



ONE CITY. ONE JACKSONVILLE.

# **PROCUREMENT DIVISION**

## Finance and Administration Department

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214 N. Hogan St – Suite 800, Jacksonville, Florida 32202 (904)  
255-8800-Phone (904) 255-8837-Fax; [www.coj.net](http://www.coj.net)

# **PROCUREMENT MANUAL**

Available on the Procurement Division's website and may be revised from time to time in order to better reflect the specific and practicable requirements and procedures of CHAPTER 126, Jacksonville Ordinance Code, commonly referred to as the Procurement Code. Any conflict between the provisions of this Procurement Manual and that of the Procurement Code shall be resolved in favor of the Procurement Code.

October 2020

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## SECTION I - INTRODUCTION

*The City of Jacksonville's Procurement Division is a centralized purchasing function that operates under the authority and guidance of CHAPTER 126, Jacksonville Ordinance Code (the "Procurement Code"). In accordance with the requirements of the Procurement Code, the Chief of Procurement must prepare and maintain a current procurement manual that contains detailed regulations and procedures for the implementation of the Procurement Code, and that: (i) prescribes regulations of the City's procurement process to be followed by using agencies; (ii) prescribes internal regulations to be followed by the Procurement Division; and (iii) prescribes the City's purchasing regulations and policies to be followed in its relations with the business community. In an attempt to satisfy this mandate, the Chief of Procurement provides the following administrative procedures (the "Procurement Manual") for purposes of convenience and to explain the specific and practicable requirements and procedures of the Procurement Code. Any conflict between the provisions of this Procurement Manual and that of the Procurement Code shall be resolved in favor of the Procurement Code. This Procurement Manual is available on the Procurement Division's website and may be revised from time to time.*

## SECTION II - DEFINITIONS

**Blanket Order** -- a purchasing tool to allow for repetitive purchase of goods and services over a set period of time. Based on the dollar amount requested, all Blanket Orders are subject to the solicitation procedures listed herein (formal or informal, whichever may apply).

**Change Order** -- a modification to an existing purchase order, blanket order, contract or agreement.

**Check Request** -- an established procedure for the special procurement of certain goods and services that are not readily adaptable to the issuance of contracts or purchase orders (REFER TO SECTION VI).

**Design-Bid-Build** -- a project delivery method or approach involving the sequential award of separate contracts, the first for architectural, engineering or professional design services to design the project and the second for construction of the project in accordance with the previously-awarded professional design services.

**Design-Build** -- a project delivery method or approach involving a single contract for both the design and construction of a project. Upon approval of the Competitive Sealed Proposal Evaluation Committee (CSPEC), the award of a single design-build contract may, in addition to the design and construction of the project, include the financing, operation and/or maintenance of the project over a contractually defined period of time.

**Design Criteria Package** -- concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information so as to permit design-build firms to prepare a bid or a response to a request for proposal, or to permit the City to enter into a negotiated design-build contract. The design criteria package shall specify such performance-based criteria for the public construction project, including, but not limited to, the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and features, functions, characteristics and other conceptual design criteria of the project, cost or budget estimates for design, construction and, if applicable, operation and

maintenance, anticipated schedule(s) of design and construction components, including durations and start and completion dates, site development requirements, provisions of utilities, storm water retention and disposal, and parking requirements, as may be applicable to the project.

**Design Criteria Professional** -- a firm who holds a current certificate of registration under Florida Statutes, CHAPTER 481, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under Florida Statutes, CHAPTER 471, to practice engineering and who is employed by or under contract to the City for the providing of professional architect services, landscape architect services or engineering services in connection with the preparation of the design criteria package (a Design Criteria Professional may not be awarded the design-build contract for which it prepared the Design Criteria Package).

**Field Order** -- to provide using agencies with a responsive and economical small purchase procedure to meet emergency and unanticipated needs for goods costing \$500 or less. Purchases in excess of \$500 will not be permitted.

**Formal Purchase** -- the procurement of supplies and/or services where the estimated costs or fees thereof exceed the following thresholds established by reference to Florida Statutes:

- (i) Supplies, Professional Services and Contractual Services -- Section 287.017, Florida Statutes, for CATEGORY THREE, which is currently \$65,000.00;
- (ii) Professional Design Services:
  - (a) Where the estimated cost for the basic construction of a project exceeds Section 287.017, Florida Statutes, for CATEGORY FIVE, which is currently \$325,000.00; or
  - (b) Where the estimated fees for a planning or study activity exceed Section 287.017, Florida Statutes, for CATEGORY TWO, which is currently \$35,000.00; or
- (iii) Capital Improvements – Section 255.0525(2), Florida Statutes, which is currently \$200,000.00 (on a case-by-case basis, the Chief shall have the discretion to reduce the threshold amount for capital improvements consistent with the competitive encouragement threshold amount of Section 255.101(2), Florida Statutes, which is currently \$100,000.00)

**Informal Purchase** -- a purchase of supplies, professional services, contractual services, professional design services or capital improvements, where the estimated costs or fees thereof do not exceed the applicable formal threshold amounts.

**Jacksonville Small Emerging Businesses (“JSEBs”)** -- small businesses certified under CHAPTER 126, Part 6B, *Ordinance Code*. A JSEB may also be certified as a Minority Business Enterprise (MBE) if it meets certain prescribed categories.

**Piggybacking – SEE SECTION XI**

**Procurement** -- buying, purchasing, renting, leasing or otherwise acquiring any supplies, services or construction, including, without limitation, all functions, rules and regulations contained in the Procurement Code.

**Public notice or advertisement** -- solicitation of bids or proposals on bulletin board(s) located in the office of the Procurement Division, in a newspaper of general circulation and/or in electronic media, which solicitation describes the supplies or services desired, gives a reasonable period of time prior to the public opening and provides the place, date and time the requested bids or proposals are due.

### **SECTION III – COMMITTEES**

**Note:** Assigned committee members and their alternates must review and comply with the Procurement Committee Rules and Guidelines, Attachment A.

#### **A. General Government Awards Committee (the “GGAC”)**

***Standing meeting time, day and place: 1:00 p.m. each Thursday, in Conference Room 851, Ed Ball Building, 214 N. Hogan Street, Jacksonville, Florida, 32202. Items to be considered for GGAC must be submitted to Procurement no later than noon Thursday prior to the next regularly scheduled Thursday meeting.***

The City of Jacksonville’s General Government Awards Committee consists of the Director of the Department of Finance or his/her designee, the General Counsel or his/her designee and the Director of the Department of Public Works or his/her designee.

A representative of any using agency seeking the approval of the GGAC is required to attend meetings of the GGAC at which business regarding said approval is to be conducted. Such representative is entitled to be heard but shall have no vote at such meetings.

Except in cases where independent agencies are directed by law to award their formal bids and contracts, the award will award or reject, in whole or in part, formal bids and contracts submitted by the Chief, Procurement Division, for supplies, contractual services or capital improvements and may waive technical defects as the best interests of the City dictate.

#### **B. Competitive Sealed Proposal Evaluation Committee (the “CSPEC”)**

***Standing meeting time, day and place: 1:00 p.m. each Thursday, in Conference Room 851, Ed Ball Building, 214 N. Hogan Street, Jacksonville, Florida, 32202. Items to be considered for CSPEC must be submitted to Procurement no later than noon Thursday prior to the next regularly scheduled Thursday meeting.***

CSPEC shall consist of the Director of the Department of Finance or his/her designee, the General Counsel or his/her designee, the Director of the Department of Public Works or his/her designee, the Chief of Procurement or his/her designee and one representative from the using agency or department for which the solicited services are required. CSPEC does not have a standing meeting, and meets only as a using agency or the circumstances necessitates. Whenever CSPEC does meet, it will normally do so immediately following the GGAC meeting.

**C. Professional Services Evaluation Committee (the “PSEC”)**

***Standing meeting time, day and place: 10:00 a.m. each Thursday, in Conference Room 851, Ed Ball Building, 214 N. Hogan Street, Jacksonville, Florida, 32202. Items to be considered for PSEC must be submitted to Procurement no later than noon Thursday prior to the next regularly scheduled Thursday meeting.***

PSEC shall consist of the Chief of Procurement or his/her designee, who will serve as the Chair, the Director of the Department of Finance or his/her designee, the General Counsel or his/her designee and two representatives from the using agency for which the solicited professional services are required and/or will be performed, which representatives will also serve as the PSEC Subcommittee.

**D. Standardization Advisory Committee (the “SAC”)**

The Standardization Advisory Committee shall consist of the Budget Officer or its designee, one (1) representative from the Office of the Ombudsman and one (1) representative of the using agency requesting the standardization. This committee shall meet on an as needed basis.

**SECTION IV - INFORMAL PURCHASES**

The procedures described in this section are directed for processing of informal purchases and are to ensure that we: (i) obtain quality goods and services at competitive prices; (ii) conduct a solicitation and review process that does not abuse the informal system of purchasing; (iii) fulfill the obligation to provide the quickest response to customer needs; and (iv) provide fair opportunities to prospective suppliers and contractors in the competitive process. As a condition precedent to an informal purchase hereunder, a using agency must obtain an Administrative Award, which is an official award document used to authorize the Office of General Counsel to begin the contract process for purchases made hereunder, that do not exceed the applicable formal threshold and that will be executed using a purchase order, contract or authorized check request.

**A. Solicitation of Quotes**

The standard procedure for informal purchasing actions is established as follows:

<u>Estimated Cost</u>	<u>Type Inquiry</u>	<u>Minimum Solicited</u>
\$0 - \$ 500	Field Order, If Applicable	(See Section V)
\$0 - \$ 2,500	Written	1
\$2,501 - \$ 15,000	Written	2
\$15,001- \$ 30,000	Written	3
\$30,001- \$ 65,000	Written	4

**Notes:**

*(1) All Professional Design Services exceeding \$35,000 will be processed as a formal purchase.*

- (2) *For capital improvements, the final threshold in the chart above shall be \$30,001 - \$200,000, unless otherwise established by the Chief of Procurement on a case-by-case basis.*
- (3) *Minimum solicitation lead time is (i) ten (10) calendar days for capital improvements; and (ii) four – seven (4-7) calendar days for all other goods and services.*
- (4) *Quotes by facsimile are accepted as written for all informal purchases.*
- (5) *All quotes must include date and signature of an authorized Agent of the vendor offering the quote.*

**B. Solicitation Procedures:**

**Solicitation Procedures in General** - The buyer will be required to solicit all requests for quotes/bids/proposals, both formal and informal, where the goods/services are estimated to exceed \$2,500.00. The using agency is responsible for soliciting quotes for goods/services of \$2,500.00 or less. All requests for blanket orders are subject to the solicitation procedures listed herein.

In addition to soliciting quotes for goods and services, the using and the Procurement Division may elect more appropriate informal solicitation methods than lowest conforming bid. The using agency may use evaluated RFPs with the approval of the Chief of Procurement when price alone is not a practical method or in the City's best interest.

**Using agencies are responsible for providing adequate detail to the request for goods and services and a proposed solicitation list (suggested vendors to be solicited), if applicable. Using agencies have the authority to obtain a single quote at any dollar value for budgetary purposes. Said quote, if applicable, should be submitted with the requisition for the solicitation process to occur. Procurement will solicit, when feasible, the vendor from the budgetary quote in the solicitation process.**

**Requests for Single Source awards, both informal and formal, shall be accompanied by a written quote/proposal with the written justification request for consideration. (Refer to Section XII.)**

Written quotes may be solicited using a standard Request for Quotation form. The standard Request for Quotation form will be prepared for the goods and services and will reflect the requisition number, due date and buyer's name and phone number. A file will be established by the buyer for receiving returned quotes. The initiating buyer is responsible for receiving, recording and processing quotes and obtaining the proper approvals based on the dollar value. All quotes received as a result of a solicitation will be time-stamped and placed in the bin of the initiating buyer. Buyers will handle quotes as outlined above. Quotes received after the due date established will not be considered for evaluation and will be documented accordingly.

***Note:*** *All solicitations must be accompanied by a completed Conflict of Interest ("C.O.I.") Form.*

**Solicitation Procedures for Informal Capital Improvement Projects** – Capital Improvement Projects that are listed in the CIP and estimated to exceed \$100,000 are required to be submitted with a Capital Improvement Verification Form. Capital Improvement Projects estimated to exceed \$100,000 but less than or equal to \$200,000 will be advertised for a minimum of ten (10) calendar days using the sealed

bid process (the Chief shall have the discretion to: (i) reduce the number of days an informal purchase is advertised; and (ii) procure an informal purchase by a method other than the sealed bid process). The using agency requesting the services will be required to submit specifications to be included in informal solicitation documents.

Once Bidders respond to the solicitation, sealed bids will be opened and tabulated at the time, date and location specified in the solicitation documents. Copies of the responses will be forwarded to the using agency in question for evaluation and recommendation of award.

**C. Review and Approval Requirements**

The review and approval requirements for informal purchases will be as follows:

<u>Amount</u>	<u>Approval</u>
\$0 - \$30,000	Buyer
\$30,001 - \$65,000*	Buyer, Manager of Purchasing Services

\* For capital improvements, this threshold shall be \$30,001 - \$200,000, unless otherwise established by the Chief of Procurement on a case-by-case basis.

Informal Purchases will be documented on the Informal Purchase Summary that will be initiated by the buyer and completed by the appropriate individual in the review and approval process. The Informal Purchase Summary will become a part of the official records and will be filed with the requisition(s). The Informal Purchase Summary is not required when a purchase results from a formal advertised bid.

**D. Using Agency Concurrence**

Buyers will secure using agency concurrence in those instances where the goods or services to be recommended for purchase do not conform precisely to the criteria set forth in the initiating requisition. Concurrence shall be documented on the Informal Purchase Summary to include the name of the individual and the date concurrence is obtained. All purchases exceeding \$15,000 shall have written concurrence from the using agency with Division Chief approval.

**E. Informal – Single Source**

Upon an adequate written justification by a using agency as outlined in Section XII, through its Director or designee, that an informal purchase can be made only from one justifiable source without competition, said purchase may be approved for an Administrative Award, if Procurement specifically finds from all of the relevant facts that a single source purchase is proper and in the best interest of the City. A written justification hereunder must include a sufficient explanation, as determined by the Director, as to why only the proposed purchase will satisfy the needs of the using agency.

**Requests for single source awards, both informal and formal, shall be accompanied by a written quote/proposal with the written justification request for consideration.**



## **F. Emergency Purchases**

Any emergency as defined in Section 126.102(e) *Ordinance Code*, shall require the approval of the Procurement Division prior to issuance of an emergency order. All emergency purchases shall be justified in writing through the using agency's Director as to the nature of the emergency. When practical, competition should be obtained for the emergency purchase.

## **G. Purchasing Card (P-Card) Usage**

The Treasury Division of the City of Jacksonville is currently the Program Administrator for the P-Card Program. Policies and procedures related to the issuance, usage and responsibility of the P-Card can be found on the Employee Portal under the Treasury Division site.

In general, the P-Card is to be used only for the purchase of goods, travel-related expenses or check requests. City of Jacksonville's standard spending parameters for a P-Card are set up to \$2,500 per transaction with a maximum of \$10,000 per month per card. A single purchase must not be used to split into two or more transactions in order to stay within the per-transaction limit or limit of the cardholder's card.

Procurement's responsibilities for the P-Card Program are as follows:

1. Review all charges for appropriateness and ensure all purchases were necessary for official use.
2. Report any improper use to Manager of cardholder.

### **Misuse of P-Card**

Improper use of the card will result in a City of Jacksonville security investigation which may lead to disciplinary action, up to and including termination of employment, criminal prosecution and civil litigation. If the cardholder fails to use the card properly and charges are unaccounted for, the cardholder has authorized the City of Jacksonville to deduct such amount from the cardholder's salary equal to the total amount of unaccountable expenditures. The cardholder also agrees to allow the City of Jacksonville to collect any amounts owed by the cardholder even if no longer employed by the City of Jacksonville.

## **SECTION V – PURCHASING “TOOL BOX”**

### **A. Administrative Awards**

An Administrative Award is an official award document used to approve expenditure(s) and/or authorize the Office of General Counsel to begin the formal contract process for purchases that (i) are exempt from competitive solicitations pursuant to Section 126.107, *Ordinance Code*, or (ii) fall under the formal purchase threshold.

### **B. Blanket Purchase Orders**

A Blanket Purchase Order is a procurement tool utilized for continuous needs as opposed to a separate purchase order for each transaction. All blanket order requests are subject to the informal/formal solicitation process listed herein based on the related dollar value. Using agencies are required to provide all necessary information to obtain competition for blanket order purchases. A blanket order

incorporates the City's Standard General Conditions (a copy of which shall be made available to the public upon request from the Procurement Division).

### C. Change Orders

**A Change Order is a procurement tool utilized to memorialize necessary changes made to a contract, purchase order and/or blanket order. REGARDLESS OF THE TYPE, ALL CHANGE ORDER REQUESTS ARE SUBJECT TO PROCUREMENT DIVISION APPROVAL AND THE REQUIREMENTS OF EXECUTIVE ORDER 94-187 [OR ANY SUBSEQUENT ORDER THAT REPEALS OR REPLACES 94-187].**

**Non-Construction Related Change Orders.** All Non-Construction Related Change Order requests will require a detailed description of the change and a reasonable explanation as to why the change is necessary. Failure to provide this information in writing with the Change Order request will cause a delay in the review and approval process.

- (a) Any and all increases to a post-released purchase/blanket order will require a Change Order. Source justification or competition will be required based on the requested increase amount.
- (b) A Change Order must be approved by the applicable awards committee (GGAC, CSPEC or PSEC), if:
  - (i) the committee acted on the original award and the Change Order results in a contract value that exceeds the original estimated, lump sum or fixed award amount;
  - (ii) the Change Order causes the contract value to exceed \$65,000.00; or
- (c) Any and all decreases in price or quantities will require a Change Order.
- (d) With respect to Blanket Order modifications:
  - (i) Any and all monetary changes to a current year blanket order will require a Change Order;
  - (ii) Any increase/decrease in term to a current year blanket order will require a Change Order prior to the expiration date established;
  - (iii) No blanket order will be issued past the Fiscal Year End (September 30<sup>th</sup>) in which it was established, with the exception of fluctuating FY end dates and grant year-end dates. Invoices must be dated within blanket order effective dates;
  - (iv) All blanket orders ending September 30<sup>th</sup> will be granted an additional thirty (30) days for final invoices referencing the blanket order that expired. All blanket orders will be closed subsequent to the thirty (30) days. Any and all

invoices submitted for payment outside of the thirty (30) days granted will be rejected and an alternate purchasing tool will be required; and

- (v) All differences in shipping/freight up to \$50.00 on purchase orders will be processed without a Change Order approval by the using agency. This only applies when a purchase order is issued with an *estimated* shipping/freight amount.

**Construction Related Change Orders.** Changes in construction-related work shall be held to a minimum and be consistent with the project's original scope and budget. The "swapping" of extras and credits shall not be permitted except through a written Change Order. Where a change is made at no cost, or where added and deleted work balance in cost, a Change Order shall be initiated to record the fact that such changes were made and a full description and explanation shall be given. A sample form can be obtained from the Procurement Division.

- (a) The Director of Public Works shall determine the process for preparing and justifying a Change Order prior to submittal to the Procurement Division. The Change Order shall fully specify the scope of the work explaining completely what each change entails, the resulting cost or credit, and whether any time extension is involved.
- (b) Section 126.201(d)(7), *Ordinance Code*, provides for a streamlined approval process for Change Orders less than 10% of the contract value (cumulative value). Once a Change Order reaches or exceeds the 10% value, the GGAC and Mayor shall have approval authority. However, should an emergency arise that requires an immediate Change Order, the rules regarding emergency purchases shall prevail (see Section V(F) below).
- (c) The costs of a Change Order resulting from errors or omissions by a professional architect, engineer or inspection contractor should be assessed against the professional to the extent permitted by Florida law and the City's contract. The Department of Public Works, in consultation with the Office of General Counsel, shall be responsible for determining what costs can be recovered in particular cases. The Department of Public Works has issued two Policy/Procedure documents to assist employees in these cases: (i) Construction Change Order Procedures (2013), and (ii) Errors & Omissions Procedures (2013).
- (d) The costs of a Change Order resulting from construction not performed in accordance with code or specification standards, including work covered up prior to code inspection, should be assessed against the construction contractor.

#### **D. Field Orders (Release Purchase Authorizations - RPAs)**

An economical small purchase procedure to meet emergency or unanticipated needs for goods costing \$500 or less. Purchases in excess of \$500 will not be permitted. Items currently under contract, technology-related (hardware/software) maintenance agreements, or any construction-related purchases are prohibited. Part 6 of CHAPTER 126, *Ordinance Code*, applies to all Field Order purchases.

***Note:*** Approval from the Procurement Division buyer must be obtained prior to using a field order.

#### **E. Purchase Orders**

A purchase order, known as a "PO," is an official procurement document utilized to outline the details of a purchase, such as: the description of goods/services to be provided, part numbers, makes/models, unit prices, extended totals and other pertinent information resulting from a solicitation and/or written quote from a prospective vendor. A purchase order incorporates the City's Standard General Conditions.

#### **F. Emergency Orders**

Any emergency as defined in Section 126.102(e), *Ordinance Code*, shall require the approval of the Procurement Division prior to issuance of an emergency order. All emergency purchases that exceed \$15,000 in value shall be justified in writing by a Director or Chief as to the nature of the emergency. When practical, competition should be obtained for the emergency goods/services.

The following procedures should be followed relative to emergency purchases:

- (1) If any emergency occurs during regular City business hours, the using agency shall immediately notify the buyer, who shall either purchase the required supplies or contractual services or authorize the using agency to do so.
- (2) If an emergency occurs at a time other than during regular City business hours, the using agency may purchase directly the required supplies or contractual service. Not later than the next regular City business day thereafter, the using agency shall submit to the Chief, Procurement Division, a requisition, a tabulation of bids received, if any, a copy of the delivery record and a brief written explanation of the circumstances of the emergency.
- (3) Prior to making any emergency purchase, the Procurement Division, or the using agency, whichever makes the purchase, shall whenever practicable, secure competitive bids and order delivery to be made by the lowest responsive bidder.

#### **SECTION VI - CHECK REQUESTS**

Items authorized (as listed in this Section) for check request payment are submitted directly to the Accounting Division for processing. Any and all check requests for goods/services not listed herein will require a written explanation to and approval from the Chief of Procurement or designee. The Accounting Division's procedures for processing check requests shall govern.

**Pre-Approved Check Requests to be Processed by Accounting** -- Any vendor requiring pre-payment must indicate pre-payment requirement on its quote. All pre-payment requests must be approved by the Chief of Procurement.

Automobile Repairs (Minor) of City Vehicles on Trips  
Bus Tokens  
Certificates of Operation (Permits)  
Collection Fees and Bad Check Reimbursements  
Continuing Education, Work-Study Program

Court Filing Fees, Court Orders  
Debt Collection Fees  
Development & Sports Commission Events  
Documentary Stamps  
Dues and Memberships  
Individual, Governmental or Using Agency Easements  
Entertainment (Production Changes, Catering, Light & Sound) with Chief of Procurement prior approval  
Examinations: Blood-Alcohol, Autopsy, Rape Cases (ordered by State Attorney's Office or Sheriff's Office)  
Freight: Incoming and Outgoing  
Gasoline Credit Cards  
Impoundment Fees  
Insurance Premiums  
Invoices: Outstanding from Contracts, Payments  
Laboratory Testing; Material Analysis, etc.  
Law Library Fees  
Legal Paper Serving Fees  
Licenses, City Tags  
Loss of Property, per Collective Bargaining Agreement  
Medical and Hospital Expenses: Prisons and Wards of City Agencies  
Parking Permits, per Collective Bargaining Agreement  
Petty Cash Reimbursements  
Parking  
Postage Due  
Physicals: Flight, Employment, etc.  
Post Office Box Rental  
Postage Meters (Include Meter Number) and Bulk Mailing  
Permit Postage Stamps  
Professional Services, Legal-Related Billings  
Real Estate Closings  
Revenue/Payments, JEDC Event Contribution  
Refunds on Permits: Electrical, Plumbing, etc.  
Seminar Speakers  
Subpoena Serving Fees (Out-of-Town)  
Subscriptions  
Surplus Purchases: City, State and Federal Taxes  
Taxes on Aircraft: Sheriff and Mosquito Control  
Temporary Employees Provided, Covered under City Contract  
Training Employees Provided, Covered under City Contract  
Training: Firefighting Division  
Transactions Between Government Agencies Who Do Not Use General Accounting and/or Depositing Cash in Accounts  
Utilities Management, Reimbursable Expenses  
Utilities: Water, Sewer, Electric, etc.  
Witness Fees  
Wrecker Service and Storage; Office of Sheriff Evidence

## SECTION VII FORMAL PURCHASES

### A. Formal Solicitation Lead Time(s)

Solicitation of purchases that exceed the applicable formal threshold shall, at a minimum, consist of advertising or notification in a newspaper of general circulation in the City at least twenty-one (21) calendar days prior to the public opening date set forth in the solicitation, and at least five (5) calendar days prior to any scheduled pre-bid or pre-proposal conference (the Chief of Procurement shall have the discretion to reduce the number of days a formal purchase is advertised or noticed; however, in no case shall the number of advertising or notification days be less than ten (10) calendar days for a formal purchase, unless deemed an emergency by the Chief of Procurement or his/her designee.

Unless otherwise provided in the Procurement Code or federal, state or local law, statute, ordinance, rule or regulation, purchases that exceed the formal threshold shall be publicly noticed or advertised and competitively procured. There are multiple bidding methods that are available to obtain competition. The most commonly used method is Competitive Sealed Bid. Other bidding methods include Multi-Step Sealed Competitive Bid and Competitive Sealed Proposal (evaluated bid). Each using agency is required to develop specifications for goods/services under the purview of the requesting agency. All specifications shall be submitted to the Procurement Division for technical, procedural, compliance and JSEB approval via the Content Management System ("CMS"), which, for the purposes of this Section, shall mean the central bid specification software to transmit request for bidding opportunities to the Procurement Division for processing.

### B. GGAC Process

The GGAC Process is the standard process for soliciting and/or requesting a formal award pursuant to Part 2 of the Procurement Code or for goods/services other than "Professional Design Services" or "Professional Services." The process is initiated by the using agency submitting a **GGAC Memorandum** to the Chief of Procurement. The **GGAC Memorandum** shall request GGAC review and approval for: (i) a contract award; (ii) a contract amendment; (iii) a single source award; (iv) a reference award; or (v) any other type of award. The **GGAC Memorandum** must attach: (i) a Scope of Goods/Services as Exhibit "A;" (ii) a Fee and/or Cost Summary as Exhibit "B;" (iii) a copy of a proposal letter, if any, from the proposed goods/services provider regarding the scope of goods/services and other proposed contract terms and conditions, i.e. price, duration, etc.; and (iv) any applicable exhibits and supporting documentation. Upon approval by the Chief of Procurement, a using agency's general goods/services request is placed on the next GGAC agenda for review, approval and/or a recommendation that said request be approved by the Mayor or his designee. GGAC's written recommendation is forwarded to the Mayor for approval. Once the Mayor or his designee approves GGAC's written recommendation and returns the same to Procurement, the approved recommendation is forwarded to the using agency, at which time, it becomes the responsibility of the using agency, unless otherwise provided, to conclude its request for goods/services in concert with the City's Office of General Counsel ("OGC") by submitting a **Legal Request** to OGC for an agreement or contract amendment consistent with the GGAC's approved recommendation. (Neither the using agency nor the goods/services provider or consultant is authorized to add any exhibits or contract documents other than those specifically recommended by GGAC and approved by the Mayor or his designee).

The GGAC Process uses one of the following methods of procurement:

**(1) Competitive Sealed Bid** -- the formal procurement of supplies, contractual services and capital improvements shall be purchased by formal written contract and/or agreement, based upon an award via competitive sealed bid to the lowest, responsive, responsible bidder meeting or exceeding advertised specifications, as recommended by the using agency and the Chief of Procurement, and as recommended and/or approved by the GGAC, after public notice or advertisement of an invitation for bids. Using agencies are required to develop and submit detailed specifications outlining the goods/services that are needed, as well as making recommendations for unbundling and setting aside scopes of work and other JSEB considerations. Each specification shall be prepared to allow for a competitive environment while fully meeting the needs of the City.

**(2) Multi-Step Competitive Sealed Bid** -- a using agency may request a recommendation from the Chief of Procurement and approval by the GGAC for the formal procurement of supplies, contractual services and capital improvements, to be purchased by formal written contract and/or agreement based upon an award via Competitive Multi-Step Sealed Bidding, whereby, in addition to the requirements set forth in Section 126.202, *Ordinance Code*, for Competitive Sealed Bidding, an invitation for multi-step sealed bids shall require bidders to submit: (i) an un-priced technical offering; and (ii) a priced bid. As part of its development and submission of detailed specifications outlining the goods/services being solicited and making recommendations for unbundling and setting aside scopes of work and other JSEB considerations, the using agency must submit a detailed list of minimum technical and/or qualification requirements, which requirements, if not met by a bidder, will result in the bidder's priced bid not being considered.

### **C. CSPEC Process**

If the formal procurement of supplies, contractual services and capital improvements pursuant to the GGAC Process is found to be impracticable, a using agency may request a recommendation from the Chief of Procurement and approval from the CSPEC for the formal procurement in question to be procured by formal written contract and/or agreement based upon an award via Competitive Sealed Proposal, in accordance with the following CSPEC process:

**Submittal of CSPEC Memorandum.** The process is initiated by the using agency submitting a **CSPEC Memorandum** to the Chief of Procurement that requests permission to utilize the Competitive Sealed Proposal Evaluation process: (i) providing a sufficient justification as to why the formal procurement of goods/services being requested is impracticable via the GGAC process; and (ii) attaching a **Certification Letter** (as outlined in Section 126.204(a)(1), *Ordinance Code*) and a proposed RFP similar to the standard format that incorporates a specification or description of the desired **Scope of Goods and/or Services** and includes specific **Minimum Requirements**, if any, that respondents to the RFP must possess in order for their proposals to be considered and/or evaluated. The RFP must also include the using agency's recommended **Evaluation Criteria**, complete with a detailed narrative and relative importance, weight, or maximum number of points available for each evaluation criterion to be used in determining acceptability and/or responsiveness of the proposal and in establishing the ranking of the proposals received and the ultimate award. The using agency will work with the assigned Purchasing Analyst or Buyer prior to submitting the CSPEC Memorandum to the Chief, the using agency must first obtain the review and written approval from: (i) the Department of Finance's Risk Management Division regarding insurance and indemnification requirements applicable to the project in question; and the Equal Business Opportunity Office

regarding equal opportunity goals (for purposes of an efficient RFP review process, it is recommended that the using agency review its draft CSPEC Memorandum and attached documents with the assigned Procurement Purchasing Analyst or Buyer prior to forwarding the same to the Chief of Procurement).

**Approval and Advertising of RFP.** Upon approval by the Chief of Procurement, a using agency's CSPEC request for goods/services is placed on the next GGAC/CSPEC agenda for review, approval and/or a recommendation that said request be approved by the Mayor or his designee. CSPEC's written recommendation is forwarded to the Mayor for approval. Once the Mayor or his designee approves CSPEC's written recommendation and returns the same to Procurement, the RFP will be issued. Any changes recommended by CSPEC must be incorporated into the RFP and forwarded by the using agency to the buyer assigned by Procurement to the solicitation for advertising and distribution consistent with Section 126.102(m), *Ordinance Code*. To assist in the advertising and distribution efforts, the using agency is encouraged to provide Procurement a list of goods/services providers to whom it desires notification of the RFP.

**Evaluation Criteria.** At a minimum, the RFP evaluation criteria must include: (i) price; and (ii) other criteria proposed by the requesting agency and approved by the CSPEC prior to solicitation. The relative importance, weight or maximum number of points available for each evaluation criteria and the application and/or method for evaluating the same must be expressly stated in the RFP, because the proposals received shall be evaluated and tabulated by the CSPEC solely in accordance with the same.

**Preliminary Evaluation** -- Once proposals are received in response to the RFP, Procurement will forward the same to the using agency's designated CSPEC representative for purposes of conducting a preliminary evaluation of each proposal. The using agency must select one of the following methods for this evaluation:

- The using agency's designated CSPEC representative completes the evaluation solely on his/her own and tabulates his/her score onto the final matrix for full CSPEC consideration.
- The using agency's designated CSPEC representative (i) enlists additional subject matter experts (SMEs) to independently evaluate the responses, and (ii) adopts the average score as his/her own. **[When using this method for evaluation, the using agency must identify the SMEs on the CSPEC certification letter to Procurement. The using agency's designated CSPEC representative and SMEs must comply with all applicable Florida Sunshine Laws if they intend to meet and/or discuss any elements of the RFP or proposals.]**
- The using agency's designated CSPEC representative obtains technical assistance from one or more SMEs to help with the review and evaluation of particular portions of the proposals, but retains sole responsibility for scoring the proposals.

***NOTE:*** *The name of using agency's CSPEC representative and the selected method of evaluating the proposals must be indicated on the CSPEC certification letter when submitted to Procurement.*

**Interviews, Selection, Negotiation and Contracting.** The results of the preliminary evaluation are forwarded to CSPEC with copies of any applicable pricing proposals, supporting documentation and a second **CSPEC Memorandum** that generally lists alphabetically and ranks the top three-ranked respondents, and either: (i) requests that interviews be conducted in an effort to select the best



value and most qualified goods/services provider amongst closely-scored respondents if so stated in the RFP; or (ii) requests that said list be forwarded to the Mayor for both approval of the list and approval to negotiate, if necessary, or to finalize a contract with the top-ranked firm. If negotiations are necessary, the using agency shall, after receiving CSPEC approval to do so, proceed with the same pursuant to the negotiation process outlined in Part 3 of the Procurement Code; otherwise, as part of its **CSPEC Memorandum** that lists the top-ranked respondents, the using agency may request, in an “Accordingly” paragraph, that the City enter into an agreement with the top-ranked respondent, attaching: (i) a Scope of Goods/Services as Exhibit “A;” (ii) a Fee and/or Cost Summary as Exhibit “B;” (iii) a copy of a **Letter of Confirmation** from the proposed goods/services provider regarding the Scope of Goods/Services, the Fee and/or Cost Summary and other proposed contract terms and conditions, i.e. price, duration, etc.; and (iv) any applicable exhibits and supporting documentation. Upon CSPEC approval, the recommendation is memorialized in the form of a **CSPEC Letter** from the Chief of Procurement, which letter summarizes the CSPEC recommendation regarding the using agency’s contract request and requests the Mayor’s concurrence and/or approval. Once the Mayor or his designee executes the **CSPEC Letter** and returns the same to Procurement, the letter is forwarded to the using agency and it becomes the responsibility of the using agency, unless otherwise provided, to conclude its contract request in concert with the Office of General Counsel (OGC).

#### **D. Addenda**

Documents issued by the Procurement Division, usually at the request of the using agency, to officially modify, add to or delete from a specification that has been solicited for public bid. Subject to the discretion of the Chief of Procurement or his designee, the minimum lead time for issuance of addenda is seven (7) calendar days prior to bid opening. All addenda that modify the bid opening date/time will require additional advertisement and/or notification. Addenda will be issued to prospective bidders that are listed on the planholder(s)/solicitation list(s) and were in attendance at a pre-bid/pre-proposal meeting.

#### **E. Public Opening/Submission of Bids/Proposals**

Formal bids or proposals that are advertised to be opened on a specific date must be received at the front desk of the Procurement Division, Suite 105, Ed Ball Building, 214 N. Hogan Street, Jacksonville, Florida, 32202. Bids or Proposals received at the front desk of Procurement are date and time-stamped and verification is made that the vendor’s name and the respective bid or proposal number is listed on the envelope/box that contains the bid or proposal.

Bids and proposals shall be opened publicly by Procurement in the presence of one or more witnesses at the time and place set forth in the solicitation. Any response received in advance of the date and time of the public opening shall not be opened until the time set forth in the solicitation. Subject to the Chief and the applicable awards committee’s discretion to waive minor irregularities that will not result in an unfair economic or competitive advantage or disadvantage to any bidder or proposer, any bids or proposals not received prior to the time specified, as determined by the Official Bid or Proposal Clock, will not be considered and will be returned as non-responsive (unless otherwise designated by the Chief of Procurement, the time of the public opening shall be established by the **Official Bid or Proposal Clock**, which is identified as such and which is located at or near the front counter of the Procurement Division, 214 N. Hogan Street,

Suite 105, Jacksonville, Florida 32202, with which potential bidders and proposers are encouraged to familiarize themselves).

At the designated date and time of Public Opening, Procurement, through its bid announcer and tabulator, will: (i) announce the official time and state: "the time for accepting bids is now closed"; (ii) make available a time and date-stamped copy of the bid opening schedule, signed by the announcer and tabulator; (iii) open and tabulate and/or announce each bid submission by bid number and place bid responses on top of additional documents included in a bid submission; (iv) manage and secure any bid securities that may be received; and (v) coordinate and deliver to the buyer assigned to the solicitation a file of the documents generated and received during the solicitation process, the bid submissions and resulting tabulations of which will not be made available for public inspection or disclosure until such time as Procurement provides notice of a decision and/or award regarding the same or within thirty (30) calendar days after public opening, whichever is earlier (the tabulator is responsible for the filing of all bid opening forms required to be retained). Bid openers, announcer and tabulator will sign the bid opening team log upon completion of the bid opening meeting.

### **SECTION VIII - EXEMPTIONS**

Unless ordered by the Mayor or Council or otherwise required by the Jacksonville Ordinance Code, the following supplies, contractual services, professional design services, professional services, capital improvements and/or sales transactions are exempt from competitive solicitation:

- (1) Artistic services or performances;
- (2) Lectures by individuals;
- (3) Health services involving examination, diagnosis, treatment, prevention, medical consultation or administration;
- (4) Services provided to persons with mental or physical disabilities by not-for-profit corporations which have obtained exemptions under the provisions of Section 501(c) (3) of the United States Internal Revenue Code. (In acquiring such services, the ability of the vendor, past performance, willingness to meet time requirements and price shall be considered in an effort to obtain the highest quality services at the greatest economic value to the city.);
- (5) Prevention services related to mental health, including drug abuse prevention programs, child abuse prevention programs, and shelters for runaways, operated not-for-profit corporations. (In acquiring such services, the ability of the vendor, past performance, willingness to meet time requirements and price shall be considered in an effort to obtain the highest quality services at the greatest economic value to the City.);
- (6) Supplies or services or commodities provided by governmental entities or agencies;
- (7) Supplies or services to be provided by those specifically prescribed within authorizing legislation that appropriates the same;
- (8) Supplies or services procured utilizing General Services Administration, State of Florida,

and other contracts and agreements that have been competitively procured, awarded and contracted by a federal, state, municipal, county or local governmental entity, body politic or using agency, provided that said procurement is not otherwise prohibited by law.

**SECTION IX - PROFESSIONAL SERVICES (CHAPTER 126, PART 3, *ORDINANCE CODE*)  
(SEE SECTION II DEFINITIONS, FORMAL PURCHASE, FOR THRESHOLDS)**

**A. Professional Services verses “Professional Design Services”**

In general, Part 3 of the Procurement Code outlines the requirements necessary for the procurement of two types of professional services: (i) “Professional Design Services”; and (ii) all other “Professional Services. The definition of “Professional Design Services” used in Part 3 of the Procurement Code is taken directly from Section 287.055, Florida Statutes, which is commonly referred to as the Consultants' Competitive Negotiation Act (CCNA). “Professional Design Services” under Part 3 of the Procurement Code includes those services within the scope of the practice of architecture, professional engineering, landscape architecture or registered surveying and mapping, as defined by the laws of the State of Florida, or those performed by any architect, professional engineer, landscape architect or registered surveyor and mapper in connection with his or her professional employment or practice.

“Professional Services,” in a general sense, means services other than "Professional Design Services," the value of which is substantially measured by the professional competence of the person or entity performing them and which are not susceptible to realistic competition by cost of services alone. Unless otherwise provided in the Procurement Code, professional services will generally include, without limitation, services customarily rendered by medical practitioners or professionals, employee health insurance providers, certified public accountants, audit services, attorneys, financial, political, personnel, technological, systems, planning and management consultants and insurance brokers for purposes of consulting, structuring coverage and procuring insurance.

**B. PSEC Process.**

The process of soliciting and/or requesting an award for a professional services contract pursuant to Part 3 of the Procurement Code is initiated by a using agency submitting a **PSEC Memorandum** to the Chief of Procurement that requests submission to and review and approval of PSEC for: (i) solicitation documents, e.g. a request for proposals (“RFP”) or a request for qualifications (“RFQ”); (ii) a contract amendment; (iii) a single source award; (iv) a reference award; or (v) any other type of award. Upon approval by the Chief of Procurement, a using agency’s professional services request is placed on the next PSEC agenda for review, approval and/or a recommendation that said request be approved by the Mayor or his designee. PSEC’s recommendation is then memorialized in the form of a **PSEC Letter** from the Chief of Procurement, which letter summarizes PSEC’s recommendation regarding the using agency’s request for professional services and requests the Mayor’s concurrence and/or approval. Once the Mayor or his designee executes the PSEC letter and returns the same to Procurement, the PSEC letter is forwarded to the using agency, at which time, it becomes the responsibility of the using agency, unless otherwise provided, to conclude its request for professional services in concert with the City’s Office of General Counsel (“OGC”) by submitting a **Legal Request** to OGC for an agreement or contract amendment consistent with the PSEC letter and any “approved exhibits” attached thereto. (Neither the using agency nor the professional service provider or consultant is authorized to add any exhibits or contract documents other than those specifically recommended by PSEC and approved by the Mayor or his designee.)

**C. Solicitation Documents (see attached Flowchart).**

If a using agency desires professional services for which an agreement does not currently exist, the using agency will generally be required to procure the services via an RFP (the **City's Standard RFP Form** is available on the Employee Portal under the Procurement Division listing). The RFP process begins with the using agency drafting and submitting to the Chief of Procurement a **PSEC Memorandum**, which attaches a **Certification Letter** and a proposed RFP that: (i) is consistent with the standard format; (ii) incorporates the desired **Scope of Professional Services**; and (iii) includes specific **Minimum Requirements**, if any, that respondents to the RFP must possess in order for their proposals to even be considered and/or evaluated. Prior to submitting the PSEC Memorandum to the Chief, the using agency must first obtain the review and written approval from: (i) the Department of Finance's Risk Management Division regarding insurance and indemnification requirements applicable to the project in question; and (ii) the Equal Business Opportunity Office regarding equal opportunity goals (for purposes of an efficient RFP review process, it is recommended that the using agency also review its draft PSEC Memorandum and attached documents with Procurement's Professional Services Specialist prior to forwarding the same to the Chief of Procurement).

**D. Ten Standard Evaluation Criteria.**

The Procurement Code requires that RFP responses be evaluated on the basis of **Ten Standard Evaluation Criteria**. The RFP must specify the weight given to each of these criteria. The criteria do not have to be weighted equally. The Ten Standard Evaluation Criteria are as follows:

- (i) Competence;
- (ii) Recent, Current and Projected Work Load;
- (iii) Financial Responsibility;
- (iv) Ability to Observe and Advise as to Compliance with Plans and Specifications;
- (v) Past and Present Record of Professional Accomplishments with City and Others;
- (vi) Proximity to the Project;
- (vii) Past and Present Demonstrated Commitment to Small and Minority Businesses and contributions toward a diverse marketplace;
- (viii) Ability to Design an Approach and Work Plan to Meet the Project Requirements;
- (ix) Overall Willingness to Meet both Time and Budget Requirements for the Project;
- (x) Volume of Current and Prior Work Performed for Using Agencies

Each of the above evaluation Criteria is explained in more detail in Section 126.302(h)(3), *Ordinance Code*, which explanations are recommended for inclusion in a proposed RFP. Nevertheless, a using agency may also suggest that additional language be included to further instruct respondents in the type of information the using agency anticipates receiving in response to the RFP, based upon the unique and/or specific requirements of the project or professional services being solicited.

**E. Total Compensation Negotiation and Unit Price Quotation; Evaluation Criterion.**

In the process of preparing an RFP for services estimated to exceed the applicable formal threshold and in evaluating proposals received in response to the same, PSEC and a using agency's PSEC subcommittee

representative(s) may request, accept and consider proposals that include a price for the Total Compensation to be paid under a contract awarded for "Professional Services" only. PSEC and the using agency's PSEC subcommittee representative(s) may not request, accept and consider proposals that include a price, hourly rates, fees and other charges necessary to determine the Total Compensation to be paid under a contract awarded for "Professional Design Services." Consistent with Section 287.055, Florida Statutes, price, hourly rates, fees and other charges necessary to determine the Total Compensation to be paid under a contract awarded for "Professional Design Services" may be considered only during the contract negotiations stage of the RFP process. However, PSEC and the using agency's subcommittee representative(s) may require, pursuant to Evaluation Criterion (ix) regarding "Professional Design Services," that all interested proposers responding to an RFP: (i) submit an expressed statement of its overall willingness to meet both time and budget requirements for the project in question; and (ii) submit, without limitation, project narratives, schedules, cost and fee summaries and owner references for any Reference Projects in order to demonstrate that the proposer has met and is meeting both time and budget requirements for said projects. For the purpose of this Section, "**Reference Projects**" shall include projects of similar size and scope to the project being solicited that were completed by the proposer within the past five years and that are being performed by the proposer at the time of the solicitation. For the purposes of this Section, "**Total Compensation**" shall mean the total amount, as well as any hourly rates, fees and other charges used to determine the same that will be paid by the City or using agency in exchange for the performance of the desired professional services.

**F. Approval and Advertising of RFP Document.**

Upon review of an RFP or other solicitation document, PSEC will either provide an approval, with or without comment, or a denial, with comments, regarding any and all corrections that must be made prior to re-submission for further PSEC consideration of the same. Upon receiving PSEC approval, the using agency must incorporate PSEC's review comments, if any, into the RFP or solicitation document and forward the same to Procurement's Professional Services Specialist for advertising and distribution. To assist in the advertising and distribution efforts, the using agency is encouraged to provide Procurement's Professional Services Specialist a list of professional service providers to whom it desires notification of the RFP or solicitation documents.

**G. Evaluation and Interviews.**

Once proposals are received in response to the RFP or solicitation documents, Procurement's Professional Services Specialist will forward the same to the using agency's designated PSEC subcommittee representative(s) for purposes of proposal evaluation. Each PSEC subcommittee representative will individually evaluate each proposal received, summarizing the results of his/her evaluation on a Standard PSEC Matrix Form. The representatives shall not meet or communicate with each other regarding the RFP or the responses before checking with the Chief of Procurement and taking measures to comply with Florida's Sunshine Laws. The results of the PSEC subcommittee representative(s) individual matrices are averaged and recorded onto the Final PSEC Matrix, which is then forwarded to PSEC with copies of any applicable pricing proposals, supporting documentation and a PSEC Memorandum that generally lists alphabetically the top three-ranked respondents, and that either: (i) requests that said list be forwarded to the Mayor for both approval of the list and approval to begin negotiations with the number-one ranked firm; or (ii) requests that interviews be conducted in an effort to select the most qualified professional service provider or consultant amongst closely-scored respondents. Before voting on the list of respondents to be forwarded to the Mayor for approval, each

PSEC member should review the responses to the RFP and evaluate them based on the criteria set forth in the RFP. Unless a PSEC member states otherwise, a PSEC member voting to adopt the recommendation set forth in the PSEC Memorandum will have adopted the averaged scores set forth in the Final PSEC Matrix as his/her own score.

#### **H. Negotiations and Contract Award.**

Upon receiving the Mayor's approval of the list of the top-three-ranked respondents and approval to begin negotiations with the top-ranked firm, the PSEC, through **ONE** of the using agency's PSEC subcommittee representative(s), will immediately begin negotiations with the top-ranked firm (using agencies are encouraged to seek the assistance of the Office of General Counsel ("OGC") in advance of and during their PSEC negotiation efforts). If negotiations are unsuccessful and an impasse is reached, the using agency's PSEC subcommittee representative shall forward to the Chief of Procurement a **PSEC Memorandum** that provides sufficient justification and requests approval to terminate negotiations and to begin negotiations with the next highest-ranked respondent. This selection and negotiation procedure may be continued with qualified respondents, in addition to the top three-ranked respondents, in order of best qualified until a mutual agreement is approved by the Mayor or until the list of selected qualified respondents is exhausted. Upon the completion of a successful negotiation, the using agency's PSEC subcommittee representative shall forward to the Chief of Procurement a **PSEC Memorandum** in which it may request, in an "Accordingly" paragraph, that the City enter into an agreement with the respondent in question, attaching: (i) a Scope of Goods and/or Services as Exhibit "A;" (ii) a Fee and/or Cost Summary as Exhibit "B;" (iii) a copy of a **Letter of Confirmation** from the proposed goods/services provider regarding the Scope of Goods and/or Services, the Fee and/or Cost Summary and other proposed contract terms and conditions, i.e. price, duration, etc.; and (iv) any applicable exhibits and supporting documentation. Upon PSEC approval, its recommendation is memorialized in the form of a **PSEC Letter** from the Chief of Procurement, which letter summarizes PSEC's recommendation regarding the using agency's contract request and requests the Mayor's concurrence and/or approval. Once the Mayor or his designee executes the PSEC letter and returns the same to Procurement, the PSEC letter is forwarded to the using agency, at which time it becomes the responsibility of the using agency, unless otherwise provided, to conclude its contract request in concert with the Office of General Counsel ("OGC") by submitting a Legal Request to OGC for a contract consistent with the **PSEC Letter** and any "approved exhibits" attached thereto. (Neither the using agency nor the professional service provider or consultant is authorized to add any exhibits or contract documents other than those specifically recommended by PSEC and approved by the Mayor or his designee.)

#### **I. Request for Qualifications (RFQ) as part of the Request for Proposals (RFP)**

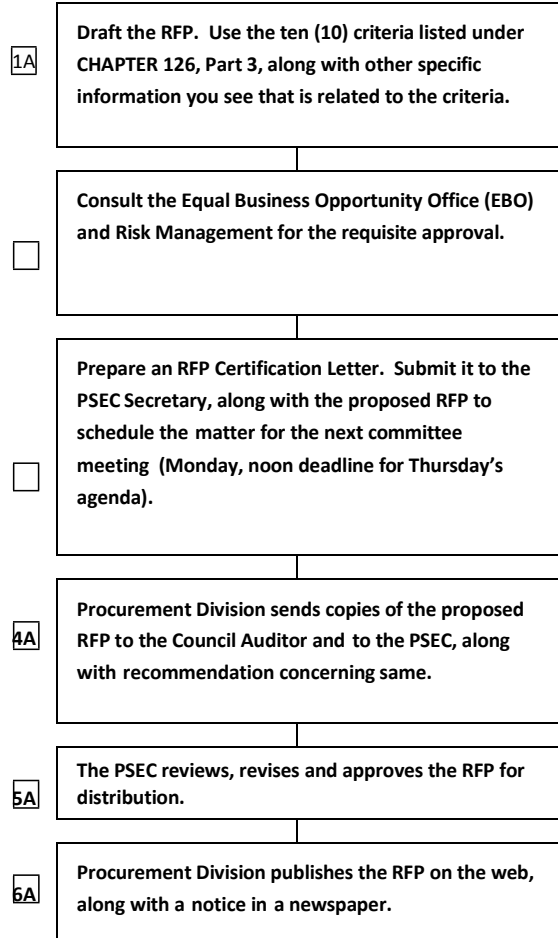
As part of a solicitation for professional services via the traditional RFP process described above, a using agency may request, in its initial **PSEC Memorandum**, that, as part of the RFP, a Request For Qualifications ("RFQ") be approved and advertised for the purpose of developing a short list of no fewer than three (3) respondents as required in Section 126.302(h), *Ordinance Code*. Simultaneously with the RFP, the RFQ must be reviewed and approved by PSEC and will be publicly noticed and advertised similar to the procedures described above. More specifically, the RFQ must define the public opening or the place, date and time at which qualification responses are due, which qualification responses shall be due no more than ten (10) business days after the date on which the RFQ is publicly noticed or advertised. The RFQ shall include: (i) scope requirements; (ii) qualifications-based evaluation criteria including, without limitation, experience and competence in the kind of project to be undertaken, availability of

adequate personnel, equipment and facilities, financial responsibility, past record of professional accomplishments, past record of performance for using agencies; and (iii) other requirements considered to be important in the process of pre-qualifying respondents, as determined and/or approved by PSEC. Only those respondents short-listed will be afforded an opportunity to submit a proposal in response to the RFP in question. Upon PSEC's recommendation and the Mayor's approval of the short-listed respondents, the Procurement Division will provide written notice of the same to the short-listed respondents, indicating, at a minimum, the date, time, place and manner the submission of their proposals in response to the RFP shall be due and/or publicly presented, which shall take place no less than fifteen (15) business days after the date of the written short-list notification. (Procurement will also provide written notice of the short-listed design-build firms to each unsuccessful design-build firm.)

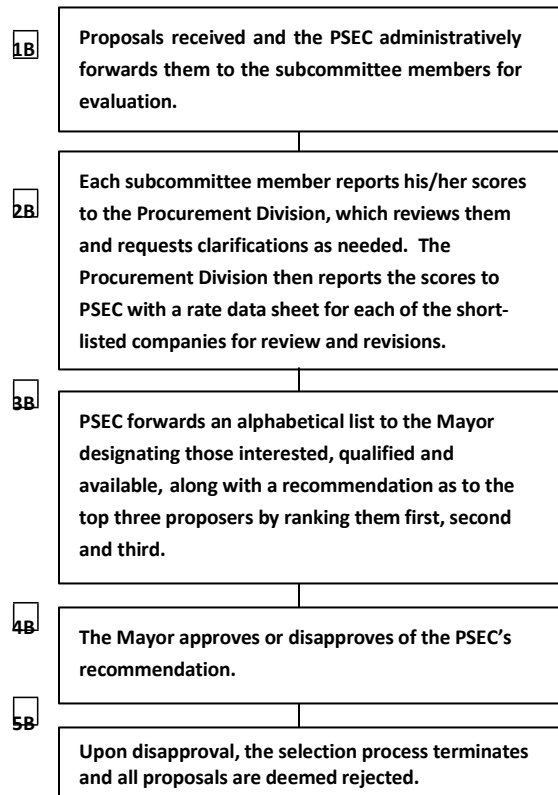
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**PROCESS GOVERNING A REQUEST FOR PROPOSAL (RFP)**

**A. Preparing the RFP for Professional Services**

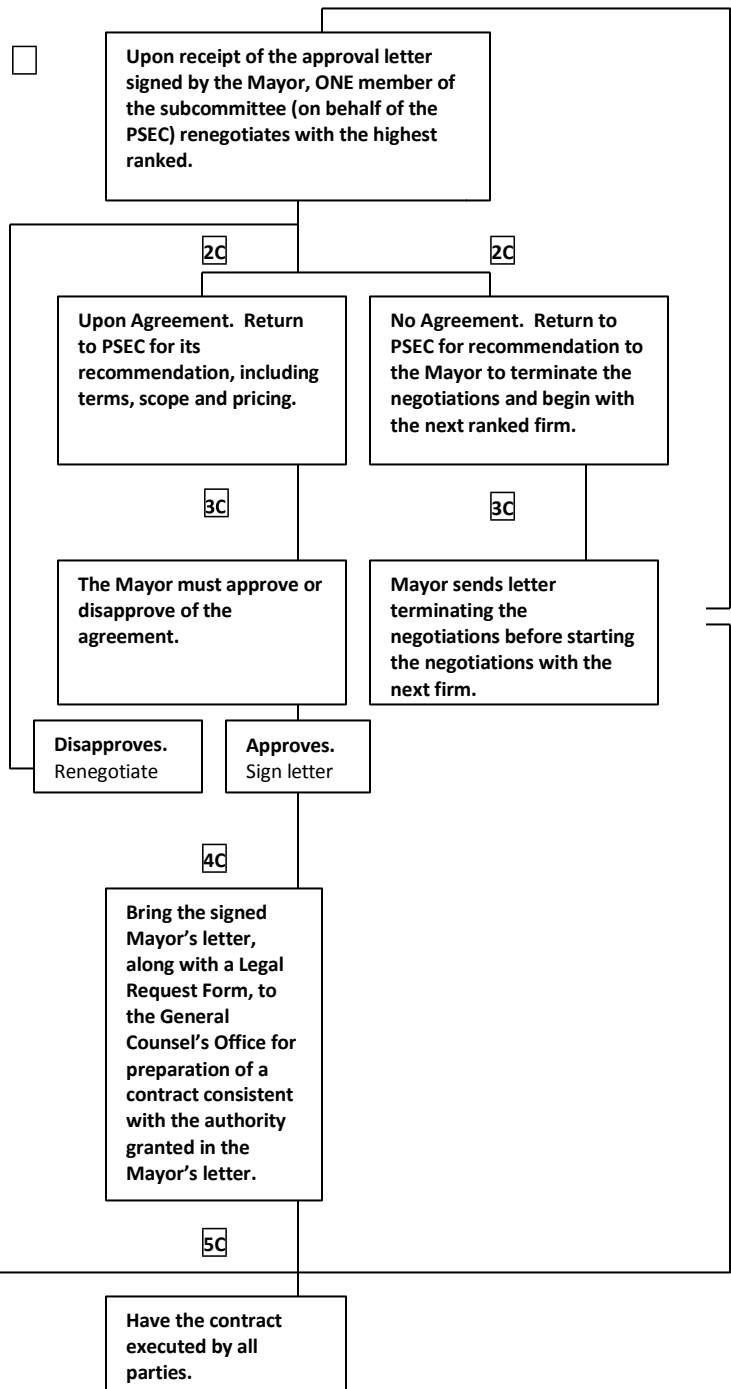


**B. Response to the RFP**



**Note:** all addendum(s)/amendment(s) must come through the Procurement Division. If deemed to be an amendment, it must go before the PSEC for approval and its recommendation to the Mayor.

**C. Negotiating a Contract**





## **SECTION X - DESIGN-BUILD (CHAPTER 126, PART 7, ORDINANCE CODE)**

### **A. Design-Build Delivery Method**

If the formal procurement of separate design and construction services necessary for a capital improvement or construction project pursuant to Parts 2 and 3 of the Procurement Code is impracticable, a using agency may request a recommendation from the Chief of Procurement and approval from the CSPEC for the project in question to be procured by formal written contract and/or agreement based upon an award in accordance with the following Design-Build/CSPEC process:

### **B. Design-Build/CSPEC Process.**

The process of soliciting and/or requesting a formal award pursuant to Part 7 of the Procurement Code for the utilization of the Design-Build Delivery Method is initiated by a using agency submitting a **Design-Build/CSPEC Memorandum** to the Chief of Procurement that requests permission to utilize the Design-Build/CSPEC process. The initial **Design-Build/CSPEC Memorandum** must contain: (i) a sufficient justification as to why the Traditional Design-Build Delivery Method under Parts 2 and 3 of the Procurement Code is impracticable for the project in question; (ii) a statement that outlines the specific type of Design-Build Delivery Method that the using agency intends to utilize, e.g. the Traditional RFP Selection Process, RFQ Short-Listing/RFP Selection Process, RFQ Qualifications-Based Selection Process, etc.; and (iii) a graphic comparison that demonstrates it is more advantageous, in time, cost, risk management and otherwise, in order to sufficiently impress upon CSPEC and the Mayor or his designee that it is in the overall best interest of the City to utilize the specific type of Design-Build Delivery Method preferred by the using agency, as opposed to the Traditional Design-Build Delivery Method. (If a using agency prefers a specific type of Design-Build Delivery Method other than the Traditional RFP Selection Process, the using agency must also provide a graphic comparison that demonstrates it is more advantageous on the project in question to utilize the specific type of Design-Build Delivery Method preferred by the using agency rather than the Traditional RFP Selection Process.)

### **C. Design Criteria Professional Solicitation.**

Upon receiving approval from CSPEC and the Mayor or his designee to utilize the Design-Build Delivery Method, the using agency, in most instances, must initiate the actual design-build procurement process by submitting a **Design-Build/CSPEC Memorandum** for the solicitation of the “**Design Criteria Professional**” for the development of the “**Design Criteria Package**,” on which the actual design-build competition will be based. (Instead of soliciting a Design Criteria Professional, the using agency may elect to utilize the services of a design professional employed by the City, in its Department of Public Works or otherwise, to develop the Design Criteria Package.) The solicitation of a Design Criteria Professional under the Design-Build/CSPEC Process is identical to the solicitation of an architect, engineer or other Professional Design Services under the PSEC Process outlined herein. The Design Criteria Professional ultimately selected shall be prohibited, directly and indirectly, from submitting a proposal or being awarded a contract for the design-build services contemplated in the Design Criteria Package. Any proposal received either directly or indirectly from the selected Design Criteria Professional: (i) shall be rejected as non-responsive and will not be considered or evaluated; and (ii) shall subject, at a minimum, the Design Criteria Professional to disciplinary sanctions.

#### **D. Design-Build Solicitation.**

Upon the selection of the Design Criteria Professional and the development of the Design Criteria Package, the using agency, in most instances, must initiate the actual design-build selection process by submitting a **Design-Build/CSPEC Memorandum** to the Chief of Procurement that attaches: (i) a **Certification Letter** (as outlined in Section 126.204(a)(1), *Ordinance Code*); (ii) a proposed RFP similar to the standard RFP format that incorporates the **Design Criteria Package** and any other specifications or descriptions of the project in question and desired **Scope of Design-Build Services**, and that includes the **Proposed Design-Build Contract** recommended for execution on the project in question by the Office of General Counsel (“OGC”). The RFP must also include specific **Minimum Requirements and Qualifications** that a design-build firm responding to the RFP must possess in order for its proposals to even be considered and/or evaluated. Prior to submitting the Design-Build/CSPEC Memorandum to the Chief, the using agency must first obtain the review and written approval from: (i) the Department of Finance’s Risk Management Division, regarding insurance and indemnification requirements applicable to the project in question; and (ii) the Equal Business Opportunity Office, regarding equal opportunity procedures and/or goals. (For purposes of an efficient RFP review process, it is recommended that the using agency review its draft Design-Build/CSPEC Memorandum, RFP and other attached documents with Procurement’s assigned Purchasing Analyst or Buyer prior to forwarding the same to the Chief of Procurement). The RFP must also include the using agency’s recommended **Evaluation Criteria**, complete with a detailed narrative and relative importance, weight, or maximum number of points available for each evaluation criterion to be used in determining acceptability and/or responsiveness of the proposal and/or in establishing the ranking of the proposals received and the ultimate award. Upon approval by the Chief of Procurement, a using agency’s Design-Build/CSPEC request is placed on the next CSPEC agenda for CSPEC review, approval and/or recommendation. Upon review of an RFP or other solicitation document, CSPEC will either provide an approval, with or without comment, or a denial, with comments, regarding any and all corrections that must be made prior to re-submission for further CSPEC consideration of the same. Upon receiving approval from CSPEC and the Mayor or his designee, the using agency must incorporate CSPEC’s review comments, if any, into the RFP or solicitation document, and forward the same to Procurement’s buyer assigned to the solicitation for advertising and distribution consistent with Section 126.102(m), *Ordinance Code*. To assist in the public advertising and distribution efforts, the using agency is encouraged to provide Procurement a list of design-build firms to whom it desires notification of the solicitation.

#### **E. Design-Build Evaluation Criteria.**

At a minimum, the Design-Build Evaluation Criteria incorporated into an RFP must include: (i) price; and (ii) other criteria proposed by the requesting agency and approved by the CSPEC prior to solicitation. The relative importance, weight or maximum number of points available for each evaluation criteria and the application and/or method for evaluating the same must be expressly stated in the RFP, because the proposals received shall be evaluated and tabulated by the CSPEC solely in accordance with the same.

#### **F. Solicitation, Proposal Evaluation and Interviews.**

Once the RFP has been approved and advertised, and proposals are received in response to the same, Procurement will forward copies of said proposals to the using agency’s Design-Build/CSPEC representative for purposes of conducting a preliminary evaluation of each proposal. When initiating the process for evaluation, the designated using agency CSPEC representative will select one of the following methods for evaluating:

- The representative completes the evaluation on his/her own and tabulates the score to produce the final matrix.
- The representative (i) enlists additional subject matter experts (SMEs) to independently evaluate the responses, and (ii) adopts the average score as his/her own. (**The designated using agency CSPEC representative and SMEs must comply with all applicable Florida Sunshine Laws according to F.S. 286 if they intend to meet and/or discuss any elements of the RFP or proposals.**)
- The representative obtains technical assistance from one or more SMEs to help with the review and evaluation of particular portions of the proposals, but retains sole responsibility for scoring the proposals.

***NOTE:*** *The name of using agency's CSPEC representative and the selected method of evaluating the proposals must be indicated on the Design-Build/CSPEC Memorandum when submitted to Procurement.*

The results of the using agency's Design-Build/CSPEC Representative's preliminary evaluation are forwarded to CSPEC with copies of any applicable pricing proposals, supporting documentation and a **Design-Build CSPEC Memorandum** that should generally list alphabetically and rank the top three design-build firms, and that requests interviews of the same be conducted before CSPEC. Once the preliminary evaluation has been reviewed and approved by CSPEC and the Mayor or his designee, interviews will be scheduled and conducted before CSPEC, after which CSPEC will establish its final ranking of the interviewed design-build firms and will recommend and forward the same to the Mayor for both: (i) approval of CSPEC's recommended final ranking of the best valued and most qualified design-build firms; and (ii) approval to begin negotiations with the top-ranked design-build firm.

#### **G. Negotiations and Contract Award.**

Upon receiving the Mayor or his designee's approval of CSPEC's recommended ranking of the best valued and most qualified design-build firms and approval to begin negotiations with the top-ranked design-build firm, CSPEC, through the using agency's Design-Build/CSPEC representative and Office of General Counsel (OGC), will immediately begin negotiations with the top-ranked firm. If the negotiations are not successful and an impasse is reached, the using agency's Design-Build/CSPEC representative, with the concurrence of OGC, shall forward to the Chief of Procurement a Design-Build/CSPEC Memorandum that provides sufficient justification and requests approval to terminate negotiations and to begin negotiations with the next highest-ranked firm. This selection and negotiation procedure may be continued with those recommended by CSPEC and approved by the Mayor as the best valued and most qualified design-build firms, in accordance to the established ranking, until a mutual agreement is approved by the Mayor or until the approved list is exhausted. Upon the completion of successful negotiations, the using agency's Design-Build/CSPEC representative, with the concurrence of OGC, shall forward to the Chief of Procurement a **Design-Build/CSPEC Memorandum**, requesting in an "Accordingly" paragraph that the City enter into an agreement with the design-build firm in question, attaching: (i) a Scope of Work as Exhibit "A;" (ii) a Fee and/or Cost Summary as Exhibit "B;" (iii) a letter of concurrence from the design-build firm in question regarding the Scope of Work, Fee and/or Cost Summary and other proposed contract terms and conditions; and (iv) any other applicable exhibits and supporting documentation. Upon CSPEC's approval, its recommendation is memorialized in the form of a **Design-Build/CSPEC Letter** and is forwarded to the Mayor for approval. Once the Mayor or his designee executes the **Design-Build/CSPEC Letter** and returns the same to Procurement, the letter

will be forwarded to the using agency, at which time, it becomes the responsibility of the using agency, unless otherwise provided, to conclude its contract request in concert with OGC, by submitting a Legal Request to OGC to finalize, form-approve and coordinate the full execution of the same contract that was initially recommended by OGC and attached as an exhibit to the RFP. The contract must be consistent with the **Design-Build/CSPEC Letter** and any “approved exhibits” attached thereto. (Neither the using agency nor the design-build firm is authorized to add any exhibits or contract documents other than those specifically recommended by CSPEC and approved by the Mayor or his designee.)

**H. Request for Qualifications (RFQ) in Lieu of a Request for Proposals (RFP).**

In lieu of conducting a design-build solicitation via the Traditional RFP Selection Process described above, design-build solicitations under Part 7 may be accomplished pursuant to the procedures outlined in Section 287.055(9)(c) of the Florida Statutes’ Consultants’ Competitive Negotiation Act (“CCNA”), which permits the selection of a design-build firm by the use of a **Qualifications-Based Selection (“QBS”)** process. Under the QBS process, design-build firms are solicited pursuant to an RFQ, approved and advertised similar to the RFP process described above and are evaluated and selected based solely on a written and oral presentation and/or demonstration of qualifications. Upon the evaluation, selection and approval of the top three highest-ranked and best-qualified design-build firms, negotiations, as described above, may begin with the top-ranked design-build firm. If the QBS process is preferred by the using agency and is requested to be approved by CSPEC and the Mayor or his designee, the using agency must: (i) provide a graphic comparison that demonstrates it is more advantageous on the project in question for the City to utilize the QBS process rather than the Design-Build Delivery Method and the Traditional RFP Design-Build Selection Process; and (ii) procure and retain the services of a **Licensed Design Professional** qualified for the project to serve as the using agency’s representative (the process for selecting the **Licensed Design Professional** is similar to the Design Criteria Professional solicitation process). At a minimum, the RFQ must include: (i) design requirements; (ii) qualifications-based evaluation criteria including, without limitation, experience and competence in the kind of design-build project to be undertaken, availability of adequate personnel, equipment and facilities, financial responsibility, past record of professional accomplishments, past record of performance for using agencies; and (iii) other requirements considered to be important in the process of pre-qualifying design-build firms, as determined and/or approved by the CSPEC.

***(The Remainder of this page intentionally left blank)***

## **I. Request for Qualifications (RFQ) as part of the Request for Proposals (RFP)**

As part of conducting a design-build solicitation via the Traditional RFP Selection Process described above, a using agency requests in its initial **Design-Build/CSPEC Memorandum** that a Request For Qualifications (“RFQ”) be approved and advertised for the purpose of pre-qualifying design-build firms in order to develop a short list of no fewer design-build firms than that required in the CCNA and Section 126.701(a)(2), *Ordinance Code*. Simultaneously with the RFP, the RFQ must be reviewed and approved by CSPEC and will be publicly noticed and advertised similar to the procedures described above. More specifically, the RFQ must define the public opening or the place, date and time at which qualification responses are due, which qualification responses shall be due no more than ten (10) business days after the date on which the RFQ is publicly noticed or advertised. The RFQ shall include: (i) design requirements; (ii) qualifications-based evaluation criteria including, without limitation, experience and competence in the kind of design-build project to be undertaken, availability of adequate personnel, equipment and facilities, financial responsibility, past record of professional accomplishments, past record of performance for using agencies; and (iii) other requirements considered to be important in the process of pre-qualifying design-build firms, as determined and/or approved by the CSPEC. Only those design-build firms short-listed will be afforded an opportunity to submit a proposal in response to the RFP in question. Upon the CSPEC’s recommendation and the Mayor’s approval of the short-listed design-build firms, the Procurement Division will provide written notice of the same to the short-listed design-build firms, indicating, at a minimum, the date, time, place and manner the submission of their proposals in response to the RFP shall be due and/or publicly presented, which shall take place no less than fifteen (15) business days after the date of the written short list notification. (Procurement will also provide written notice of the short-listed design-build firms to each unsuccessful design-build firm.) If the RFQ/RFP process is preferred by the using agency and is requested to be approved by CSPEC and the Mayor or his designee, the using agency must provide a graphic comparison that demonstrates it is more advantageous on the project in question for the City to utilize the RFQ/RFP process rather than the Design-Build Delivery Method and the Traditional RFP Design-Build Selection Process.

## **SECTION XI - PIGGYBACKING (SECTIONS 126.211 & 126.309, ORDINANCE CODE)**

Upon approval by Procurement and/or the respective committee and awarding authority, a formal contract drafted and executed by the Office of General Counsel will be required. As indicated in Section 126.211 and Section 126.309, *Ordinance Code*, using agencies may request the procurement of goods/services via a process commonly known as “piggybacking,” which is the utilization of General Services Administration (“GSA”), State of Florida, and other contracts and agreements that have been competitively procured, awarded and contracted by a federal, state, municipal, county or local governmental entity, body politic, or using agency, provided that said procurement is not otherwise prohibited by law (piggybacking via GSA may be limited to purchases related to technology pursuant to Schedule 70 and Schedule 84 to purchase supplies and services related to any aspect of law enforcement, security, facility management systems, fire, rescue, special purpose clothing, marine craft, and emergency/disaster response). In a piggybacking request for particular goods/services, said goods/services must be included and specifically referenced in the publicly and competitively procured contract being piggybacked, which contract must be in use or active at the time of the piggybacking request and approval. The insurance portion of the contract being piggybacked must be reviewed and approved by the City of Jacksonville’s Risk Manager, prior to the using agency’s request to piggyback. Professional Design Services estimated to exceed the formal threshold amount of \$35,000.00 are prohibited under this section. As a prerequisite to obtaining a piggybacking award pursuant to Section

126.211 and Section 126.309, *Ordinance Code*, the using agency is required to provide a memorandum to the Chief of Procurement that:

1. states the vendor in question has a current contract for the scope of services in question with a public entity, e.g. Hillsborough County, Jacksonville Airport Authority, etc.;
2. states that the contract was competitively procured;
3. states the terms and conditions of the proposed contract in motion form (the scope of services must be at least part of the piggybacked contract, and the terms and conditions must be at least as good for the City of Jacksonville as for the public entity under the piggybacked contract);
4. attaches a spreadsheet that identifies each item, component or scope of service being procured, and that compares the price paid under the piggybacked contract and the price being proposed and/or to be paid by the City of Jacksonville. (As part of the piggybacking process and in an effort to procure for the City the highest quality in supplies, contractual services, professional services and capital improvements at the greatest economic value to the City, using agencies may request Procurement to obtain written quotes from the piggybacked vendor in an attempt to secure a more favorable price, term and/or condition than that provided in the piggybacked contract being considered.)

In the event a requested piggybacked contract requires quotes from multiple vendors who shared in the award, which is common in some state contracts, the using agency is required to supply Procurement with detailed specifications so that it may solicit the necessary quotes.

5. attaches a Scope of Goods and/or Services as Exhibit "A," a Fee and/or Cost Summary as Exhibit "B," a copy of the piggybacked contract in its entirety, a letter from the public entity regarding the competitive procurement of the piggybacked contract, and a proposal letter from the vendor in question that indicates its willingness with regard to the above and that acknowledges the piggybacking relationship, scope of services and other proposed contract terms and conditions, i.e. price, duration, etc.

## **SECTION XII- SINGLE SOURCE (SECTIONS 126.206 & 126.312, ORDINANCE CODE)**

Upon a recommendation by the Chief of Procurement, based on a written justification from the requesting using agency that a purchase can only be efficiently and effectively made from one single source, the GGAC or PSEC, for formal purchases, and the Chief, for informal purchases, may approve the purchase in accordance with the Procurement Code and the procedures set forth herein without competition or advertisement, but only: (i) after posting prior notice of said purchase on Procurement's website for no less than seven (7) calendar days; and (ii) if it is specifically found from all of the relevant facts that a single source purchase is proper under the circumstances.

As a prerequisite to obtaining a single source award pursuant to Section 126.206 and Section 126.312, *Ordinance Code*, the using agency is required to provide a memorandum from its Director to the Chief of Procurement that:

1. provides a summary of the scope of goods/services to be provided, identifying each item, component or service being procured and the price being proposed for the same;
2. provides a detailed justification as to why the requested goods/services can only be efficiently and effectively procured through the recommended single source provider. For purposes of this section: (i) a “**Single Source**” shall apply to follow-up goods/services, such as replacement parts or warranty-related or required maintenance services for products and equipment previously purchased by the City, or follow-up or related study services by the same professional that performed the original service, that may only be efficiently and effectively provided from one justifiable source; and/or (ii) a “**Single-Source**” shall apply when there is only one justifiable source, such as patented and manufactured products and services offered for sale in a noncompetitive market or solely by a manufacturer's authorized dealer;
3. asserts that the using agency, prior to justifying the single source, has researched the availability of the requested goods/services from other sources in applicable markets and has discussed and evaluated the same with the Procurement Division and the Equal Business Opportunity Office;
4. attaches: (i) a Scope of Goods and/or Services as Exhibit “A;” (ii) a Fee and/or Cost Summary as Exhibit “B;” and (iii) a copy of a proposal letter from the proposed single source provider regarding the scope of goods and/or services and other proposed contract terms and conditions, i.e. price, duration, etc.

**SECTION XIII - POST-BID, PRE-AWARD NEGOTIATED VALUE ENGINEERING  
(SECTION 126.201K, ORDINANCE CODE)**

A project must have initially been publicly advertised for solicitation of bids and the bids procured pursuant to all applicable purchasing code criteria.

Post bid, pre-award negotiated value engineering shall only take place with the lowest responsive, responsible bidder for a project under consideration.

The solicited low bid amount must have exceeded the remaining available funds for the project development, thus not allowing the encumbrance of a project contract due to limited funding, including reasonable project contingency funds for the project at issue.

Negotiated value engineering elements may include changes in construction scope, materials, schedules or any other aspect of the original scope of the project development for which the bid was procured.

Proposed subcontractors performing any subcontracting work on the project at issue may not be substituted during negotiations unless the prime contractor shows an inability to negotiate financial means or a capability that are in the best interests of the City. The City shall make the final determination on the substitution of any subcontractors. No JSEB can be substituted without the approval of the Chief of the Procurement Division.

Post bid, pre-award negotiated value engineering shall not alter the planned Equal Business Opportunity guidelines and criteria that were submitted in the original bid package. The final project award, if approved, shall be in compliance with all applicable Equal Business Opportunity laws, as originally proposed.

A project award letter that is the product of post-bid, pre-award negotiated value engineering and that recommends the award of a project to the Awards Committee shall include a list detailing the results of the negotiations. This list shall include all negotiated project elements and costs as compared to the initial low bid submitted for the project. Upon final approval of the award, a copy of the same shall be forwarded to the City Council and Council Auditor pursuant to the Procurement Code.

#### **SECTION XIV - DIRECT NEGOTIATIONS**

Pursuant to Section 126.201(n), *Ordinance Code*, a request for goods/services may be awarded via direct negotiations if the final negotiated cost for the same does not exceed \$325,000, and: (i) it is expected that the solicitation of the same would result in less than three bids due to its uniqueness or limited available qualified bidders; (ii) a recent advertised solicitation for the goods/services has resulted in no bids or proposals being received by the Department; or (iii) the goods/services represent a limited contracting opportunity to a particular vendor or contractor certified pursuant to CHAPTER 126, Part 6, *Ordinance Code*, and other applicable equal opportunity procurement laws. **HOWEVER, THE PROCUREMENT OF GOODS/SERVICES PURSUANT TO THESE GUIDELINES AND CRITERIA SHALL BE APPROVED BY THE CHIEF OF THE PROCUREMENT DIVISION OR HIS/HER DESIGNEE IN ADVANCE OF ANY NEGOTIATIONS.** Upon receipt of a Direct Negotiation Memorandum that complies with each of the above requirements, the Chief of Procurement shall evaluate the proposed contracting entity and determine whether negotiations shall take place with more than one contractor to ensure the City's best interests. A project award letter that is the product of direct negotiations and that recommends the award of a project to the Awards Committee (when formal) and shall include the reason for said negotiations, a description of scope of work, the contractor(s) negotiated therewith, and the final negotiated project amount. Upon final approval of the award, a copy of the approved award shall be forwarded to the City Council and Council Auditor, pursuant to the Procurement Code.

#### **SECTION XV - UNAUTHORIZED/IMPROPER PURCHASES**

It shall be unlawful for any officer or employee of the City to order the purchase of any supplies or to make any contract in any manner contrary to the provisions of the Procurement Code. Any purchase order or contract made contrary to the provisions hereof shall be null and void unless and until accepted and ratified by the appropriate awarding authority.

Any purchase which is determined to be in violation of the Procurement Code will be forwarded to the Chief of Procurement by cover memorandum or letter, acknowledged by the Director of the issuing department and setting forth the following: (i) brief description of the circumstances that resulted in the improper purchase; (ii) corrective action taken or to be taken to preclude recurrence; and (iii) recommended disposition as to payment for the improperly purchased goods/services. The Chief of



Procurement shall forward those purchases determined to be improper or unauthorized, along with justification from the using agency, to the Mayor's Office for approval of a recommended disposition, as well as any recommended disciplinary measures. A copy of this recommendation will also be furnished to the Council Auditor. Upon receipt of approval from the Mayor or his designee, the same shall be forwarded to the using agency and processed for immediate payment.

## **SECTION XVI – EXERCISE OF RENEWAL OPTION(S) and CONTRACT EXTENTION PROCEDURES**

The exercise of renewal options, to include request for price escalations (if permissible in the bid specifications) shall be requested by the using agency that initiated the bid and recommendation of award. The request shall be prior to current expiration date, accompanied by using agency's Director's written acceptance of the vendor. Once approved by the Chief of Procurement, the recommendation to exercise the renewal option will be forwarded to the appropriate Awards Committee for approval, and the requesting agency and vendor will be notified of such action. In the event that a using agency OR Procurement finds that a renewal option is not in the City's best interest, a new solicitation may be developed and the formal bid process followed.

### **A. Contract Extensions**

- i. Contracts shall only be extended and/or renewed according to the term and renewal options specified in the bid documents.
- ii. Contracts may be extended to project completion but must have a time certain specified in the contract.
- iii. If a current contract is about to expire with no remaining renewal options and the replacement bid or proposal is still in the process of being awarded jeopardizing a lapse in service, the contract may be extended by the parties pursuant to the Transitional Service terms, if any, permitted in the solicitation documents for no more than 180 days to facilitate award of the replacement contract. Using Agencies should make this request prior to contract expiration. Each request will be reviewed by the Chief of Procurement.
- iv. If a contract has expired, the Using Agency may request to exercise a renewal provision and ratify the contract back to the expiration date provided:
  - a. the contract contains a renewal provision that was not exercised;
  - b. the renewed contract is subject to remaining terms and conditions set forth in the initial contract;
  - c. the contract expiration has not exceeded 30 calendar days; and
  - d. all parties agree to the ratification and renewal.

## **SECTION XVII -- JACKSONVILLE SMALL EMERGING BUSINESSES (JSEBS)**

### **A. Purpose and Commitment**

Pursuant to CHAPTER 126, Part 6, *Ordinance Code*, the purpose and commitment of the Procurement Code is to enhance the growth of Jacksonville Small and Emerging Businesses ("JSEBs") so that it is beneficial to the City and its individual residents. It has been concluded that several issues impede the progress of small businesses, including bonding issues, access to capital, training, city procurement

barriers and lack of resources for growth. To that end, the City has devised a JSEB Program (the "Program") to address these concerns.

**B. Scope and Applicability**

The procedures apply to the using agencies and departments which are considered to be "General Government." These procedures may be applied to the independent agencies if they elect to apply them.

They shall also apply to all contracts funded in part or in whole by City funds; however, the Program may not be applicable in instances involving federal funding, which funding may require the implementation of federally required equal opportunity measures.

**C. Statement of Policy**

It is the policy of the City of Jacksonville that a stated percentage of the City's estimated proposed expenditures for each fiscal year be procured from Jacksonville Small Emerging Businesses (JSEBS) and/or Minority Business Enterprises (MBES) in all areas of City procurement, including, without limitation, Capital Improvements, Contractual Services (other than Professional Services), Professional Services, Professional Design Services and Contractual Supplies. These purchases will be procured by set-asides, (not applicable to MBES), subcontracting opportunities, joint ventures and negotiated contract opportunities with certified JSEBS/MBES.

**D. Applicable to ALL Departments**

At the time department budgets are presented to the Finance Committee for approval, a proposed list of purchases and projects to be procured from JSEBS must be presented by each department for subsequent approval by the Finance Committee of City Council. Each Department will play an active role in unbundling and setting aside projects and establishing project goals for JSEBS/MBES. The current goal is to procure twenty (20) percent of all City purchases from JSEBS. Each department will be required to report to the Procurement Division its JSEB participation on a quarterly basis, based upon a fiscal year beginning on the first day of October. Each department head shall identify a staff person to coordinate contracting and purchasing opportunities with the Equal Business Opportunity Office to ensure equitable opportunities for JSEBS. Each department shall examine all available alternatives for meeting the goals set forth by the Procurement Code by determining the size and type of work to be performed, based on the size and the availability of small and minority firms to perform the service so as to enhance the possibility of participation, and coordinating with the Procurement Division and its Ombudsman for advance notification to all known and prospective bidders of information about pre-bid or pre-proposal conferences and briefings which will outline the scope of work or services, time tables, methods of bidding, subcontracting goals, qualities, standards and other information that will be useful to the bidders, as well as JSEB performance, payment, disputes and other issues and concerns.

The departmental representative will assist the Equal Business Opportunity Office in monitoring compliance with the requirements through the life of the contract. One component of the monitoring process will be to require all principal parties (i.e., prime contractors, consultants) on City projects and contracts to adhere to a monthly reporting requirement. The monthly report must include the following information (all broken out by ethnicity): (i) JSEB individual monthly payment; (ii) JSEB cumulative

monthly payment; (iii) percentage of total contract; (iv) percentage of overall contract completion; (v) partial release of lien for the previous payments made to the minority subcontractor.

**Each department must coordinate with and notify the EBO staff of all pre-bid, pre-proposal and pre-construction conferences to ensure participation of the EBO Office.**

## **SECTION XVIII PRINTING PURCHASES AND RECORDS**

### **A. Printing Under Contract**

Procurement maintains a supply contract for commonly-used items, such as letterhead, envelopes, business cards, snap-outs and continuous forms, for utilization by the City's using agencies.

Upon receipt of a printing request and sample of work to be performed, the Printing Coordinator determines price in accordance with contract pricing and faxes to the originator the estimated cost of the job.

Once a purchase order is received from the using agency authorizing the work to be done, the Printing Coordinator processes purchase order and assembles work order package for vendor pickup. The work order consists of the white copy of the printing request, a sample of the job to be printed, screen print of purchase order and specification sheet if required. The Printing Coordinator follows up on the progress of production when required and acts as contact between vendor and user.

### **B. Non-Contract Printing**

Upon receipt of printing request and sample of work to be performed, the Printing Coordinator determines nature of work to be performed and proper production procedure. A set of specifications is developed for each job in order to request competitive bids as required.

The specification sheet is faxed to the appropriate number of vendors for quotes, per Section IV. If at all possible, the Printing Coordinator must obtain quotes from JSEBS. Once the Printing Coordinator receives quotes from vendors and determines the award based on the dollar amount quoted and the turn-around time required by the using agency, this information is faxed to the using agency for authorization and purchase requisition.

Once the purchase requisition is received by the Procurement Division, the Printing Coordinator processes purchase requisition and assembles work order package for electronic attachment to the purchase order and vendor pickup. The work order consists of a copy of the printing request, a sample of the job to be printed, purchase order, specification sheet and vendor's written quote. The Printing Coordinator will follow up on the progress of production when required. The Printing Coordinator shall act as contact between vendor and using agency.

## **SECTION XIX STANDARDIZATION OF SUPPLIES AND EQUIPMENT.**

This section is established for using agencies that wish to request that certain supplies and/or

equipment be formally standardized for repetitively-purchased supplies and/or equipment common to the needs of two or more agencies.

**A. Standardization Advisory Committee (SAC)**

The SAC is hereby established pursuant to Section 126.213 *Ordinance Code*, and shall have the responsibilities as defined therein. The SAC shall consist of the Budget Officer or its designee; one (1) representative from the Office of the Ombudsman and one (1) representative of the using agency requesting the standardization. This SAC shall meet on an as needed basis to execute the following duties:

**B. Duties of the SAC**

- (1) to classify repetitively-purchased supplies and equipment common to the needs of two or more using agencies;
- (2) to adopt as standards the minimum number of qualities, sizes and varieties of supplies and equipment consistent with the successful operation of the City;
- (3) to the maximum extent possible, to adopt standard specifications of other governmental jurisdictions and nationally-organized standardizing bodies;
- (4) to assist the Chief in preparing written specifications of standard supplies.
- (5) to conduct studies of estimates of requirements for supplies and contractual services and recommend to the Chief and the Mayor the rules governing estimates of needs as will best serve the interests of efficient central purchasing without adding burdensome procedures to using agencies;
- (6) to recommend to the Chief changes or improvements in the purchasing system;
- (7) at the request and discretion of the Chief, to review and recommend approval, modification to or rejection of specifications, project requirements and various other bid or proposal documents submitted to the Department under this Section.

**C. Requesting Standardization**

Using agencies shall submit a Request for Standardization memorandum to the Chief of Procurement. The Standardization Memorandum shall include, but is not limited to (i) the supply or equipment to be standardized by manufacturer/brand; (ii) detailed justification for standardizing; (iii) estimated dollar value of proposed standardized supply/equipment to be purchased within a fiscal period; (iv) a statement as to the level of competition available within the proposed standardized supply/equipment; (v) the requested period of time for which the proposed standardization of supply/equipment shall be in effect; (vi) documentation supporting the request; and (vii) specifications for proposed standardized supply/equipment.

The Chief of Procurement, in receipt of the Request for Standardization memorandum, will review the request and supporting documentation and forward, under cover letter, to the SAC. The SAC will meet, in accordance with Florida's Sunshine Laws, to consider the Request for Standardization and to recommend to the Chief of Procurement approval or denial of said request.

All approved Standardization Documents will be maintained and made available through the Procurement Division.

## **SECTION XX NONDISCRIMINATION POLICY.**

### **A. Compliance with Federal and State Laws and Department Directive.**

Consistent with the City's employment policies and in compliance with the City of Jacksonville's Intra-Governmental Services Department, Procurement Division Directive made effective as of March 14, 2016, the policy of nondiscrimination adopted and maintained by contractors doing business with the City pursuant to Section 126.404, Ordinance Code, shall comply with all federal and state laws and preclude and prohibit all forms of employment discrimination upon any basis as currently interpreted by the United States Equal Employment Opportunity Commission (the "E.E.O.C."), including the interpretations set forth by the E.E.O.C. in its decisions in E.E.O.C. Appeal No. 0120120821 and E.E.O.C. Appeal No. 0120133080.

### **B. Required Contract Provisions.**

In accordance with Section A above and Section 126.404(a), Ordinance Code, all City contracts shall contain the following provision in addition to the provisions required in Sections 126.404 (b) and (c):

The contractor represents that it has adopted and will maintain throughout the term of this contract a policy of nondiscrimination or harassment against any person with regard to race, color, sex (including pregnancy), sexual orientation, gender identity or expression, religion, political affiliation, national origin, disability, age, marital status, veteran status, or any other impermissible factor in recruitment, hiring, compensation, training, placement, promotion, discipline, demotion, transfers, layoff, recall, termination, working conditions and related terms and conditions of employment.

## **SECTION XXI FEDERAL PROCUREMENT RULES AND FEMA PROCUREMENT GUIDANCE.**

**A.** FEMA provides Federal assistance through various financial assistance programs under the authority of various Federal laws. Non-Federal Entities that are recipients and sub recipients of Federal financial assistance provided by FEMA under these programs are generally required to comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Rules") at 2 C.F.R. Part 200, as adopted by DHS at 2 C.F.R. Part 3002.

Please consult with Procurement staff for assistance with compliance.

### **B. Grace Period**

**From the FEMA Procurement Disaster Assistance Team**

“A Non-Federal Entity (also known as a “NFE”), however, may continue to comply with the former procurement standards applicable to FEMA awards at 44 C.F.R. Part 13 (for states, local, and Indian tribal governments) or 2 C.F.R. Part 215 (for institutions of higher education, hospitals, and other nonprofit organizations) until the completion of two additional fiscal years after December 26, 2014. This is an elective grace period. If a NFE elects to use the previous procurement standards, it must affirmatively document this decision in its internal procurement policies, including the date upon which its grace period (based upon the two additional fiscal years) will end and it will accordingly transition to the new procurement standards. 2 C.F.R. § 200.110(a). *See also*, Ch. 1, par. 2.e., below for additional amplifying guidance.”

For existing procurement contracts needed that are associated with projects that may require Federal reimbursement, the City of Jacksonville has elected to utilize the grace period referenced above for the two fiscal year period beginning October 1, 2015 and ending on September 30, 2017. The City has transitioned to the new Federal procurement standards for new project procurements where contracts are not in place during this grace period beginning November 2016.