

1 Introduced by Council Member K. Brown and Co-Sponsored by Council
2 Members Crescimbeni, Brosche, Dennis, Bowman, Newby and R. Gaffney,
3 and Amended by the Finance Committee:
4

5 **ORDINANCE 2017-288-E**

6 AN ORDINANCE AMENDING CHAPTER 126 (PROCUREMENT
7 CODE), PART 6A (SMALL BUSINESS CAPITAL,
8 BONDING, AND OUTREACH PROGRAM), SECTION
9 126.601 (CREATION OF BOND ENHANCEMENT
10 PROGRAM), SECTION 126.603 (CONTINUING
11 EDUCATION AND MENTORING PROGRAMS), AND SECTION
12 126.606 (COLLECTING DATA TO EVALUATE THE
13 PROGRAM), *ORDINANCE CODE*; AMENDING CHAPTER 126
14 (PROCUREMENT CODE), PART 6B (JACKSONVILLE
15 SMALL EMERGING BUSINESS PROGRAM), SECTION
16 126.608 (JACKSONVILLE SMALL EMERGING
17 BUSINESSES DEFINED), *ORDINANCE CODE*; PROVIDING
18 FOR JSEB APPLICATION FEE RECOMMENDATION BY THE
19 JSEB MONITORING COMMITTEE; PROVIDING FOR
20 CURRENT CERTIFIED JSEB CONTRACTORS NUMBER OF
21 YEARS IN THE PROGRAM TO BE RESTARTED UPON
22 RENEWAL; PROVIDING FOR THE CHIEF OF
23 PROCUREMENT TO REPORT ON THE EFFECTIVENESS OF
24 JSEB TRAINING PROGRAMS; PROVIDING FOR
25 CODIFICATION INSTRUCTIONS; PROVIDING AN
26 EFFECTIVE DATE.

27
28 **WHEREAS**, the City of Jacksonville ("City") determined in 2004
29 that growing Jacksonville Small and Emerging Businesses ("JSEBs")
30 was beneficial to the City and its individual residents; and

31 **WHEREAS**, to that end, the City devised the Jacksonville Small

1 Emerging Business Program (the "Program") to address several
2 concerns that were found to impede the growth of small businesses,
3 including bonding issues, access to capital, training, city
4 procurement barriers, and lack of resources for growth; and

5 **WHEREAS**, the City desires to further improve certain aspects
6 of the Program related to the personal net worth threshold
7 requirements, and the JSEB Monitoring Committee composition, to
8 better assist JSEBs in growing and graduating from the Program; now
9 therefore

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

11 **Section 1. Recitals.** The Recitals above are true and correct
12 and incorporated by this reference.

13 **Section 2. Amending Chapter 126 (Procurement Code), Part 6A**
14 **(Small Business Capital, Bonding, and Outreach Program), Section**
15 **126.603 (Continuing Education and Mentoring Programs), and Section**
16 **126.606 (Collecting data to evaluate the Program), Ordinance Code.**
17 Chapter 126 (Procurement Code), Part 6A (Small Business Capital,
18 Bonding, and Outreach Program), Section 126.603 (Continuing
19 Education and Mentoring Programs), and Section 126.606 (Collecting
20 data to evaluate the Program), *Ordinance Code*, are hereby amended
21 to read as follows:

22 **CHAPTER 126. PROCUREMENT CODE**

23 * * *

24 **PART 6A. SMALL BUSINESS CAPITAL, BONDING AND OUTREACH PROGRAM**

25 * * *

26 **Sec. 126.603. - Continuing Education and Mentoring Programs.**

27 (a) The City shall engage the Florida State College at Jacksonville
28 (FSCJ) and Edward Waters College and other educational institutions
29 to advise and implement continuing education, training and
30 mentoring programs, including but not limited to training on doing
31 business with the City, subcontracting documentation requirements,

1 accounting for the small business, and related matters for
2 construction related contractors and subcontractors, including
3 technology, bidding, and bonding, and project management. The UNF
4 Small Business Development Center ("UNF/SBDC") and the SBCG shall
5 provide non-construction related small emerging businesses with
6 continuing education and training and mentoring programs, including
7 key management issues such as cash-flow management, business
8 planning, marketing, accounting, and record keeping, human
9 resources management, and other related business development
10 education. FSCJ and Edward Waters College shall hold an initial
11 summit, to inventory existing programs, which provide continuing
12 education, apprentice or mentoring programs and to hear from the
13 community and experts on what further programs or educational
14 assistance may be needed. Thereafter, FSCJ and Edward Waters
15 College shall hold a small business program workshop, to design and
16 suggest the requisite needs, including the formation of a
17 scholarship program for assistance to JSEBs. Funds appropriated for
18 these activities are inclusive of scholarships. Annually, the
19 City's Equal Business Opportunity Office shall survey certified
20 JSEBs on a survey form approved by the JSEB Monitoring Committee to
21 ascertain what education, training and mentoring programs JSEBs
22 need most. The City's Equal Business Opportunity Office shall
23 consider such survey results in determining which education,
24 training and mentoring programs to pursue under this Section.

25 * * *

26 (c) Subject to availability of funds, the continuing education and
27 mentoring programs required by this Section shall be funded at a
28 minimum of \$200,000 or greater.

29 * * *

30 **Sec. 126.606. - JSEB Monitoring Committee; Collecting data to**
31 **evaluate the Program.**

1 (a) There is established a seven-member JSEB Monitoring Committee,
2 to annually review the status of the goals of this Program,
3 including the number and dollar value of contracts awarded, the
4 training, capital, and bonding programs, and difficulties or
5 accomplishments of the Program, along with a comparison of the
6 achievements under the Program compared with the goals. The
7 Committee shall also annually review the (i) maximum threshold
8 amounts for personal net worth and averaged annual gross receipts
9 referenced in Section 126.608(c)(2), and (ii) limitation on the
10 number of program participation years in Section 126.608(9) to
11 determine if such amounts and limitation on the number of years are
12 appropriate for the Program. Based on the Committee's Program
13 review, the Committee may recommend to the City Council for
14 consideration amendments to the Program, including but not limited
15 to, the Program goals, training, access to capital, bonding,
16 certification requirements, maximum threshold amounts in Section
17 126.608(c)(2) and the limitation on the number of program
18 participation years in Section 126.608(9). This Committee shall
19 meet quarterly with the Director ~~quarterly~~, who shall then generate
20 a quarterly report for the Mayor and Council ~~with a copy to the CAO~~
21 ~~and the Council~~ no later than 14 days after each quarterly meeting.
22 The Mayor shall appoint three members of the Committee, and the
23 ~~City~~ Council shall appoint ~~two~~ four members. The Committee shall be
24 comprised of two non-JSEB contractors, one appointed by ~~each of~~ the
25 Mayor and one appointed by the Council, two certified JSEB
26 contractors, one appointed by the Mayor and one appointed by the
27 Council, and ~~one~~ two private citizens, one appointed by the Mayor,
28 and one appointed by the Council, and one representative from the
29 Northeast Florida Builders Association, Inc, or similar trade
30 association, appointed by ~~each of the Mayor and the Council,~~ for
31 three-year staggered terms. The two non-JSEB contractor members

1 must have a current contract with the City or have had a contract
2 with the City in the past. The Mayor shall appoint a Chair and the
3 Chair shall serve until such a time as another Chair shall be
4 appointed by the Mayor. The Mayor and Council shall strive to
5 reflect the diversity of Duval County in its appointments; each of
6 the ~~five~~ seven members shall be confirmed by Council. The JSEB
7 Monitoring Committee shall be governed by Chapter 50 (Boards and
8 Commissions).

9 **Section 3. Amending Chapter 126 (Procurement Code), Part 6B**
10 **(Jacksonville Small Emerging Business Program), Section 126.608**
11 **(Jacksonville Small Emerging Businesses defined), Ordinance Code.**
12 Chapter 126 (Procurement Code), Part 6B (Jacksonville Small
13 Emerging Business Program), Section 126.608 (Jacksonville Small
14 Emerging Businesses defined), *Ordinance Code*, is hereby amended to
15 read as follows:

16 **CHAPTER 126. PROCUREMENT CODE**

17 * * *

18 **PART 6B. JACKSONVILLE SMALL EMERGING BUSINESS PROGRAM**

19 * * *

20 **Sec. 126.608. - Jacksonville Small Emerging Businesses defined.**

21 * * *

22 (c) To be certified as a JSEB, an individual owner must meet the
23 following criteria:

24 (1) Reside currently in Duval County for a minimum ~~of one year~~
25 twelve consecutive month period immediately preceding ~~prior to~~ the
26 JSEB application date; or have an established business
27 headquartered for a minimum of three years in Jacksonville Duval
28 County, and reside in Duval, St. Johns, Nassau, Baker, or Clay
29 County for one year total within the five County area;

30 (2) Have a personal net worth less than ~~\$650,000~~ \$1,325,000,
31 excluding personal residence, including but not limited to business

1 value and assets (measured as book value), ownership in other
2 businesses and all other assets personally owned, held in trust for
3 the individual owner's benefit, or held by a spouse; provided,
4 however, that, notwithstanding personal net worth, certification
5 hereunder shall require that annual gross receipts, averaged over
6 the immediately preceding three-year period, not exceed ~~\$6,000,000~~
7 \$12,000,000. ~~This~~The averaged annual gross receipts and personal
8 net worth maximum threshold amounts shall be subject to annual
9 analysis by the JSEB Administrator and reviewed by the JSEB
10 Monitoring Committee pursuant to Section 126.606, ~~who may recommend~~
11 ~~to the City Council Committee responsible for Audit review for~~
12 ~~consideration by the City Council an amount that may be more~~
13 ~~appropriate;~~

14 (3) Have not been in the program for a total of more than ~~13~~ nine
15 (9) years from the date of the JSEB's first contract as a prime
16 contractor of the City or as a subcontractor retained by a prime
17 contractor of the City, whichever is earlier, provided, however,
18 that participation may be increased by two one-year periods for
19 good cause as determined by the Chief;

20 * * *

21 (8) not be a front, a broker, or a pass-through, which for
22 purposes of this subsection (c)(8) means a JSEB that is not
23 registered as a supplier or distributor through the Florida
24 Department of Revenue;

25 * * *

26 **Section 4. JSEB Application Fee.** The JSEB Monitoring
27 Committee shall review the feasibility of a JSEB application fee
28 for the purpose of funding the JSEB Program administration costs.
29 Legislation shall be proposed by the JSEB Monitoring Committee
30 within months of the date of enactment of this bill specifying the
31 manner in which such a fee shall be levied and collected.

1 **Section 5. Number of Years in the Program to be Restarted for**
2 **Current Certified JSEB Contractors Upon Renewal.** The number of
3 participation years in the Program for all currently certified JSEB
4 Contractors shall be restarted at zero upon renewal of a JSEB's
5 certification provided that such JSEB is otherwise in compliance
6 with Program requirements.

7 **Section 6. Chief of Procurement to report on effectiveness of**
8 **JSEB training programs.** The Chief of Procurement, in consultation
9 with the JSEB Monitoring Committee, within three (3) months from
10 the effective date of this ordinance shall report to the Council on
11 the effectiveness of the JSEB training programs required under
12 Section 126.603, Ordinance Code, and recommend necessary changes,
13 if any, to such programs.

14 **Section 7. Codification Instructions.** The Codifier and the
15 Office of General Counsel are authorized to make all chapter and
16 division "tables of contents" consistent with the changes set forth
17 herein, including renumbering of sections and changing the term
18 "Council" in Chapter 126, *Ordinance Code*, to be "City Council"
19 where such provision is referring to the City Council of
20 Jacksonville. Such editorial changes and any others necessary to
21 make the *Ordinance Code* consistent with the intent of this
22 legislation are approved and directed herein, and changes to the
23 *Ordinance Code* shall be made forthwith and when inconsistencies are
24 discovered.

25 **Section 8. Effective Date.** This Ordinance shall become
26 effective upon signature by the Mayor or upon becoming effective
27 without the Mayor's signature.

1 Form Approved:

2

3 /s/ Lawsikia J. Hodges

4 Office of General Counsel

5 Legislation Prepared by: Lawsikia J. Hodges

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