City Council), Part 6 (Capital**
25 **Improvement Plan), Chapter 122 (Public Property), Ordinance Code.**
26 Section 122.605 (Review, amendment, adoption and appropriation by
27 City Council), Part 6 (Capital Improvement Plan), Chapter 122 (Public
28 Property), *Ordinance Code*, is hereby amended to read as follows:

29 **CHAPTER 122 - PUBLIC PROPERTY**

30 * * *

31 **PART 6. - CAPITAL IMPROVEMENT PLAN**

* * *

1
2 **Sec. 122.605. - Review, amendment, adoption and appropriation by**
3 **City Council.**

4 (a) In conjunction with its review of the annual budgets for the
5 City and independent agencies, the City Council shall:

6 * * *

7 (c) The City Council may amend the Capital Improvement Plan and any
8 appropriations made pursuant to Section 122.605(a)(4) during
9 the then current fiscal year, but only upon an enactment by
10 City Council specifically identifying the reasons that deferral
11 of such amendment until the immediately following annual budget
12 review will be detrimental to the best interest of the
13 community. Enactment of an ordinance approving a proposed CIP
14 amendment during the fiscal year shall require approval by a
15 two-thirds majority of the Council Members present. Any
16 amendment to the CIP must include all information required with
17 respect to a project that is required for inclusion in the
18 annual CIP.

19 (d) The requirements in subsection (c) of this section shall not
20 apply to emergency procurements of capital improvements made
21 pursuant to Chapter 126 of the Code until after the Chief of
22 Procurement has approved an emergency procurement of a capital
23 improvement. In instances where an emergency procurement of a
24 capital improvement is approved by the Chief of Procurement
25 pursuant to Chapter 126 of the Code prior to the City Council's
26 adoption of a CIP amendment, the Mayor shall promptly file
27 emergency legislation to be considered by the City Council at
28 the City Council meeting immediately following the date that
29 the Chief of Procurement approved the emergency procurement.
30 The emergency legislation shall propose an amendment to the CIP

1 in accordance with subsection (c) above and include
2 justification for the emergency.

3 **Section 9. Amending Section 108.505 (Special Counsel), Part**
4 **5 (Legal Services), Chapter 108 (Central Services), Ordinance Code.**

5 Section 108.505 (Special Counsel), Part 5 (Legal Services), Chapter
6 108 (Central Services), *Ordinance Code*, is hereby amended to read as
7 follows:

8 **CHAPTER 108 - CENTRAL SERVICES**

9 * * *

10 **PART 5. - LEGAL SERVICES**

11 * * *

12 **Sec. 108.505. - Special Counsel.**

13 The City shall secure the use of legal services from outside "special
14 counsel" in any of the following ways:

- 15 (a) The General Counsel is authorized to expend appropriated funds,
16 without additional Council action for, and to retain the
17 assistance of special counsel to, represent the City with
18 targeted issues in ~~the following specialty~~ specialized legal
19 subject areas, all of which ~~do~~ may not require lengthy periods
20 of representation, and, because of their highly specialized
21 nature, infrequency, potential conflicts, or extraterritorial
22 jurisdiction, do not lend themselves to representation by
23 assistant general counsels or because assistant general
24 counsels may be unable to perform the work due to other work
25 assignments, and generally require immediate legal responses.
26 These specialized legal subject areas shall include:
27 bankruptcy, copyright, patent and trademark, developments of
28 regional impact, employee benefits and health care,
29 entertainment, foreign jurisdiction litigation, immigration,
30 intellectual property, maritime, Office of General Counsel
31 employee issues, specialty contracts, stadium leases, bond and

1 disclosure counsel, taxation, and telecommunications.

2 * * *

3 **Section 10. Amending Section 24.603 (Duties of Chief of**
4 **Procurement), Part 6 (Procurement Division), Chapter 24 (Finance and**
5 **Administration Department), Ordinance Code.** Section 24.603 (Duties
6 of Chief of Procurement), Part 6 (Procurement Division), Chapter 24
7 (Finance and Administration Department), *Ordinance Code*, is hereby
8 amended to read as follows:

9 **CHAPTER 24 - FINANCE AND ADMINISTRATION DEPARTMENT**

10 * * *

11 **PART 6. - PROCUREMENT DIVISION**

12 * * *

13 **Sec. 24.603. - Duties of Chief of Procurement.**

14 It shall be the duty of the Chief to:

15 (a) Procure or contract for all supplies, contractual services,
16 professional design services, professional services and capital
17 improvements required by using agencies, except as provided
18 herein;

19 * * *

20 (s) Oversee the Office of Ombudsman; ~~and~~

21 (t) Oversee the Office of Equal Business Opportunity;

22 (u) Oversee training on procurement methods in accordance with Part
23 4, Chapter 21, Ordinance Code; and

24 (v) Develop, implement, and administer a contract administration
25 certification program for City employees, subject to available
26 funds and staff.

27 * * *

28 **Section 11. Bond Counsel.** Prior to the prospective
29 effective date of this ordinance and in accordance with Article 7 of
30 the City Charter, the General Counsel is authorized to engage bond
31 counsel and disclosure counsel as appropriate and necessary to assist

1 the City in its finance matters.

2 **Section 12. Establishment of prospective date of July 1,**
3 **2024, for the Code repeals, amendments, and new provisions contained**
4 **in this ordinance to become effective.** The Code repeals, amendments,
5 and new provisions contained in this ordinance shall not become
6 effective until July 1, 2024.

7 **Section 13. Directive to the Chief of Procurement to amend**
8 **the Procurement Operating Manual consistent with this ordinance on**
9 **or before June 1, 2024.** The Chief of Procurement ("Chief") shall
10 amend the Procurement Operating Manual (as defined in Chapter 126,
11 Ordinance Code) consistent with this ordinance on or before June 1,
12 2024. The Mayor shall approve the amended Procurement Operating
13 Manual required under this Section. The Chief shall promptly file a
14 copy of the amended Procurement Operating Manual with the Council
15 Secretary, the Council Auditor, and the Inspector General to allow
16 the Council Auditor and Inspector General to provide comments to the
17 Chief regarding the amended Procurement Operating Manual. The Chief
18 shall review and consider any comments from the Council Auditor and
19 Inspector General regarding the amended Procurement Operating Manual
20 and may further amend the Procurement Operating Manual, as
21 appropriate, based on such comments and consistent with this
22 ordinance. The Chief shall promptly provide the Council Secretary,
23 the Council Auditor, and the Inspector General with the final amended
24 Procurement Operating Manual. The Procurement Operating Manual, as
25 amended in accordance with this section, shall not become effective
26 until July 1, 2024. The Chief shall develop and implement workshops
27 and training materials to inform City agencies of the Code changes
28 and the amended Procurement Operating Manual required in this Section.

29 **Section 14. Oversight.** The Procurement Division shall have
30 oversight over this ordinance except for the code amendments
31 pertaining to Chapter 118, Part 6 and Chapter 21, Part 4, *Ordinance*

~~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) meets 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 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~~

1 ~~where the Local Participation Requirement is not feasible or~~
2 ~~economical, the Chief, in consultation with the using agency, may~~
3 ~~establish a lower local participation percentage requirement that is~~
4 ~~not less than twenty percent (20%). JSEB participation, as required~~
5 ~~by the JSEB Administrator pursuant to Part 6 of this Chapter, shall~~
6 ~~count towards meeting the Local Participation requirement established~~
7 ~~pursuant to this section.~~

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

9 ~~The local participation requirement shall not apply to the following:~~
10 ~~(i) Any procurement procedures required by state law that prohibit~~
11 ~~the application of a local participation policy;~~
12 ~~(ii) Purchases or contracts which are funded, in whole or in part,~~
13 ~~by a government or other entity in which the laws, regulations or~~
14 ~~policies governing such funding prohibit application of local~~
15 ~~participation policy; and~~
16 ~~(iii) Emergency purchases permitted under this Code.~~

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

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

24 **~~Sec. 126.714. - Reciprocity.~~**

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

28 **~~Sec. 126.715. - Reporting requirement.~~**

29 ~~The Chief shall provide an annual report to the Mayor and the City~~
30 ~~Council no later than December 31 of each fiscal year for the previous~~
31 ~~fiscal year regarding the local business participation given pursuant~~

1 ~~to this subpart. The first such report shall be due no later than~~
2 ~~December 31, 2025. Such annual report shall at a minimum include~~
3 ~~information and data regarding:~~

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

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

9 ~~(iii) Bid protests filed regarding the local business participation~~
10 ~~policy.~~

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

18 **Section 17. Effective Date.** This Ordinance shall become
19 effective upon signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21
22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Lawsikia J. Hodges

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