

CITY OF JACKSONVILLE



PROCUREMENT DIVISION

Finance and Administration Department

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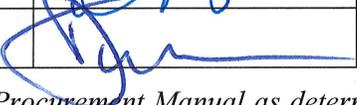
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PROCUREMENT MANUAL

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.

April 2023

Document Approval for Release

Role	Name	Signature	Date	Version/Date
Mayor's Office	Brian Hughes		6/1/23	3.0 April 2023
Chief of Procurement	Dustin Freeman		6/1/23	3.0 April 2023

Minor or less-substantive changes to the Procurement Manual as determined by the Procurement Chief will not require Mayor's Office approval. Any change modifying the informal purchasing table within the Purchasing Quick Reference Guide or substantive changes to the informal procurement rules and/or procedures require Mayor's Office approval.

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1.0 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 COJ 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.

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.

The Procurement Manual also consists of relevant internal standard operating procedures to be followed by both Procurement and using agency personnel who are involved in various aspects of the procurement process. The Procurement Manual is also intended to be a repository of best practices found throughout the city that reflect specific illustrations of techniques which might be helpful to all readers.

The Chief of Procurement is responsible for establishing and administering the City's Procurement system and for supervising all procurement activities for the City. This includes determining final specifications used in the issuance of various formal solicitations, setting contract award strategies, consolidating purchases of like common goods and services, obtaining fair prices for materials, equipment, supplies, and services and generally determining how to effect cost savings by coordinating procurement efforts across all City agencies.

General training on the Procurement Manual and associated procedures can be coordinated with the Procurement Division as needed. To coordinate this training, please contact your assigned Buyer or Analyst or if you are unsure of your assigned Buyer or Analyst, you may contact our main number at 255-8800 for assistance.

2.0 Definitions

1Cloud: The City of Jacksonville's Enterprise Resource Planning (ERP) software system. The application itself is Oracle Fusion which is an integrated software as a solution (SaaS) product that has been rebranded at the City of Jacksonville as 1Cloud for our implementation. At COJ, 1Cloud is the umbrella description for integrating sets of business processes and applications that allows the city to manage many aspects of our operations within one application, such as Procurement, Budget, Finance, Accounts Payable, Accounts Receivable, Projects and Grants, and other Human Resources related functionality that is in various stages of implementation.

Administrative Review: When determining responsiveness to a solicitation or whether minimum requirements have been met, Procurement staff will conduct an administrative review for non-

technical compliance with the solicitation requirements. This is primarily related to non-subjective or non-technical components. Technical review for compliance will be the responsibility of the Subject Matter Expert (SME) for the Using Agency.

Advertisement: Means posting of formal solicitations including bids or proposals on bulletin board(s) located in the office of the Procurement Division, posting on Procurement Division website, or by advertising in a newspaper of general circulation and/or in electronic media, which solicitation describes the supplies or services desired, gives a reasonable period prior to the public opening or electronic submission deadline, and provides the place, date, time and manner the requested bids or proposals are due.

Addendum: Means to issue an item of additional material to serve as a correction to a solicitation document, which will become part of the solicitation document.

Amendment: Means a formal change to an executed contract.

Artistic Services: Means the rendering by a contractor of its time and effort to create or perform an artistic work in the fields of music, dance, drama, folk art, creative writing, painting, sculpture, photography, graphic arts, craft arts, industrial design, costume design, fashion design, motion pictures, television, radio, tape and sound recording, or other services where the intent of the action taken is to entertain.

Awarding Authority: For formal procurements, the awarding authority is the applicable awards committee for which the supplies, contractual services, construction, or professional services are procured. For informal procurements below the applicable formal thresholds, the Procurement Division Chief is the awarding authority.

Blanket Purchase Agreement (BPA): Used for repetitive purchase of goods and services over a set period or multiple years where funds are not encumbered up front. They are encumbered by purchase order release as goods or services as required. The BPA is based on unit pricing and has detailed line(s).

Bid Bond and/or Security: The purpose of bid security is to discourage the withdrawal of bids, to encourage that bidders comply with the instructions and/or requirements of the invitation for bids, and that the apparent low bidder will enter a binding contract to perform the work in accordance with the bid documents and the apparent low bidder's bid proposal. Bid securities ensure that a certain amount of money will be paid if an apparent low bidder fails to abide by the instructions and/or requirements of the invitation for bids or fails to enter into a formal contract pursuant to the same. As such, unless otherwise permitted by the Chief, bid securities shall not be discharged until a contract has been executed and a performance bond accepted in lieu of the bid securities.

Capital Improvement: Means a public improvement undertaking by a using agency, including the construction or reconstruction in whole or in part, of a building, road, bridge, street or water, sewer or storm water facility or a similar physical structure or facility necessary to the performance of the activities of the using agency.

Contract Purchase Agreement (CPA): Used for multi-year contracts, no line detail, overall dollar amount cap.

Contractual Services: Means the rental, repair and maintenance of equipment and personal property required by using agencies but not furnished by their own employees, and utilities and other services of all types, including types not enumerated herein. This term shall not include professional services, professional design services, or capital improvements as defined herein.

Change Order: A modification to an existing purchase order to increase or decrease or effectuate some other PO change because of an amendment, correction, or construction change order.

Check Request/Non-PO Payment 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.

Consumer Price Index (CPI) /Producer Price Index (PPI) The Consumer Price Index (CPI) and Producer Price Index (PPI) are measures of monthly changes in price levels measured by the Bureau of Labor Statistics.

Commitment: An encumbrance recorded in 1Cloud when a funds check is initiated through the submission of a purchase requisition.

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.

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 to permit design-build firms to prepare a bid or a response to a request for proposal, or to permit the City to enter 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).

Direct/Legislative/Non-Procurement Contracts: Contracts that are approved via legislation and not through a Procurement award. Legislation authorizes Using Agency to enter and execute contract.

Draft Purchase Order (Draft PO): The Procurement Divisions approval of a using agencies request to commit funds.

Emergency: Means an immediate danger to the public health, safety, or welfare, an immediate danger of loss of public or private property, a reasonably unforeseen breakdown in machinery, a reasonably unforeseen threatened curtailment, diminution, or termination of an essential governmental service, the reasonably unforeseen development of a dangerous condition or the development of a reasonably unforeseen circumstance that threatens the curtailment or diminution of an essential governmental service or of deposits and investments of City capital or other threatened losses to the City that, in the opinion of the Chief, require emergency action.

Enterprise Contracts: Contracts that are initiated primarily by Procurement or other Using Agencies that may be used by all City departments, if there is capacity within the maximum indebtedness to do so, authority and no other term or condition prohibiting such use.

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:

1. Supplies, Professional Services and Contractual Services -- Section 287.017, Florida Statutes, for **CATEGORY THREE**, which is currently \$65,000.00;
2. 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
3. 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.

Invitation to Bid (ITB): Term used for formal supply or service solicitations awarded to the lowest, responsive, responsible Supplier(s).

Invitation to Quote (ITQ): Term used for informal supply or service requests awarded to the lowest, responsive, responsible Supplier(s).

Jacksonville Small Emerging Businesses (“JSEBs”): Small businesses certified under CHAPTER 126, Part 6, Ordinance Code.

Major Irregularity: Irregularities considered to be major and not waivable; examples shall include but are not limited to: Certification not submitted or submitted but not signed; Bid Security not submitted when required or not valid; Addendum not acknowledged when it affects price; and Bid pricing pages not submitted or submitted in blank. The Chief of Procurement will have discretion in determining major irregularities.

Minor Irregularity: In evaluation of sealed bids and other responses, the Awarding Authority may waive minor irregularities. Minor irregularities shall include but are not limited to: Addendum not acknowledged when price not affected; Correct number of copies not submitted; Delivery/Payment terms not specified (unless specifically required in bid/proposal); Reference not proved at time of bid/proposal; Unit prices not extended: Submission of cashier’s check instead of another bid security: and Failure to submit written evidence that an agent signing for an owner has authority to bind the Supplier/Bidder. The Chief of Procurement will have discretion in determining minor irregularities.

Non-Federal Entity (NFE): A state, local government, Indian tribe, institution of higher education, hospital, or nonprofit organization that carries out a federal award as a recipient or subrecipient. 2 C.F.R. § 200.69.

Obligation: An encumbrance recorded in 1Cloud when a requisition is processed into a purchase order and the purchase order is submitted for approval.

Payment Bond: A financial or contractual instrument, issued by a surety that guarantees that subcontractors will be paid for labor and materials expended on the contract.

Performance Bond: An instrument executed after award, by a successful bidder that protects the public entity from loss due to the bidder’s inability to complete the contract as agreed.

Piggybacking: The procurement of supplies, professional services, contractual services and capital improvements by the City and its independent and/or using agencies made by 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, using agency, or purchasing cooperative provided that said procurement is not otherwise prohibited by law.

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.

Professional Design Services: Means 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: Means services other than those defined herein as "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. Professional services will generally include, without limitation, services customarily rendered by medical practitioners or professionals, 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.

Punch Out: A punchout catalog is a mechanism by which 1Cloud makes it possible for a department requisitioner/requester to access a contracted supplier's website. The requester browses the web-based catalog and adds items to the shopping cart while both applications maintain their connections.

Purchase Order (PO): 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 and may also incorporate solicitations documents with expanded terms and conditions.

Purchase Order Agreement (POA): Formal wording for either a Contract Purchase Agreement (CPA)/Blanket Purchase Agreement (BPA) or Draft Agreement.

Ratify: The act of making a contract or award official.

Request for Information (RFI): An RFI is considered market research and can be issued to determine whether potential Suppliers exist to provide a needed commodity or service. The using agency will develop a document describing the commodity or service to be solicited for input. The Using agency will then initiate a request in 1Cloud and forward the RFI to Procurement for issuance. This invitation may not require Public Notice or consideration of price as it is for informational purpose only.

Request for Proposals (RFP): Solicitation for goods or services that evaluates suppliers' responses based on each criterion set forth in the RFP document.

Request for Qualifications (RFQ): Qualifications-based selection process to establish a pool of qualified suppliers.

Request for Quote: Also known as ITQ, is a term used for informal supply or service requests awarded to the lowest, responsive, responsible Supplier(s). The ITQ process may also be used as part of a two-stage Request for Qualification process where a formal solicitation process is conducted in advance allowing for an ITQ to be used to expedite the processing of orders exceeding the established formal thresholds when used as part of the two-stage Request for Qualification process.

Responsible Bidder or Supplier: A responsible Bidder is one who has the capability in all respects to fully perform the contract requirements, including but not limited to the experience, integrity, perseverance, reliability, capacity, facilities, equipment, and financial resources to assure performance.

Responsive Bidder or Supplier: A responsive Bid/Proposal is one that conforms in all material respects to the solicitation requirements and specifications.

Retroact: Extending in scope or effect to a prior time or to conditions that existed or originated in the past.

Smart Form / Request Form Requisition: A request form within 1Cloud Procurement Module used to assist user in creating a requisition and capturing relevant information for additional Procurement processing.

Supplier: The 1Cloud term for a contractor, vendor, respondent, consultant, or bidder that provides goods or services to the City of Jacksonville or responds to a solicitation.

Unbalanced Bids: Respondents and/or contractors shifting part of the cost for one element of the requirement/scope to another element of the requirement/scope. The degree to which the unbalancing is accomplished determines whether the bid is simply mathematically imbalanced or materially unbalanced.

1. **Mathematically unbalanced:** A bid is mathematically unbalanced if the bid is structured based on nominal prices for some work and has inflated prices for other work; that is, each element of the bid must carry its proportionate share of the total cost of the work plus profits.
2. **Materially unbalanced:** A bid is materially unbalanced if there is a reasonable doubt that the award to the Supplier submitting the mathematically unbalanced bid will result in the lowest ultimate cost to the Government.

Using Agency: Means a department, division, office, board, agency, commission or other unit of the city and an independent agency required by law or voluntarily requesting to utilize the services of the division.

3.0 Initiating the Procurement Process

The City of Jacksonville utilizes the 1Cloud system for financials, procurement, and budget. Users can access the application from the 1Cloud icon on their desktop. Training materials are available through the COJ Links tab in 1Cloud and are broken down by the specific modules and topics.



For access to 1Cloud, please e-mail 1Cloudcommunications@coj.net. For instructions on how to login to 1Cloud, find training materials and how to get help, please review the document at the following link or contact The Procurement Division at 255-8800:

<http://inside.coj.net/News/Pages/1Cloud-ERP-Live.aspx>

All Procurement requests must be initiated in 1Cloud via a Smart Form/Request Form Requisition. See **Appendix I** for Smart Form Overview. Depending upon the type and amount of the requests, Procurement will review the smart form requisition and process accordingly as an informal or formal request utilizing the appropriate procurement method outlined in this manual.

A. Procurement Administrative Lead Time (PALT)

The lead times for when requisitions enter an Analyst or Buyers 1Cloud queue until the time action is taken to advertise, generate award cover, process PO or other procurement action based on procurement type.

- Formal Solicitation Procurement Analyst development and review time: **2 weeks or less**
- Formal PO (no-solicitation): **48 hours**
- Informal Solicitation Buyer development and review time: **3-5 days**
- Informal PO (no-solicitation) Buyer review: **48 hours**
- Formal Procurement lifecycle from requisition submittal to contract award: **60-90 days**

B. Use of Enterprise-Wide Contracts

Prior to initiating a requisition for solicitation, Using Agencies should check in 1Cloud or their respective Buyer or Purchasing Analyst for Enterprise-wide contracts that may be utilized to fulfill their needs. Samples of these contracts may include Enterprise Print Solution (copiers and printers), office supplies, bottled water, armored car services, batteries, hardware and lock supplies, janitorial supplies, liquified propane, office furniture, overnight courier services, printed envelopes, rental of uniforms, safety supplies, toner cartridges, etc. The Procurement Division seeks to establish contract award strategies such as consolidating purchases of like common goods and services in an effort to obtain the most competitive prices for materials, equipment, supplies, and services by coordinating procurement efforts across all City agencies. By being more strategic in the contracting process, using agencies will be able to receive goods and services at a faster rate than if the items were procured independently.

C. Contract Encumbrance Processing in 1Cloud

FAMIS was decommissioned on 2/29/2020 and the City of Jacksonville migrated to 1Cloud (Oracle SaaS) as its Financial, Procurement and Budget ERP system. As a result of this change, the process for encumbering contracts was modified and will no longer be manually encumbered by FAMIS.

To describe the procedure for processing contract encumbrances within the Oracle 1Cloud ERP system. There are two predefined encumbrance types within the City's General Ledger, a "Commitment" encumbrance, and an "Obligation" encumbrance. Agencies requiring a commitment of funds will submit a requisition for the encumbrance of those funds. **Contracts requiring an obligation of funds will do so via Purchase Order (PO).** The purpose of the PO is to primarily encumber funds and systematically track invoices and expenditures against the contract in one unified system.

In general, all contracts must be authorized through the Procurement Division or by City Council action. The process for contracts approved by the Procurement Division begins by creating a requisition in 1Cloud via a Smart Form requisition as described below.

1. Contracts approved by the City Council that require an encumbrance will follow the process(s) described below minus the RFP, ITB solicitation phase. **(See Appendix E)**
2. Contracts approved by the City Council that do not require an encumbrance, such as revenue generating, or agreements not requiring the expenditure of City funds, will not follow any of the processes described below; however, the change affected by this SOP will be the contract numbering schema - the reference number assigned by the Office of General Counsel (OGC) will serve as the contract number. **(See Appendix E)**

The process for contracts that require Procurement Division approval begins by entering a requisition in 1Cloud, through use of a Smart Form. There are 3 basic types of procurement outcomes: PO, Blanket Purchase Agreement (BPA) and Contract Purchase Agreement (CPA).

NOTE: *A BPA and/or CPA (POA) does not encumber funds*

Blanket Purchase Agreements (BPA) and Contract Purchase Agreements (CPA) – Encumbered immediately following the issuance of a PO (multiyear awards):

1. Department will enter requisition in 1Cloud, through use of a Smart Form requisition,
2. Procurement process takes place, e.g., RFP, ITB and Award is issued – GGAC, PSEC, CSPEC Award or Administrative Award,
3. Procurement returns the original requisition to the Department (to be canceled), Procurement issues the Agreement, attaches the signed award document, and provides the Agreement number to the Department,
4. The Department must enter a new requisition/release against the Agreement, making a note on the requisition that a draft PO is required for contract encumbrance.

5. Procurement processes to a Draft PO.

NOTE: *The Agreement number becomes the contract number*

6. The Department prints all documentation, including the Agreement and Draft PO, and sends it to the OGC along with the legal request for contract drafting. OGC then drafts the contract, using the Agreement number as the contract number in their system and on the hardcopy of the contract,
7. OGC sends the contract to the Department for review and distribution to Supplier for signature,
8. The Supplier returns the signed contract(s) to OGC,
9. The signed contract(s), Agreement and Draft PO are sent to the CFO and then the Mayor's Office/ Chief Administrative Officer (CAO) for signature,
10. The fully executed contract is then sent back to OGC for scanning and final distribution to Procurement and the Department. The Supplier's copy is sent to the Department.
11. Procurement converts the Draft PO to a Final PO, attaching the executed contract to the Draft PO and agreement (through a change order).

Purchase Orders – to be encumbered immediately:

1. The department will enter a requisition in 1Cloud, using a Smart Form, which will initiate a funds check within 1Cloud. The Smart Form used is based on the required procurement method, RFP, ITB etc.
2. Procurement process takes place, e.g., RFP, ITB and Award is issued – GGAC, PSEC, CSPEC Award or Administrative Award,
3. Procurement converts the requisition into a Draft PO (funds will remain in a committed encumbrance status), attaches a copy of the signed award document, and the department is notified, via e-mail.

NOTE: *The draft PO number becomes the contract number*

4. The department prints all documentation, including the Draft PO, and sends it to OGC along with the Legal Request for contract drafting. OGC then drafts the contract, using the Draft PO number as the contract number in their system and on the hardcopy of the contract,
5. OGC sends the contract to the department for review and distribution to supplier for signature,
6. The supplier returns the signed contract(s) to OGC,

7. The signed contract(s) and Draft PO are sent to the CFO and then the Mayor's Office/CAO) for signature,
8. Fully executed contract is then sent back to OGC for scanning and final distribution to the Procurement Division and the department. The supplier's copy is sent to the department,
9. Procurement converts the Draft PO to a PO, attaching the executed contract.

Blanket Purchase Agreements (BPA) and Contract Purchase Agreements (CPA) – to be encumbered after contract execution:

1. Department will enter requisition in 1Cloud, through use of a Smart Form,
2. Procurement process takes place, e.g., RFP, ITB and Award is issued – GGAC, PSEC, CSPEC Award or Administrative Award,
3. Procurement returns the original requisition to the department (to be canceled), issues the Draft Agreement, attaches the signed Award, and provides the Draft Agreement number to the department,

NOTE: *The Draft Agreement number becomes the contract number*

4. The department prints all documentation, including the Draft Agreement, and sends it to OGC along with the legal request for contract drafting. OGC then drafts the contract, using the Draft Agreement number as the contract number in their system and on the hardcopy of the contract,
5. OGC sends the contract to the department for review and distribution to supplier for signature, the supplier returns the signed contract(s) to OGC,
6. The signed contract(s), and Draft Agreement are sent to the Chief Financial Officer (CFO) and then the Mayor's Office/CAO for signature,
7. Fully executed contract is then sent back to OGC for scanning and final distribution to the Procurement Division and the department. The supplier's copy is sent to the department.
8. Procurement attaches the executed contract and issues agreement.
9. The department enters releases as needed by entering requisitions and/or releases against the agreement number.

Change Orders (CO)/Amendments:

1. For contracts that had a balance converted from FAMIS:
 - a. Department enters a new Smart Form requisition for an agreement amendment request.

- b. Procurement approves and applies it to the existing PO that has been converted into ICloud as a Draft CO until the Amendment is executed.
 - c. An agreement needs to be set up for contracts that cross over multiple fiscal years.
2. For contracts that did not have a balance converted from FAMIS an agreement does not exist within ICloud therefore, one must be created.
 - a. Department enters a new Smart Form requisition for an agreement amendment request,
 - b. Procurement approves and creates a new PO/CPA/BPA
 - c. Requisitions must be submitted for CO/Amendments to properly reserve/commit the funds. Procurement **will not** process manual CO without the proper requisition.

Receipts/Payments:

1. Departments will follow their own internal approval process for receipting once goods and services are received. Once completed, receipts against POs will be created by the Department to initiate payment.
2. Any invoices received via US mail or e-mail, must be forwarded to accounting.

NOTE: Pos and PO releases need to be set up on a fiscal year basis. Using the same PO for multiple years cannot occur in ICloud.

4.0 Awarding Committees

NOTE: Assigned committee members and their alternates must review and comply with the Procurement Committee Rules and Guidelines, Appendix B.

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 and Administration 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 in person or remotely at which business regarding said approval is to be conducted. Such a 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 GGAC will make recommendation of 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. **(See Appendix B)**

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 and Administration 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. **(See Appendix B)**

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

Standing meeting time, day, and place: 10:00 a.m. every other 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 and Administration 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. **(See Appendix B)**

D. Legislation (See Section 7A)

If Authority is granted through legislation, and states such, using agencies can submit the legislation with their requisition through 1Cloud for Procurement to process accordingly. If the Legislation authorizes the execution of a contract and references the organization or party that/who was given authority to execute, an administration award is not required from the Procurement Division.

5.0 Informal Purchases

The procedures outlined in this section are for the 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.

A. Solicitation of Quotes

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

Estimated Cost	Type of Quote	Minimum Suppliers Solicited
\$1 - \$4,500	Written	One (1) by Using Agency
\$4,500 - \$15,000	Written	Two (2) by Procurement
\$15,000- \$30,000	Written	Three (3) by Procurement
\$30,000- \$65,000	Written	Four (4) by Procurement

NOTES:

- All Professional Design Services exceeding \$35,000 will be processed as a formal purchase.*
- 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.*
- Minimum solicitation lead time is (i) ten (10) calendar days for capital improvements; and (ii) a minimum of three to seven (3-7) calendar days for all other goods and services.*
- Buyers shall not schedule their bids to close on a weekend or holiday.*
- If there is no estimated amount provided by the using agency or the estimated amount is \$0, the Buyer will solicit a minimum of 3-4 Suppliers to include JSEB suppliers.*

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 \$4,500.00. The using agency is responsible for obtaining quotes for goods/services in the amount of \$4,500.00 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 agency and the Procurement Division may elect more appropriate informal solicitation methods than lowest responsive,

responsible 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 of the request for goods and services and a proposed solicitation list (suggested suppliers 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 supplier from the budgetary quote in the solicitation process.

The initiating buyer is responsible for receiving, recording, and processing quotes and obtaining the proper approvals based on the dollar value. 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. Once the solicitation ends, sealed bids will be opened, and tabulation sheets will be forwarded to the using agency in question for evaluation and recommendation of award. Most of this will be accomplished via 1Cloud but may be processed manually as well.

NOTE: *All solicitation responses must include a completed Conflict of Interest ("C.O.I.") Form or a Conflict of Interest.*

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 in 1Cloud.

Once Suppliers 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.

Informal Awards: All informal awards are made to the lowest, responsive, responsible bidder based on the submittal and tabulation results. If a solicitation is an evaluated and scored solicitation, the award will be made to the highest ranking, responsive, responsible respondent. If the lowest or highest-ranking bidder or respondent is not recommended for award due to not being responsive or responsible, the using agency must clearly state their specific reason(s) for arriving at this conclusion and present to the Buyer and/or Analyst for review. The Buyer or Analyst will either reject the lowest or highest-ranking bidder or refer the recommendation back to the using agency for further review and action which may include rejecting all bidders and resoliciting or revising the recommendation.

NOTE: *Specific internal procedures to be followed by Buyers and Analysts for:*

1. *Selection of Suppliers to solicit for quotes*
2. *Rejection of bidders*
3. *Other informal solicitation procedures not covered by this section. Buyers and Analysts should refer to their standard operating procedures and/or checklists included in the Procurement Division Internal Policies and Procedures.*

C. 1Cloud PO/POA Review and Approval Requirements

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

Amount	Approval
\$0 - \$30,000	Procurement Buyer
\$30,000 - \$65,000*	Senior Manager or Manager of Purchasing Services

***Capital Improvements;** Threshold shall be \$30,000 - \$200,000, unless otherwise established by the Chief of Procurement on a case-by-case basis.

D. Using Agency Concurrence

Using agency shall provide concurrence for all informal purchase requests. Purchases exceeding \$30,000 shall have written concurrence from the using agency with Director or Division Chief approval. Written concurrence will be accepted in one of the following methods: (i) 1Cloud solicitation messages, (ii) Division recommendation memorandum signed by the Director or Chief (if over \$30,000), or (iii) Email concurrence from the Director or Division Chief (if over \$30,000).

E. Informal - Addenda / Addendum

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 informal addenda is two (2) calendar days prior to bid opening or electronic submission deadline. All addenda that modify the bid opening date/time or electronic submission deadline will require additional advertisement and/or notification. Addenda will be issued to prospective Suppliers that are listed on the plan-holder(s)/solicitation list(s) and attended a pre-bid/pre-proposal meeting.

F. 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. The 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 unless maximum increase is approved. A single purchase must not be used to split into two or more transactions 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 Chief of Procurement, Treasury Division, and the Manager of cardholder.

NOTE: *Procurement does not approve P-Card Purchases, this is the responsibility of the P-Card Manager. Procurement also does not approve employees for new P-Cards, this is the responsibility of the Treasury.*

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.

6.0 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 or electronic submission deadline set forth in the solicitation, and at least five (5) calendar days prior to any scheduled pre-bid or pre-proposal conference.

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 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 a 1Cloud Smart Form.

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 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, agreement, and/or purchase order based upon an award via competitive sealed bid to the lowest, responsive, responsible Supplier 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 Suppliers 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 Supplier, will result in the Supplier'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) (iii) the proposed 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; (iv) and 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 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; (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 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); and (iii) approval from ITD for information technology related purchases.

NOTE: *The using agency shall submit only the above requirements and will work with the assigned Purchasing Analyst or Buyer to incorporate into procurements RFP template, prior to submitting the CSPEC Memorandum to the Chief.*

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(n), 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 conduct an administrative review to determine initial responsiveness. Procurement will confirm that the bid was submitted on time and that the bids meet the required format along with other basic non-subjective and technical components. Procurement will also confirm that the Supplier is an active business registered with the Florida Department of State, Divisions of Corporations and may obtain the license specified in the Bid/Proposal document for review by the Requesting Using Agency.

If a response fails to meet responsiveness requirements, Procurement may deem the Submittal nonresponsive and notify the Supplier. If the Supplier has stated that it is taking deviations, no notification will be sent to the Supplier. When Procurement deems necessary, it may conduct discussions with Suppliers for clarification purposes only. Procurement will then forward the initially responsive Bid Submittals to the requesting using agency and all initially responsive Proposal Submittals to the using agency's designated CSPEC representative for purposes of conducting the evaluation of each proposal.

NOTE: *Procurement is not responsible for validating suppliers' responses to a using agency minimum requirements. Procurement may perform an administrative review to assist the using agency, however Procurement will only note its findings. The using agency must validate whether the supplier has met its minimum requirements.*

Using Agency Evaluation: The requesting using agency will confirm that the Supplier is properly registered and licensed as required by the project or area of discipline at the time of the Opening Date or electronic submission deadline. If the Requesting Department determines that a Bid/Proposal Submittal is not responsive, or the Supplier is not responsible, it must detail in writing the basis of its determination.

The using agency must select one of the following methods for this evaluation:

1. 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.
2. 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.]

3. The using agency's designated CSPEC representative obtains technical assistance from one or more SMEs to help with the review and evaluation of portions of the proposals but retains sole responsibility for scoring the proposals.

The requesting using agency will review Bid/Proposal Submittals and will make recommendations for award to Procurement. The Evaluation Committee Chair must submit a signed recommendation memo to Procurement, which shall include an executive summary.

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.*

D. Minor/Major Irregularities

Irregularities or deviations in Bids/Proposals may be either material or immaterial. Immaterial or minor irregularities are those that do not alter the substance of the Bid/Proposal and do not provide undue competitive advantage to a Supplier. These deviations may be waived by the appropriate awarding authority. Illustrative examples include, but are not limited to, omission of brochures; inaccurate extension of unit prices; addendum not acknowledged when price is not affected; correct number of copies not submitted; Delivery/payment terms not specified (unless specifically required in bid/proposal); References not provided at the time of bid/proposal; Unit Prices not extended; Submission of Cashier's check instead of another bid security; and Failure to submit written evidence that an agent signing for an owner had authority to bind the Supplier/Bidder.

Material or Major irregularities are ones that; deprive the city of its assurance that the contract will be entered, performed, and guaranteed according to the Bid's/Proposal's specific requirements, providing the deviating Supplier with an undue competitive advantage. These deviations may not be waived. Illustrative examples include but are not limited to; deviations affecting the price, quality or delivery of commodities or services offered; Supplier's or Bidder's certification not submitted or submitted but not signed; Bid security not submitted when required or not valid; Addendum not acknowledged when it affects price; Bid or response not submitted on time; and Bid pricing pages not submitted or submitted in blank.

The requesting using agency will decide regarding materiality of deviations to the Specification and forward a written response to Procurement. Procurement will then assess the validity of the materiality determination and take the appropriate action.

E. Requests for Clarification

The using agency or Evaluation Committee may have need of a clarification to competently evaluate a Bid/Proposal. **CLARIFICATION FROM SUPPLIERS CANNOT CHANGE (ADD TO OR DIMINISH) THE ORIGINAL BID/PROPOSAL SUBMITTED BY THE BIDDER.** When the need for clarification has been identified, the using agency or Evaluation Committee should inform Procurement immediately. The using agency or Evaluation Committee should develop the clarification question(s) and submit to Procurement. Procurement will then prepare the clarification questionnaire and submit it to the Supplier(s) for a response by a specific date. Procurement will submit the returned clarification to the using agency or the Evaluation Committee for further review.

F. 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 (3) 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 OGC.

G. Tie Breaker Procedures (126.201(d)(3))

Supply ITB: If there exists a tie between the lowest responsive, responsible bids meeting or exceeding published specifications regarding the same total amount or unit price, including base bids and alternates, if any, and quality and service are also equal, and if the delay caused by re-advertising for bids will be substantially detrimental to the public interest, the GGAC shall give preference to the local bidder. Subject to this consideration, the mayor may authorize the GGAC: (i) if there is no local tie bidder, to award the contract to one of the tie bidders by drawing lots in public; or (ii) if there is more than one local tie bidder, to award the contract to one of the local tie bidders by drawing lots in public.

RFP: A tie shall exist when two or more proposals receive the same final score. Tie breaking procedures are outlined in 126.201(d)(3) and are only be applied when a tie exists between the highest ranking or scoring proposers. The tie breaking procedure is only applied in the final step of the selection process. If the evaluation committee determines not to conduct oral presentations, the tie breaking procedure would be applied at the conclusion of the evaluation of the written proposals. If the evaluation committee decides to conduct oral presentations, then the tie breaking procedure would be applied at the conclusion of the oral presentations.

H. Addenda / Addendum

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 or electronic submission deadline. All addenda that modify the bid opening date/time or electronic submission deadline will require additional advertisement and/or notification. Addenda will be issued to prospective Suppliers that are listed on the plan-holder(s)/solicitation list(s) and attended a pre-bid/pre-proposal meeting.

NOTE: The Chief of Procurement has the discretion to approve addendums issued less than seven (7) calendar days prior to the bid opening or electronic submission deadline if the addenda is considered non-substantial and does not affect pricing. The buyer shall obtain written approval (via email) from the Chief of Procurement and include it in 1Cloud/Bid file.

I. Public Opening/Submission of Bids/Proposals

Formal bids or proposals that are advertised to be opened on a specific date and time must be received at the front desk of the Procurement Division, Suite 105, Ed Ball Building, 214 N. Hogan Street, Jacksonville, Florida, 32202, unless otherwise specified in the bid documents. Bids or Proposals received at the front desk of Procurement are date and time-stamped and verification is made that the Supplier'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 Supplier or Bidder, 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 Suppliers and Bidders 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 analyst/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.

7.0 Purchasing “Tool-Box”

A. Administrative Awards

An Administrative Award is an official award document used to approve expenditure(s) that:

- (i) Are exempt from competitive solicitations pursuant to Section 126.107, Ordinance Code.
- (ii) Fall under the formal purchase threshold and the award contains renewal options. An Administrative Award is not required for one-time purchases below the formal threshold of \$65,000.
- (iii) Authorize the Office of General Counsel to begin the formal or informal contract process for purchases which will provide for signature authority on contracts and/or agreements.
- (iv) Authorize check requests if necessary.

All administrative awards shall be initiated through a Smart Form requisition in 1Cloud. Procurement will review the Smart Form request and prepare the Administrative Award for approval by the Chief of Procurement. Once approved, the Administrative Award will be sent to the Using Agency.

If the using agency increases the maximum indebtedness of the Administrative Award’s initial period to the point where it exceeds the informal threshold, then it will need to be rebid as a formal solicitation through the appropriate awards committee or referred to the appropriate procurement process. However, if the option periods are exercised, and the annual amount does not exceed the formal threshold, it will remain as an Administrative Award.

B. Blanket and Contract Purchase Agreements

A BPA or CPA are procurement tools utilized for continuous needs as opposed to a standalone purchase order for each transaction. All BPA or CPA requests are subject to the informal/formal solicitation process listed herein based on the related dollar value.

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 in 1Cloud. **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 within 1Cloud or otherwise with the Change Order request will cause a delay in the review and approval process. Some change order updates can be initiated in 1Cloud by the requester of the original requisition, if the purchase order does not have a backing requisition or requester, procurement will have to process the change order.

1. All increases to an existing purchase/blanket order will require a Change Order. Source justification or competition will be required based on the requested increase amount and circumstances surrounding the change.
2. A Change Order must be approved by the applicable awards committee via a new award or an award amendment (GGAC, CSPEC or PSEC), if:
 - a. 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;
 - b. the Change Order causes the contract value to exceed \$65,000.00; or
3. All decreases in price or quantities will require a Change Order.
4. With respect to Blanket Purchase Agreement (BPA) modifications:
 - a. All monetary changes to a current year BPA will require a Change Order;
 - b. Any increase/decrease in term to a current year BPA will require a Change Order prior to the expiration date established;
 - c. No BPA will be issued past the Fiscal Year End (September 30th) in which it was established, except for fluctuating FY end dates and grant year-end dates. Invoices must be dated within BPA effective dates;
 - d. All BPAs ending September 30th will be granted an additional thirty (30) days for final invoices referencing the BPA that expired. All BPAs will be closed after the thirty (30) days. All invoices submitted for payment outside of the thirty (30) days granted will be rejected and an alternate purchasing tool will be required; and
 - e. 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.

1. 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.
2. 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 7E**).
3. 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. 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).
4. 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. 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 Suppliers; (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.

E. Emergency Orders

Any emergency as defined in Section 126.102 (f) Ordinance Code shall require the approval of the Procurement Division in writing prior to issuance of an emergency order. All emergency purchases that exceed \$20,000 in value shall be justified in writing through the using agency's Director or Chief as to the nature of the emergency. When practical, competition should be obtained for the emergency purchase. All emergency requests shall be entered into 1Cloud via a Smart form requisition.

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 Manager, Assistant Manager or Chief of Procurement in writing for approval, then the using agency will enter an emergency Smart Form requisition and attach the written approval along with the quote or supporting documents within 1Cloud.
2. If an emergency occurs at a time other than during regular City business hours, the using agency may directly purchase 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, an emergency Smart Form 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 in 1Cloud.
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 Supplier.

F. Exemptions

Pursuant to Section 126.107, and 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. (a) Artistic services or performances; **(See Section 2)**
2. (b) Lectures by individuals;
3. (c) Health services involving examination, diagnosis, treatment, prevention, medical consultation, or administration;
4. (d) 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 to obtain the highest quality services at the greatest economic value to the city.);

5. (e) 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 to obtain the highest quality services at the greatest economic value to the City.);
6. (f) Supplies or services or commodities provided by governmental entities or agencies;
7. (g) Supplies or services to be provided by those specifically prescribed within authorizing legislation that appropriates the same;
8. (h) 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.

G. 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 GSA Multiple Award Schedules (MAS) equivalent, which consolidated the old 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 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., Clay 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 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.

NOTE: *All piggyback requests must be initiated through a Smart Form requisition in 1Cloud.*

H. Punchout

In the 1Cloud Procurement module, a punchout catalog takes the requester to the supplier’s website, such as Staples, where they can add items to the cart utilizing the City’s contract pricing, once complete it will take the requester back to 1Cloud to complete and submit the requisition. Only users with the Procurement Requester role have access to get to the punchout catalogs.

I. 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.

For informal single source requests, upon an adequate written justification by a using agency, and approved through its Director or designee within 1Cloud, that an informal purchase can only be made from one justifiable source without competition and if Procurement specifically finds from all the relevant facts that a single source purchase is proper and in the best interest of the City, a single source procurement may be approved. If a contract or agreement is required, an Administrative Award must also be requested. All Single Source requests must be initiated in 1Cloud via a Single Source Smart Form Requisition.

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

As a prerequisite to obtaining a single source award pursuant to Section 126.206 and Section 126.312, *Ordinance Code*, for formal requests, the using agency is required to provide an endorsed 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;
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.

Buyers or Analyst shall verify via internet search or through other means, that there is in fact no other source that can provide the goods or services requested, and that it is truly a Single Source. After verification of Single Source, Buyer or Analyst must review the justification received from the requesting agency and must insure it is legitimate and not simply a preference for a vendor, i.e., (why this vendor and why does the city need this specific item or service).

Single source requests should have a term of one year and should post or be advertised for seven (7) days at the end of every year, to determine if any competition is available, or if requirements have changed. Using agencies must justify a multiple year Single Source in their memo and on their Single Source Justification Form (**See Appendix D**). As a condition to exercising a renewal in a multi-year single source award, the single source must be posted for 7 days prior to each renewal approval.

NOTE: *All single source requests must be initiated through a Smart Form requisition in 1Cloud. The Director approval is required on all single source Smart Form requisitioning submitted for approval in 1Cloud.*

J. Surplus

The City Surplus Yard is responsible for accepting city tangible personal property that has been designated as surplus property by a City Using Agency. Using Agencies are encouraged to explore the City Surplus Yard located at the following address to identify any items that may meet their operational needs:

1096 North McDuff Ave
Jacksonville, FL 32205
Office Hours 7:00a.m. – 4:00p.m. Monday -Friday
(904) 387-8849

Items may also be viewed online during auction at: www.Govdeals.com/jax. If you are interested in items listed on this site, please contact the Surplus Office.

NOTE: *The current schedule for surplus pickup is every Wednesday but the first Wednesday of the month. City Using Agencies should call the Surplus Main Office to get on the schedule.*

8.0 Jacksonville Small Emerging Business (JSEB)

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 "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 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, subcontracting opportunities, and joint ventures contract opportunities with certified JSEBS.

D. Applicable to ALL Departments

The City, through each department head, shall commit in its budget to award at least 20 percent of its contracts for services, including contractual services, professional services, professional design services, construction services or other services, to JSEBs, provided, however, that such awards shall comply with local, state, and federal law and that there exist JSEBs to perform the work. To assist the City in implementing the Program requirements of this Part, the Equal Business Opportunity Office, through the JSEB Administrator and in consultation with the Chief of Procurement shall provide annual training to department heads and division chiefs, or their designees, and applicable staff of City boards and commissions regarding the JSEB program and the requirements set forth in this Part.

Each department will be required to report to the Procurement Division its JSEB participation monthly, 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 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 Suppliers 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 Suppliers, 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 throughout 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.

NOTE: *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. Any change to a specification, evaluation criteria or minimum requirement shall be rerouted to the EBO for informational purposes.*

9.0 Ex-Offender Program

A. Procurement Reporting Requirements

Under the provisions of Section 126.112(f), Ordinance Code, the Chief of Procurement shall provide an annual report to the Mayor and City Council no later than December 31 of each fiscal year for the previous fiscal year on the information provided by Contractors on the Ex-offender compliance report pursuant to Section 126.112 (See Appendix H).

10.0 Buy American Preference (BAP)

A. The purpose of BAP is to create a domestic preference for American made goods in City of Jacksonville Contracts where domestic funds are expended

In accordance with City Ordinance Code 2020-238-E, the City of Jacksonville is adopting a Buy American Preference (BAP) as it pertains to City procurement and the expenditure of local public funds, as permitted by federal and state regulations, to create a domestic preference for City procurement of goods and material using appropriated funds manufactured, produced, and assembled within the United States.

This section will also cover the steps required for Using Agencies, Procurement Analysts and Buyers to verify companies' goods are in fact manufactured, produced, and assembled in the United States, to include procedures for exemptions, comparison of qualifications and waivers.

B. Criteria for Using Agencies (Pre-Solicitation)

For all Formal Low Bid requirements, Using Agency Contract Specialists and Contract Administrators will work with Procurement Analysts and Buyers to ensure that the BAP compliance form is included in their assigned agency ITB (BAP does not apply to evaluated bids and construction bids).

Exemptions: Using Agencies will also work with Procurement Analysts, Buyers, and the JSEB Administrator from the Procurement Division to determine if the ITB is exempt from the BAP, in accordance with 2020-238-E (b) (1-8). If it is determined that the ITB is exempted, the Procurement Analyst or Buyer responsible for the bid will check the block on the ITB cover sheet stating such and submit to management for review and approval.

C. Criteria for bidder or offeror during solicitation and submission of bids

Interested bidders or offerors shall submit the BAP Form found in the said ITB. The form shall be addressed to the Chief through the Procurement Analyst or Buyer assigned to the bid. The bidder or offerors form shall clearly certify that each end good, product or material, is manufactured, assembled, and produced in the United States. For Lump Sum Bids, all items bid must be at least 51 percent to receive preference.

This form shall be endorsed and shall state that the bidder or offeror's total end goods, products or materials are in fact at least 51 percent manufactured, assembled, or produced in the United States.

The form shall be complete with percentages manufactured, assembled, or produced for each component being offered. Supporting documentation shall also be submitted with the BAP Form that supports the assertion.

D. Criteria for verification of 51 percent requirement

The Procurement Analyst or Buyer will determine if the bidder or offeror meets the 51 percent preference based off the forms and supporting documentation submitted by the bidder or offeror and will route to management and the Chief for final approval. Once the Chief approves, the bidder or offeror whose goods are verified to be at least 51 percent made in America, and whose bid is within **5 percent** of the lowest responsive responsible bidder or offeror, will be given BAP and recommended for award.

E. Criteria for waiving Buy America Preference

The application of BAP to a particular purchase, contract, or category of contracts for goods may be waived upon written recommendation of the Chief and approval of the Chief Financial Officer of the City (i.e., Cost or any other reason that is not in the best interest of the City).

F. Comparison of Qualifications

The Chief has the right to compare the quality of goods proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms or corporations submitting bids. Further, the preferences established herein in no way prohibit the right of the Chief from determining based on criteria and standards developed administratively to allow for selection by preference permitted in another section of this Chapter.

G. GGAC - Low Bid Examples

Example 1

ITB SC-XXX-XX is released. Two bids are received.

Bidder A	\$245,000	Non JSEB, has not submitted BAP, but is responsive.
Bidder B	\$253,000	Non JSEB, has submitted for BAP, qualifies and is responsive.

Bidder A is not a JSEB, Bidder B is responsive, Bidder B has submitted for BAP and qualifies, Bidder B is within 5 percent of low bid. According to 126.114, bidder B would be awarded.

Example 2

Bidder A	\$240,000	JSEB
Bidder B	\$170,000	Non JSEB, has not submitted BAP, but is responsive.
Bidder C	\$178,500	Non JSEB bidder submits and qualifies for BAP (51%)

Since bidder B and C are lower than bidder A, and bidder C is within 5 percent of the low bid, apply the preference, and award to bidder C as this is in the best interest to the city.

Example 3

Bidder A \$75,000 Non JSEB, has not submitted BAP, but is responsive.
Bidder B \$57,750 JSEB
Bidder C \$60,000 Non JSEB bidder submits and qualifies for BAP (51%)

Since bidder B is exempt from BAP and is the low bidder, do not use preference and award to bidder B as this is in the best interest to the city.

11.0 Check Requests

Items authorized (as listed in this Section) for check request payment are submitted directly to the Accounting Division for processing as Non-Purchase Order Payments. 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: <i>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.</i>	
Automobile Repairs (Minor) of City Vehicles on Trips	Postage Due
Bus Tokens	Physicals: Flight, Employment, etc.
Certificates of Operation (Permits)	Post Office Box Rental
Collection Fees and Bad Check Reimbursements	Postage Meters (Include Meter Number) and Bulk Mailing
Court Filing Fees, Court Orders	Permit Postage Stamps
Debt Collection Fees	Professional Services, Legal-Related Billings
Development & Sports Commission Events	Real Estate Closings
Documentary Stamps	Revenue/Payments, JEDC Event Contribution
Dues and Memberships	Refunds on Permits: Electrical, Plumbing, etc.
Individual, Governmental or Using Agency Easements	Seminar Speakers
Entertainment (Production Changes, Catering, Light & Sound) with Chief of Procurement prior approval	Subpoena Serving Fees (Out-of-Town)
Examinations: Blood-Alcohol, Autopsy, Rape Cases (ordered by State Attorney’s Office or Sheriff’s Office)	Subscriptions
Freight: Incoming and Outgoing	Surplus Purchases: City, State and Federal Taxes
Gasoline Credit Cards	Taxes on Aircraft: Sheriff and Mosquito Control
Impoundment Fees	Training Employees Provided
Insurance Premiums	Transactions Between Government Agencies Who Do Not Use General Accounting and/or Depositing Cash in Accounts
Laboratory Testing; Material Analysis, etc.	Utilities Management, Reimbursable Expenses
Law Library Fees	Utilities: Water, Sewer, Electric, etc.
Legal Paper Serving Fees	Witness Fees
Licenses, City Tags	Wrecker Service and Storage; Office of Sheriff Evidence
Loss of Property, per Collective Bargaining Agreement	Postage Due
Medical and Hospital Expenses: Prisons and Wards of City Agencies	Physicals: Flight, Employment, etc.
Parking Permits, per Collective Bargaining Agreement	Post Office Box Rental
Petty Cash Reimbursements	Postage Meters (Include Meter Number) and Bulk Mailing
Parking	

12.0 Professional Services (Chapter 126, Part 3, Ordinance Code) (See Section 2.0 Definitions, Formal Purchases, 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 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 Appendix E).

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 based on 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:

1. Competence;
2. Recent, Current and Projected Workload;
3. Financial Responsibility;
4. Ability to Observe and Advise as to Compliance with Plans and Specifications;
5. Past and Present Record of Professional Accomplishments with City and Others;
6. Proximity to the Project;
7. Past and Present Demonstrated Commitment to Small and Minority Businesses and contributions toward a diverse marketplace;
8. Ability to Design an Approach and Work Plan to Meet the Project Requirements;
9. Overall Willingness to Meet both Time and Budget Requirements for the Project;

10. 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 Bidders 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 Bidder has met and is meeting both time and budget requirements for said projects.

For the purposes of this Section, "Reference Projects" shall include projects of similar size and scope to the project being solicited that were completed by the Bidder within the past five years and that are being performed by the Bidder 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 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 (3) 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 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 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 or posted on the Procurement Division website 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 or posted on the Procurement Division website like 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.

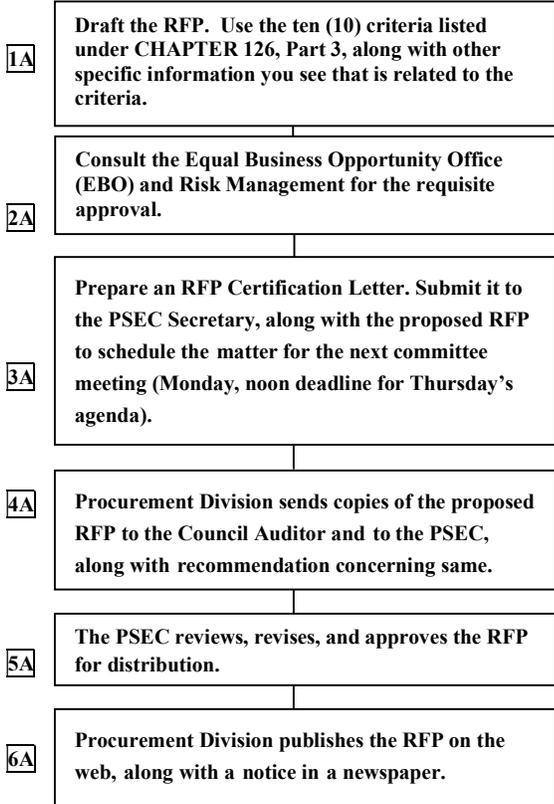
The RFQ shall include: (i) scope requirements; (ii) qualifications-based evaluation criteria including, without limitation, experience and competence in the kind of project to be undertaken, availability of adequate personnel, equipment and facilities, financial responsibility, past record of professional 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).

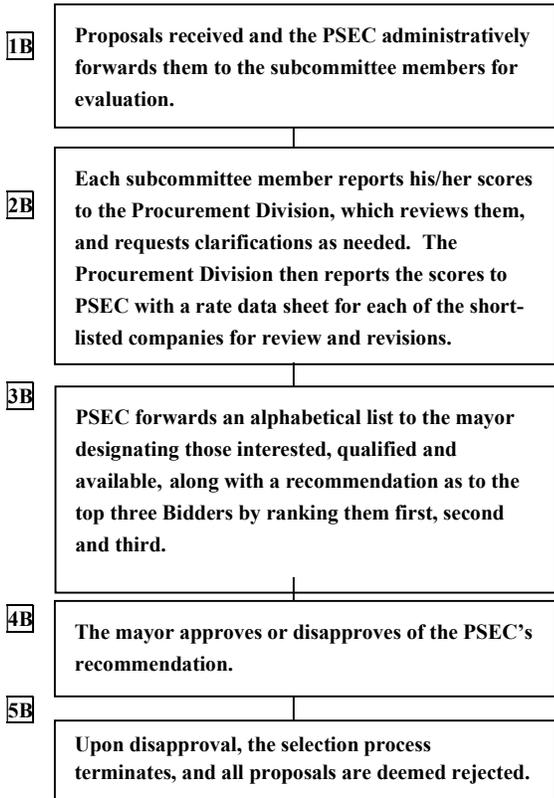
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PROCESS GOVERNING A REQUEST FOR PROPOSAL (RFP)

A. Preparing the RFP for Professional Services

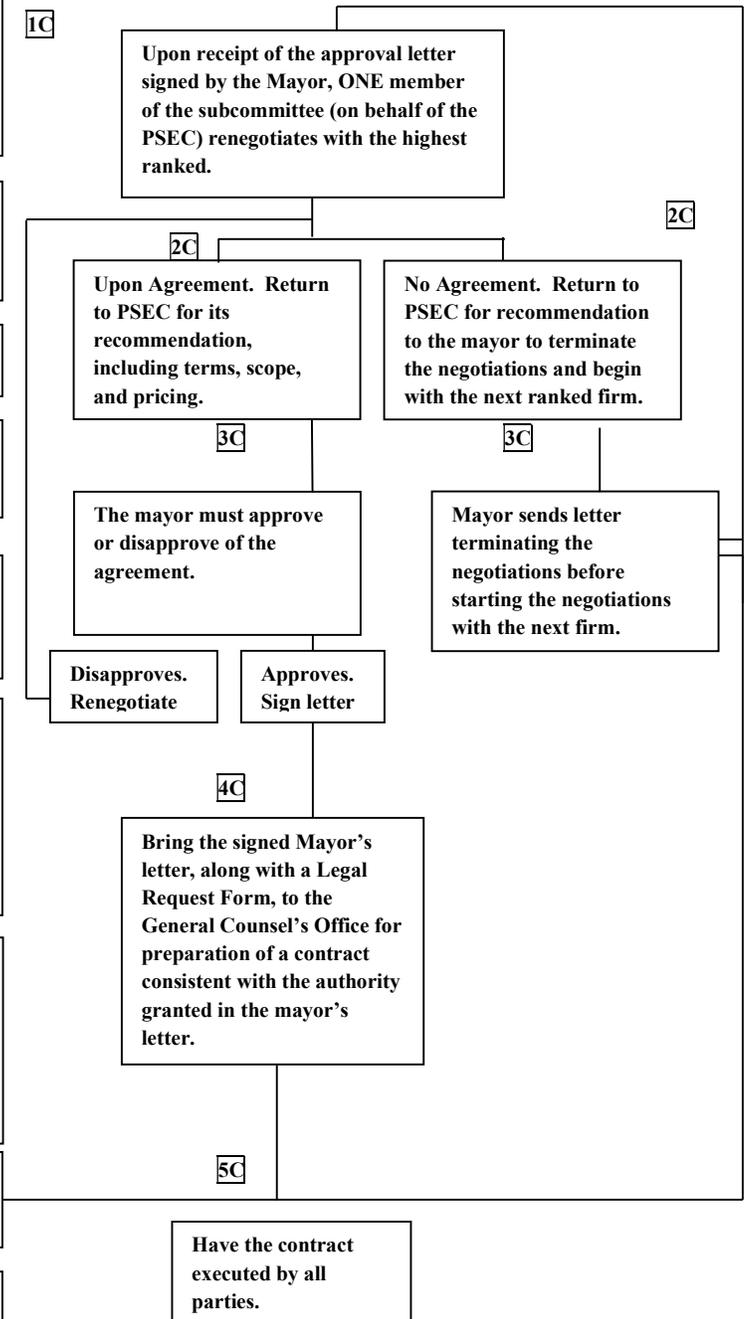


B. Response to the RFP



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



13.0 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 part two (2) and three (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 seven (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-Bid-Build Delivery Method under parts two (2) and three (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 statement 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-Bid-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 statement 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 OGC.

The RFP must also include specific **Minimum Requirements and Qualifications** that a design-build firm responding to the RFP must possess 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 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(n), *Ordinance Code*. To assist in the public advertising and distribution efforts, the using agency is encouraged to provide Procurement with 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:

1. The representative completes the evaluation on his/her own and tabulates the score to produce the final matrix.
2. 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.**)
3. The representative obtains technical assistance from one or more SMEs to help with the review and evaluation of 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 (3) 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 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 with 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 like 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.

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 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 like 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.

14.0 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 Supplier 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 follow 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.

15.0 Contracts and Agreements

All contracts must be approved through the Procurement Division, by City Council action, or by specific ordinance for signature authority. The process for contracts approved by the Procurement Division begins the same way, by submitting a requisition in 1Cloud via a Smart Form requisition as described below.

The process for contracts that require Procurement Division approval begins by entering a requisition in 1Cloud, through use of a Smart Form. There are three (3) basic types of procurement outcomes: PO, BPA, and CPA.

If the Terms and Conditions (T&C) listed on a PO are not sufficient for the scope of a project or service, then a formal contract will need to be generated incorporating additional terms and conditions as necessary. Regardless of dollar value, construction projects must always include a contract incorporating the standard terms and conditions included in the contract construction documents in addition to a PO.

A. Exercise of Renewal Option(s) and Contract Extension Procedures

The exercise of renewal options, to include request for price escalations, if permissible, 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. If 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.

1. Contract Extensions

- a. Contracts shall only be extended and/or renewed according to the term and renewal options specified in the bid documents.
- b. Contracts may be extended to project completion but must have a time specified in the contract.
- c. 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 contract 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.
- d. 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:

- i. the contract contains a renewal provision that was not exercised;
- ii. the renewed contract is subject to remaining terms and conditions set forth in the initial contract;
- iii. the contract expiration has not exceeded 30 calendar days; if beyond 30 calendar days, subject to Chief review and approval.
- iv. all parties agree to the ratification and renewal.

NOTE: *All renewal and extension requests must be initiated through a Smart Form requisition in ICloud.*

16.0 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 the nature of work to be performed and proper production procedure. A set of specifications is developed for each job to request competitive bids as required.

The specification sheet is faxed to the appropriate number of vendors for quotes. If 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.

17.0 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.

18.0 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.

C. If a Using Agency or any individual is made aware or suspects that a supplier or contractor may not be in compliance with this provision, they should inform the Chief of Procurement

19.0 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.

20.0 Debarment of Suppliers

The following procedures apply to the debarment or suspension of Suppliers from the City's Procurement process. Debarment is the exclusion of a person or company from participating in a procurement activity for an extended period because of previous illegal or irresponsible action.

A. Basis

The following may serve as a basis for debarment:

1. Conviction of a criminal offense in obtaining or attempting to obtain a public or private contract;
2. Conviction under state or federal statutes of any offense indicating a lack of business integrity or honesty. Examples include embezzlement, theft, forgery, bribery, and collusion;
3. Conviction under state or federal antitrust statutes arising out of the submission of Bids/Proposals;
4. Material breaches of contract provisions with the City; or
5. Any other cause that the city determines to affect the responsibility of a Supplier.

B. Procedure

1. **Recommendation.** The Chief receives recommendation from the Ombudsman. The Chief shall have the discretion to approve the debarment or removal of a contractor and/or vendor from the Suppliers' list established herein, who: (i) is more than 60 calendar days in default or breach of a contract with the City; (ii) has failed to perform or has unsatisfactorily performed the terms and conditions of one or more contracts with the City, which failure

to perform or unsatisfactory performance was the result of circumstances within the contractor or vendor's control; (iii) may be precluded from contracting with the City because of a public entity crime pursuant to Section 126.104, hereof; (iv) has failed to abide by the federal, state and local prompt payment requirements or contractual terms and conditions regarding the same; (v) has failed to abide by or honor commitments made pursuant to applicable participation goals associated with small or disadvantaged businesses; (vi) has violated § 101 of the Immigration Reform and Control Act of 1986, as may be amended from time to time; (vii) has engaged in conduct prohibited hereunder or that is a serious threat to the integrity of the public procurement and contracting process, as determined by the Chief; or (viii) has been debarred by another government entity within the past three years. No contractor or vendor shall be entitled to have its name restored to the Suppliers' list unless and until it shall have remedied any underlying default and/or breach to the satisfaction of the Chief. Repeated or recurring violations under this Section shall be sufficient reason for the Chief to remove the contractor's name permanently from the Suppliers' list, subject to review by the GGAC and approval by the mayor.

2. **Notice of debarment.** Upon reaching a decision to debar a contractor or vendor, the Chief shall provide said contractor or vendor with a written notice of debarment via certified mail, return receipt requested, and via U.S. Mail or facsimile, stating the reason for and the proposed period of debarment (for less egregious violations, as determined by the Chief, a period of probation may be proposed, any violations during which period will subject the contractor or vendor to debarment of no less than three years). As part of the notice of debarment, the Chief shall advise the contractor or vendor that, if, within ten calendar days after the date of the notice, it fails to provide the Chief with a written Notice of Protest that states, in detail, the grounds on which the protest is based, then the action contained in the notice of debarment shall become final without further notice and shall represent final administrative action.
3. **Determination.** The determination as to whether a contractor or vendor is in violation hereunder and whether the violation is within the contractor or vendor's control shall be made by the Chief. To aid in this duty, the Chief Administrative Officer of each independent or using agency must inform the Chief whenever a contractor or vendor is in violation hereunder, regardless of the reason therefor, and provide a statement of the circumstances surrounding the violation. Nothing herein removes the appeals process set forth in this Chapter.
4. **Compliance.** All contracts and purchase orders, whether formal or otherwise, entered pursuant to this Chapter, shall contain specific language requiring the successful Supplier or contractor to comply with all applicable federal, state, and local laws, rules, regulations, and ordinances, as the same exist and as may be amended from time to time, including, but not limited to the Public Records Law, F.S. Ch. 119.

(Ord. 2004-602-E, § 4; Ord. 2005-944-E, § 1; Ord. 2011-535-E, § 1; Ord. 2016-140-E, § 16)

Editor's note--Ordinance 2007-839-E, § 18, authorized updated department/division names pursuant to reorganization.

C. Duration and Effect

The debarment shall be for a period not to exceed six (6) to seventy-two (72) months. The debarment shall have no effect on existing contracts with the debarred Supplier except that it may be taken into consideration when deciding whether to exercise a renewal option. Debarred Suppliers may continue to receive notifications of City of Jacksonville bid opportunities through the Cities website / 1Cloud or some other means. Notification of bid opportunities to debarred Suppliers shall not be construed as an “invitation,” request to bid, or waiver of debarment. Debarred Suppliers are not eligible for award for the duration of their debarment period

21.0 Federal Procurement Rules and Procurement Guidance (See Appendix G)

The Federal Government provides Federal assistance through various financial assistance programs under the authority of Federal laws and grant special requirements. Non-Federal Entities that are recipients and sub recipients of Federal financial assistance provided by Federal entities 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 and your Grant Administrator for assistance with compliance. Any conflicts between the City of Jacksonville Procurement Ordinance and Federal Procurement Guidance will default to the more stringent requirement, when applicable and feasible, for federally funded projects. The Chief of Procurement will have the final determination when conflicts arise

For reference and convenience, the following link includes a useful contract template created by FEMA that is applicable to federally funded contracts and agreements:

[Contracting with Federal Funds for Goods and Services Before, During and After Disasters | FEMA.gov](#)

A. Grace Period

From the Federal Emergency Management Agency (“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.

B. Federal Checklist DBE Solicitation Requirement (See Appendix G)

The Jacksonville Transportation Authority (JTA) Disadvantaged Business Enterprise (DBE) Program is the designated DBE coordinator for the region. Any federally funded solicitation must be sent to JTA for further distribution to the qualified DBEs in the area. JTA’s program is a comprehensive program developed by the U.S. Department of Transportation (DOT), which establishes guidelines for the participation of firms owned and operated by socially and economically disadvantaged persons in DOT-assisted contracting.

NOTE: Proof of the city sending advertisements or solicitations to JTA for further distribution to DBEs is required for federal reimbursements. Providing this proof is the responsibility of the Using Agency with the assistance of Procurement and EBO.

22.0 Florida Public Records Law (Procurement Exemption)

A. Public Access/Inspection of Sealed Bid/Proposal Responses

Sealed bids, proposals or replies received pursuant to a competitive solicitation are *exempt* from disclosure until such time as the agency provides notice of an intended decision or until 30 days after the opening of the bids, proposals, or final replies, *whichever is earlier* (§119.071(1)(b)(2)).

If an agency rejects all bids, proposals, or replies submitted in response to a competitive solicitation and the agency concurrently provides notice of its intent to reissue the competitive solicitation, the rejected bids, proposals, or replies remain exempt from disclosure until such time as the agency provides notice of an intended decision concerning the reissued competitive solicitation or until the agency withdraws the reissued competitive solicitation. A bid, proposal, or reply is not exempt for longer than 12 months after the initial agency notice rejecting all bids, proposals, or replies (§119.071(1)(b)(3)).

Any financial statement that an agency requires a prospective bidder to submit to prequalify for bidding or for responding to a proposal for a road or any other public works project is exempt from disclosure. (§119.071(1)(c)).

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23.0 Appendix

Appendix A: Committee Rules & Guidelines

**Procurement Committee Rules and Guidelines
For
Professional Services Evaluation Committee (PSEC)
General Government Awards Committee (GGAC)
Competitive Sealed Proposal Evaluation Committee (CSPEC)
April 28, 2023
Dustin Freeman
Chief, Procurement Division**

The following rules and guidelines are provided to assist Procurement committee members in the discharge of their responsibilities under Chapter 126, City Ordinance Code (the “Procurement Code”).

Objectives: In general, the objective of each committee is to:

1. Review the recommendations of the Chief of Procurement or his/her designee on matters that come before the committee.
2. Review and approve solicitations for “Formal Purchases” as defined in the Procurement Code.
3. Make recommendations to the mayor for contract awards based on the bids/proposals received in response to such solicitations.
4. Cancel solicitations, in whole or in part, where appropriate.
5. Reject any or all bids/proposals, in whole or in part, where appropriate.
6. Waive minor irregularities as the best interest of the city dictates.
7. Hear protests and render decisions to grant or deny relief.

Rules and Guidelines:

1. Members shall always adhere to Florida Sunshine Law requirements as set forth in Chapter 286 of the Florida Statutes.
2. Information on these requirements can be found at <http://www.myflsunshine.com/>. If questions arise, committee members should consult the Office of General Counsel or the Public Accountability Office for assistance.

NOTE: *Do not contact the OGC or Procurement employee who sits on the committee as that could result in an inadvertent violation of the Sunshine Law.*

3. Members shall become familiar with all parts of the Procurement Code. If questions arise, committee members should consult the Office of General Counsel or the Procurement Division.

NOTE: *Do not contact the OGC or Procurement employee who sits on the committee as that could result in an inadvertent violation of the Sunshine Law.*

4. Members shall become familiar with and adhere to the Ethics Code in Ch. 602, Ordinance Code.
5. Committee meetings will generally follow parliamentary procedures as described in Robert's Rules of Order.
6. All committee meetings shall be publicly noticed and recorded.
7. Members shall at no time discuss with another member any aspect of an item that will come before the full committee for vote, except in a publicly noticed meeting of the committee.
8. Each member will disclose whether he/she has a personal interest in any potential vendor and if he/she understands and can perform their duties as described in these rules and procedures.
9. Members must not have a personal interest in which vendor is recommended for award.
10. Suppliers' contact **MUST** be conducted strictly through the Procurement Division. If a vendor contacts a committee member, the vendor must be referred to the Procurement Division or the Procurement Contact identified in the solicitation documents.
11. When reviewing RFPs for approval, members should review the entire document and pay particular attention to the following areas:
 - a. Minimum Requirements - to ensure they are appropriate for the services requested, are not too restrictive or proprietary in nature. Objective in one's ability to determine if they are met. Should be "yes" or "no."
 - b. Contract term - is the term sufficient or unreasonably long, are renewals sufficient or unreasonably long?
 - c. Scope of work – is the scope of work clear and relative to the projected budget for the project?
 - d. Evaluation Criteria – is the criteria appropriate for the requested services? Is it clear how one will be scored based on their response? Is it properly weighted? If price is involved, is it formulated appropriately to consistently calculate a score?
12. Members of PSEC and CSPEC are required to read and review all proposals that are subject to PSEC or CSPEC action to fulfill the responsibilities of each committee as set forth in the Procurement Code Parts 2 & 3.
13. Committee members must be familiar with the evaluation criteria and scoring methodology to review the score that is proposed before the full committee.
14. The committee shall evaluate all bids/proposals as fairly, as possible, and set aside all prejudices. Personal knowledge of a vendor shall be used judiciously and pertain only to current situations. When an item to be evaluated is beyond a member's knowledge or experience, the items should be researched enough to achieve a supportable conclusion. Committee members may rely on and adopt

the determinations of the Using Agency’s representative(s) and/or the Procurement Division, but only after reviewing the methodology and reasonableness of those determinations.

15. During and after the procurement process, and particularly while committee meetings are in session, members shall, subject to Florida Sunshine Law requirements, maintain the confidentiality of any items identified by the vendor as “CONFIDENTIAL,” “TRADE SECRET,” or the like. Emailing the contents of any bid/proposal is strongly discouraged.
16. Generally, members shall not disclose ANY of the contents of a bid/proposal, or their preliminary conclusions regarding such bid/proposal, except in a public meeting. However, members may have limited discussions about bids/proposals with a co-worker who is not on the committee if the co-worker can assist the member in the evaluation process. The member must advise their co-worker of the confidential nature of their discussions.
17. If additional information or clarification is needed from a vendor or Using Agency, the committee member shall request it through the Procurement Division.

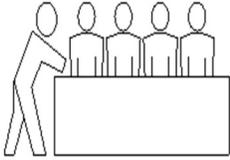
Using Agency Representatives on PSEC: Procurement Divisions rules allow for the initial review of solicitation documents and bids/proposals by the two members of the PSEC who represent the Using Agency. This work may be done individually or in tandem. If the two representatives elect to work in tandem, they must coordinate with the Procurement Division. No private meetings among the Using Agency representatives concerning these matters are allowed.

Using Agency Representative on CSPEC: Procurement Divisions rules allow for the initial review of solicitation documents and bids/proposals by the CSPEC member who represents the Using Agency. This work may be done in tandem with other City employees who are not members of CSPEC. However, if the member creates his/her own committee of co-workers to evaluate a proposal, this must be coordinated with the Procurement Division to assure that Florida Sunshine Laws are not inadvertently violated.

I, _____ have read and understand the attached (**Appendix B**), the Procurement Committee Rules and Guidelines and am willing and able to carry out these functions as described.

Name _____ Date _____

Appendix B: Procurement Awards Committees



PSEC
**PROFESSIONAL SERVICES
EVALUATION COMMITTEE**

Awarding Authority For:

- **Professional Design Services;** Design Architectural Engineering services CCNA
- **Non-Design Professional Services;** Studies, Planning, Consulting, lobbying, insurance broker services

Delivery Method:

- Evaluated RFQ/RFP
- 10 Standard Evaluation Criteria
- Non-design may include price

Members:

- Chief of Procurement (Chair)
- Director of Finance
- Office of General Counsel
- Using Agency Representative
- Using Agency Representative



CSPEC
**COMPETITIVE SEALED PROPOSAL
EVALUATION COMMITTEE**

Awarding Authority For:

- Contractual Services, janitorial, security guard services etc.
- Design-Build Services

Delivery Method:

- Evaluated RFP
- Price, Qualifications and other criteria deemed appropriate

Members:

- Director of Finance (Chair)
- Director of Public Works
- Office of General Counsel
- Procurement representative
- Using Agency Representative



GGAC
**GENERAL GOVERNMENT
AWARDS COMMITTEE**

Awarding Authority For:

- Commodities, supplies, materials, equipment
- Construction

Delivery Method:

- ITB, lowest, responsive, responsible bidder

Members:

- Director of Finance (Chair)
- Director of Public Works
- Office of General Counsel

*All Committees will hear protests and render decisions for their respective procurements.

- ** RFQ – request for qualifications
RFP – request for proposals
ITB – invitation to bid

Appendix C: Procurement Quick Reference Table

Informal Purchases			
<u>Estimated Cost</u>	<u>Type of Inquiry</u>	<u>Minimum Solicited</u>	<u>Misc.</u>
\$0-\$500	Field Order, If applicable	----	Not for items under contract, technology-related hardware/software/maintenance agreements, or construction related. Buyer approval prior to utilizing field order
\$0-\$4,500	Written	1	Minimum lead time is 3-7 Calendar days
\$4,501-\$15,000*	Written	2	
\$15,001*-\$30,000*	Written	3	
\$30,001*-\$65,000*	Written	4	
Professional Design Services (includes planning or study activity)	Design service fee up to \$35,000 and estimated cost of the construction is \$325,000 or less	see above	
Capital Improvement Projects (if expected to exceed \$100,000, a Capital Improvement Verification Form is required)	\$200,000 or less	sealed bid	Advertise for min. of 10 calendar days using sealed bid process (Procurement Chief has discretion to reduce # days advertised and procure other than sealed bid)
NOTES: *Purchases exceeding \$30,000 must have written concurrence from the using agency with agency Division Chief approval			
Review and Approval Requirements - Informal Purchases			
<u>Amount</u>	<u>Approval</u>		
\$0-\$30,000	Buyer		
\$30,001-\$65,000	Buyer, Procurement Manager		
Formal Purchases			
<u>Type</u>	<u>Amount</u>	<u>Misc.</u>	
Supplies	exceeding \$65,000	Minimum posting on the Procurement Division website or advertising in a newspaper of general circulation in the city at least 21 calendar days prior to public opening date in solicitation or electronic submission deadline, <u>and</u> at least 5 calendar days prior to scheduled pre-bid or pre-proposal conference.	
Professional Services			
Contractual Services			
Professional Design Services (includes planning or study activity)	Design service fee exceeding \$35,000 or estimated project construction costs exceeds \$325,000	See above, with exception of advertising minimum of 30 calendar days	
Capital Improvement Projects (CIP) (Capital Improvement Verification Form required)	exceeding \$200,000 up to \$500,000		
	exceeding \$500,000		
Single Source Purchases (formal and informal)			
<u>Type</u>	<u>Approval</u>	<u>Misc.</u>	
Informal	Procurement Chief	Must post on Procurement's website for no less than 7 calendar days (purchases exceeding \$4,500)	
Formal	Awards Committee		
NOTE: Shall be accompanied by a written quote/proposal with the written justification request (from using agency) that the purchase can only be efficiently and effectively made from one single source. Single Source (the only provider; multiple sources, but must get from this one)			

Appendix D: Single Source Justification Form



FINANCE & ADMINISTRATION DEPARTMENT, PROCUREMENT DIVISION

JUSTIFICATION FOR SINGLE SOURCE (JSS)	
<p><i>Pursuant to the City of Jacksonville Procurement Code § 126.206 & § 126.312, when requesting a purchase from a vendor subject to the referenced sections, please complete this form to justify your request and submit to Procurement with applicable attachments.</i></p>	
<p>1. Requesting Agency:</p>	<p>Choose "the requesting agency" from drop-down list by clicking here to make your selection.</p>
<p>2. Nature and/or description of the requirement being requested.</p> <p><i>Identify each item, component or service being procured. (Attach quote/proposal):</i></p> <p><i>Why does the City need these particular goods or services?</i></p>	<p>Click here to enter a complete justification for Single Source vendor.</p>
<p>3. Provide a detailed justification as to why the requested goods/services can only be efficiently and effectively procured through the recommended Single Source vendor:</p>	<p>Click here to enter a complete justification for Single Source vendor.</p>
<p>4. Date of Request</p>	<p>Click here to enter a date.</p>

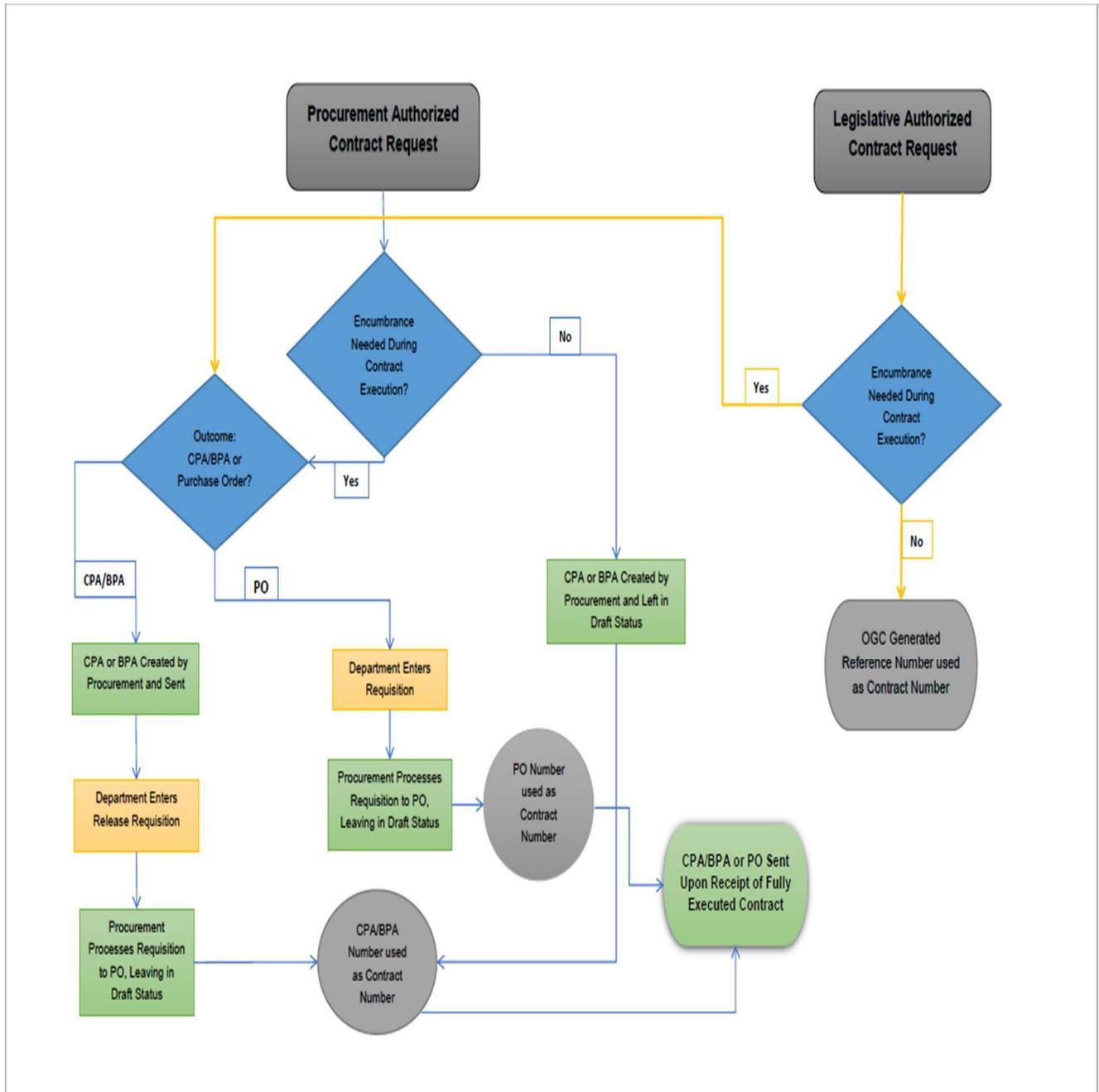
5. Summary of Market Research
[Provide a description of the market research performed, how it was performed, by whom, and market research results. Please spell out acronyms.]

[Click here to enter text.]

6. Other Documentation (Check and attach all that apply)

- Supplier Quote
- Single Source Memo signed by Director
- Other [Click here to list other documentation.]

Appendix E: Contract Request Flow Chart



Appendix F: Procurement Bid Prefixes

Prefix	Description
AD	Administrative Award
CDB	Design-Build
CF	Construction Fixed Quantity (Open) i.e., FEMA Construction
CP	Construction Participation (JSEB)
CS	Construction Supply Contract - ITB
ECF	Competitive Sealed Proposal Construction Fixed Quantity
ECS	Competitive Sealed Proposal Construction Supply Contract
ESC	Competitive Sealed Proposal Supply Contract (Evaluated)
EXF	Competitive Sealed Proposal Bid (Fixed Quantity)
JCF	Set-Aside Construction Fixed Quantity (JSEB)
JCS	Set-Aside Construction Supply Contract (JSEB)
JSC	Set-Aside Supply Contract (JSEB)
JXF	Set-Aside Fixed Quantity (JSEB)
PSC	Piggyback Supply Contract
PXF	Piggyback Fixed Quantity
RFQ	Request for Qualifications
SB	Set-Aside Supply Contract (Non-Construction)
SC	Supply Contract
SP	Proprietary Purchase
SS	Single Source
TCF	Multi-Step Construction Fixed Quantity
TCS	Multi-Step Construction Supply
TSC	Multi-Step Supply Contract
XC	Reference State Contract
XF	Fixed Quantity
XG	Reference GSA
XS	Reference Surplus
XX	Reference other

Appendix G: FEMA Procurement Checklist (as of 26SEPT2016)

Checklist for Reviewing Procurements Under Grants by NFEs (States, local and tribal governments, Institutions of Higher Education, Hospitals, and private non-profit organizations) 2 CFR pt. 200

This checklist was created to assist FEMA recipients and subrecipients in complying with the federal requirements that procurements must meet for FEMA to reimburse eligible expenses. Importantly, this checklist is intended to provide general guidance only and does not provide a detailed explanation of the Federal procurement requirements – it is not intended to serve as legal advice and FEMA makes no guarantee that adherence to this checklist will result in full reimbursement of eligible expenses. To understand the requirements fully, the user should review the provisions of [2 C.F.R. § 200.317 – 326](#), which is the source of these requirements. FEMA’s in – depth guidance on these provisions can be found in its *Supplement to the Public Assistance Field Manual*. In addition, the user may review FEMA’s Field Manual, [Public Assistance Grantee and Subgrantee Procurement Requirements](#), which is available on the internet by searching for “FEMA Procurement Field Manual.” While the Field Manual was drafted to specifically address the Federal procurement standards that were in effect prior to 26 December 2014 ([44 C.F.R. § 13.36\(a\)-\(i\) – States, Local and Tribal Governments](#); and [2 C.F.R. § 215.40-48 – Institutions of Higher Education, Hospitals, and other Non-Profit Organizations](#)), many of the concepts are similar or identical in substance, and thus remains an excellent tool for navigating the current Federal procurement standards. If any questions arise, please contact your servicing attorney or legal counsel for assistance.

2 C.F.R. § 200.317 – 326 became effective on December 26, 2014. For disasters (and their associated projects) declared prior to that date, the relevant procurement standards can continue to be found in 44 C.F.R. § 13.36(a)-(i) (States, local and tribal governments) and 2 C.F.R. § 215.40-48 (Institutions of Higher Education, Hospitals, and Private Non-Profits).¹ As indicated above, while many of the concepts are similar or identical, there are some substantive differences between the old and the new standards. Accordingly, this checklist should not be used for procurements associated with declarations issued prior to 26 December 2014. Instead, see procurement standards Checklists 13.36 and 215.2²

Instructions: Each standard below is followed by a block for “Yes”, “No”, or in some cases, “Not applicable”. **Red font** is used to indicate the response which, if checked, indicates that the contract does not comply with federal requirements.

The term “non-Federal entity” (NFE) below refers to the entity that is conducting the procurement action (i.e., the state, local, or tribal government or private-non-profit entity).

¹ This includes projects associated with declarations issued prior to 26 December 2014, regardless of project start date. For example, if a disaster was declared on 1 November 2014, but contracting for a project under that declaration did not begin until 1 April 2015, then a State (or state agency/instrumentality) would still utilize the old procurement standards found at 44 C.F.R. § 13.36(a); local and tribal governments would follow § 13.36(b)-(i); and Institutions of Higher Education, Hospitals, and Private Non-Profits would use 2 C.F.R. §§ 215.40-48.

² 2 C.F.R. §200.110 provides prospective applicants with the option of exercising a “grace period,” which allows the prospective applicant to continue to use the old procurement standards at 13.36 or 215 for an additional two (2) fiscal years beginning on the first fiscal year after 26 December 2014. The fiscal year is based upon the prospective applicant’s own fiscal year. In order to utilize this exception, the prospective applicant is required to affirmatively elect its use through the documentation of this decision in its contract records.

1. Does the procurement comply with the State’s own procurement laws, rules, and procedures? §200.317 Yes No

2. Does the procurement comply with the requirement to make maximum use of recovered/recycled materials? § 200.317, § 200.322. Yes No N/A – work does not involve the use of materials (e.g., debris removal or other services)

3. **Does the contract include the following clauses?**³
 - a. *If the contract amount exceeds \$150,000*⁴, does it address **administrative, contractual, or legal remedies** in instances where contractors violate or breach contract terms, and provide for sanctions and penalties? Yes No N/A

 - b. *If the contract amount exceeds \$10,000*, does it address **termination for cause and for convenience, including the manner by which it will be affected and the basis for settlement?** Yes No N/A

 - c. *If the contract is for construction*, does it include the required **Equal Employment Opportunity clause**?⁵ Yes No N/A

 - d. *For construction contracts exceeding \$2,000 awarded under a federal grant*, does the contract include a **Davis-Bacon Act clause** and **Copeland “Anti- Kickback” Act clause**⁶ addressing prevailing wage rates? [Note that Public Assistance and Hazard Mitigation Grant Program contracts do NOT require these clauses.] Yes No N/A

 - e. *If the contract amount exceeds \$100,000 and involves the employment of mechanics or laborers*, does the contract include a **Contract Work Hours and Safety Standards clause**?⁷ Yes No N/A

 - f. Rights to Inventions Made Under a Contract or Agreement.⁸ N/A

³ See [Appendix II of 2 CFR part 200](#). See also, PDAT Field Manual, section IV.H for a detailed discussion of these clauses. Sample clauses and templates can be found in the [Required Contract Clauses 2 CFR 200.326 and 2 CFR Part 200 Appendix II](#).

⁴ \$150,000 is the current dollar threshold for the simplified acquisition threshold, as authorized by 41 U.S.C. § 1908.

⁵ The EEO clause can be found at [41 C.F.R. § 60-1.4\(b\)](#).

⁶ The clause may read as follows: Compliance with the Copeland “Anti-Kickback” Act

⁷ Must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation.

⁸ As FEMA does not award grants or subgrants associated with research and development projects, this contract clause is inapplicable.

- g. If the contract or subgrant amount exceeds \$150,000, does the contract include clauses addressing the **Clean Air Act and the Federal Water Pollution Control Act?**⁹ Yes No N/A
- h. Does the contract include a **Suspension and Debarment clause?**¹⁰ Yes No¹¹
- i. Does the contract include an Anti-Lobbying clause?¹² Yes No
- i. For contracts exceeding \$100,000, have bidders submitted an Anti-Lobbying Certification?
 Yes No N/A
- j. Does the contract include a clause requiring the contractor to maximize use of recovered/recycled materials? Yes No N/A – work does not involve the use of materials (e.g., debris removal or other services).



If a state agency is awarding the contract, stop here. If the contract is being awarded by a local or tribal government or private nonprofit entity, continue with the checklist.

-
- (1) Contractor. The contractor shall comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 C.F.R. pt. 3 as may be applicable, which are incorporated by reference into this contract.
- (2) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clause above and such other clauses as the FEMA may by appropriate instructions require, and a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all these contract clauses.
- (3) Breach. A breach of the contract clauses above may be grounds for termination of the contract, and for debarment as a contractor and subcontractor as provided in 29 C.F.R. § 5.12.

⁹ The clause may read as follows: Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387), and will report violations to FEMA and the Regional Office of the Environmental Protection Agency (EPA).

¹⁰ See, PDAT Manual, pps. 99-100 for sample text.

¹¹ A prospective contractor that is listed on the government-wide Excluded Parties List System in the System for Award Management (www.SAM.gov) as suspended or debarred, CANNOT be awarded a contract funded with Federal assistance.

¹² See PDAT Manual, pgs. 127-129. The clause may read substantially as follows: Byrd Anti-Lobbying Amendment, 31 U.S.C. § 1352 (as amended). Contractors who apply or bid for an award of \$100,000 or more shall file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non- Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the recipient.

4. General requirements¹³

- a. *Does the procurement comply with the NFE's*¹⁴ *own procurement laws, rules, and procedures?* §200.318(a) **Yes** **No**
- b. *Does the NFE maintain contract oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders?* §200.318(b) **Yes** **No**
- c. *Does the NFE have - §200.318(c)(1):*
- i. *Written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts?* **Yes** **No**
 - ii. *Any employee, officer, or agent participating in the selection, award, or administration of a contract supported by a federal award that has an actual or apparent conflict of interest?*¹⁵ **Yes** **No**
 - iii. *Any employee, officer, or agent that has solicited and/or accepted gratuities, favors, or anything of monetary value from contractors or parties to subcontracts?*¹⁶ **Yes** **No**
 - iv. *Written standards of conduct that provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.* **Yes** **No**
- d. *If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a state, local government, or Indian tribe, does the non-Federal entity have written standards of conduct covering organizational conflicts of interest?* § 200.318(c)(2)¹⁷ **Yes** **No** **N/A**
- e. *The NFE must avoid acquisition of unnecessary or duplicative items. Has the NFE considered consolidating or breaking out procurements to obtain a more economical purchase? Where appropriate, has the NFE considered lease versus purchase alternatives?* § 200.318(d) **Yes** **No**
- f. *Is the contract being awarded to a responsible contractor possessing the ability to perform successfully under the terms and conditions of the proposed procurement, considering such matters*

¹³ [See, 2 C.F.R. § 200.318](#)

¹⁴ Non-Federal Entity (NFE)

¹⁵ Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

¹⁶ However, NFEs may set standards for situations in which the financial interest is not substantial, or the gift is an unsolicited item of nominal value.

¹⁷ Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the NFE is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources? § 200.318(h) Yes No

g. *Is the NFE keeping records sufficient to detail the history of the procurement, including, but not limited to, records documenting the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price?* § 200.318(i) Yes No

h. *Is the contract a time-and-materials contract?*¹⁸ § 200.318(j) Yes No

i. If so, has the NFE documented why no other contract is suitable? Yes No

ii. Does the contract include a ceiling price that the contractor exceeds at its own risk? Yes No

i. *Is the NFE alone responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements?* §200.318(k) Yes No

j. *Encouraged, but not required standards at § 200.318(e), (f), and (g).*¹⁹

5. **Competition:**

a. All procurement transactions must be conducted in a manner providing **full and open competition** consistent with the standards of this section. *Does the procurement involve any of the following*²⁰ § 200.319(a):

¹⁸ Time and materials type contract means a contract whose cost to a non-Federal entity is the sum of: (i) The actual cost of materials; and (ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. Because this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency.

Therefore, a time-and-materials contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls. [Note that FEMA previously reimbursed costs under a time-and-materials contract for only the first 70 hours of work performed. See, FEMA PA Guide (2007 ed.), pg. 53. However, FEMA's new Public Assistance Guide, published on 1 January 2016, has eliminated this requirement, and replaced it with a reasonable period of time standard. Please engage your FEMA Public Assistance POC for additional information]

¹⁹ §200.318(e) – to foster greater economy and efficiency, the NFE is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services (this section provides the authority for state schedule and mutual aid agreements, for example); §200.318(f) – NFEs are encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs; and §200.318(g) – NFEs are encouraged to use value engineering clauses in contracts for construction projects (value engineering is a systematic and creative analysis of each contract item or task to encourage the contractor to develop more cost effective means to produce or procure requirements.).

²⁰ This list is non-exclusive and only serves as an example of some of the types of situations that are restrictive of competition.

- i. Placing unreasonable requirements on firms for them to qualify to do business? **Yes** **No**
 - ii. Requiring unnecessary experience and excessive bonding? **Yes** **No**
 - iii. Noncompetitive pricing practices between firms or between affiliated companies?²¹ **Yes** **No**
 - iv. Noncompetitive contracts to consultants that are on retainer contracts?²² **Yes** **No**
 - v. Organizational conflicts of interest?²³ **Yes** **No**
 - vi. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement? **Yes** **No**
 - vii. Any arbitrary action in the procurement process? **Yes** **No**
- b. Was the contractor that is bidding on the contract also involved with developing or drafting the specifications, requirements, statement of work, invitation for bids or request for proposals? (If so, that contractor must be excluded from competing for such procurements) § 200.319(a) **Yes** **No** **N/A**
- c. *Does the contract include a state or local geographic preference for local contractors?*²⁴ § 200.319(b) **Yes** **No**
- d. Do the NFE’s written procurement procedures ensure that all solicitations comply with the following: § 200.319(c)
- i. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured? § 200.319(c)(1) **Yes** **No**
 - ii. Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals? § 200.319(c)(2) **Yes** **No**
- e. If the NFE is using a prequalified list of persons, firms, or products which are used in acquiring goods and services: § 200.319(d) **N/A**

²¹ For example, bid suppression or bid rigging.

²² For example, out-of-scope disaster work added to the consultant’s work on retainer.

²³ See, fn 18.

²⁴ Geographic preferences are generally not allowed under FEMA grants. The only exception is that when contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

- i. Is the list current? Yes No
- ii. Does the list include enough qualified sources to ensure maximum open and free competition? Yes No
- iii. Were any potential bidders precluded from qualifying during the solicitation period?²⁵ Yes No

6. Method of Procurement

a. Is the NFE using one of the following acceptable methods of procurement? § 200.320

i. Micro-purchase (i.e., purchases below \$3,500, see, §200.67 Micro-purchases). § 200.320(a) Yes No

- 1. [Note: Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.]
- 2. To the extent practicable, is the NFE distributing micro-purchases equitably among qualified suppliers? Yes No N/A – **not practicable**

ii. Small purchase procedures § 200.320(b) Yes No

- 1. [Note: Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the *lesser* of either (1) the federal small purchase threshold (i.e., \$150,000), *or* (2) whatever amount State or local procurement rules set as the small purchase threshold – *if more restrictive than the federal threshold.*]
- 2. Did the NFE obtain price or rate quotations from an adequate number of qualified sources?²⁶ Yes No

iii. Sealed bids § 200.320(c)²⁷ Yes No

²⁵ Pre-qualified lists are NOT contracts. Accordingly, once the decision to solicit and award a contract is made, the NFE may issue the solicitation directly to the contractors on the pre-qualified list but must also allow any interested contractor (not on the pre-qualified list) to submit its qualifications, and if deemed qualified, allow that contractor to submit a bid or proposal in response to the solicitation. Contract award will then be made to one of the contractors submitting a bid or proposal, IAW the evaluation/award criteria identified in the solicitation.

²⁶ FEMA has determined that for simplified purchase procedures, an adequate number of qualified sources is considered to be three (3). See, [FEMA Recovery Fact Sheet 9580.212 – Public Assistance Grant Contracting Frequently Asked Questions \(FAQ\)](#), FAC No. 3 and the PDAT Field Manual.

²⁷ Sealed bidding is generally used where price is the most important evaluation factor for the NFE. Accordingly, contract award under the sealed bidding method of procurement is made to the bidder submitting the lowest priced, responsive and responsible bid. “Responsive” refers to whether the bidder meets all the material requirements of the Invitation for Bid (IFB), while “Responsibility” is described at § 200.318(h).

1. [Note: Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. Sealed bidding is the preferred method for procuring construction]

2. Are *all* the following conditions to use sealed bidding present? §200.320(c)(1)
 - Yes** **No**

 - a. A complete, adequate, and realistic specification or purchase description is available **Yes** **No**

 - b. Two or more responsible bidders are willing and able to compete effectively for the business **Yes** **No**

 - c. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally based on price **Yes** **No**

 - 1. *If sealed bids are used*, the following requirements apply: § 200.320(c)(2)
 - a. Did the NFE solicit bids from an adequate number²⁸ of known suppliers, providing them sufficient response time prior to the date set for opening the bids? **Yes** **No**

 - b. If the NFE is a local or tribal government, was the invitation for bids publicly advertised? **Yes** **No** **N/A**

 - c. Did the invitation for bids include any specifications and pertinent attachments, and define the items or services for the bidder to properly respond? **Yes** **No**

 - d. Did the NFE open all bids at the time and place prescribed in the invitation for bids? **Yes** **No**

 - e. For local and tribal governments, were the bids opened publicly? **Yes** **No** **N/A**

 - f. Did the NFE award a firm fixed price contract award in writing to the lowest responsive and responsible bidder? **Yes** **No**

 - g. If any bids were rejected, was there a sound documented reason supporting the rejection? **Yes** **No** **N/A**

²⁸ Unlike, for simplified purchase procedures, FEMA has not defined an “adequate number” of known sources under the sealed bidding method. While left undefined, a NFE is likely to meet this requirement through the application of “full and open competition.” (See fn. 27)

iv. Procurement by competitive proposals²⁹ § 200.320(d) Yes No

1. [Note: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.]
2. Did the NFE publicize the Requests for Proposals (RFPs) and identify all evaluation factors and their relative importance? Yes No
3. Did the NFE solicit proposals from an adequate number of qualified sources?³⁰ Yes No
4. Did the NFE have a written method for conducting technical evaluations of the proposals received and for selecting recipients? Yes No
5. Did the NFE award the contract to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered?
 Yes No
6. [Note regarding architectural/engineering (A/E) professional services: The NFE may use competitive proposal procedures for qualifications-based procurement of A/E professional services whereby competitors' qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.]

v. Noncompetitive proposals § 200.320(f)³¹ Yes No

²⁹ Whereas contract awards under sealed bidding are focused on selecting the lowest responsive responsible bid, NFEs under the competitive procurement method may prioritize non-price factors, such as technical capability or past performance, over price and therefore award a contract to a contractor whose proposal is more expensive but reflects a better overall value to the NFE (e.g. “best value” contracting).

³⁰ Unlike, for simplified purchase procedures, FEMA has not defined an “adequate number” of qualified sources under the competitive procurement method. While left undefined, a NFE is likely to meet this requirement through the application of “full and open competition.”

³¹ § 200.320(e) is reserved.

1. [Note: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one (or an improperly limited number of) source(s)]
2. Do one or more of the following circumstances apply? **Yes** **No**
 - a. The item is available only from a single source **Yes** **No**
 - b. The public exigency or emergency³² for the requirement will not permit a delay resulting from competitive solicitation **Yes** **No**
 - c. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity **Yes** **No**
 - d. After solicitation of several sources, competition is determined inadequate.³³
 Yes **No**

7. **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms**

- a. Has the NFE taken the following affirmative steps³⁴ to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible?³⁵ § 200.321 **Yes** **No** **N/A (document)**
 - i. Placing qualified small and minority businesses and women's business enterprises on solicitation lists? **Yes** **No** **N/A (document)**
 - ii. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources? **Yes** **No** **N/A – no potential sources (document)**
 - iii. Dividing total requirements, *when economically feasible*, into smaller tasks or quantities to permit maximum participation by small and minority businesses,

³² For an explanation of what “emergency” and exigency” mean, see PDAT Field Manual, pg. 68.

³³ Before utilizing this exception, Applicants should review their solicitation and the publicizing of their solicitation to ensure that it was not inadvertently drafted in a manner to reduce or eliminate competition, which resulted in the receipt of one or no proposals. If this is found to be the case, the Applicant should revise the solicitation and re-publicize the solicitation in order to resolve the competitive concerns.

³⁴ The following affirmative steps are non-exclusive; while these steps must be taken, additional steps, as determined by the NFE, local, state, or tribal government regulations or procedures, may also be taken.

³⁵ Collectively referred to as “socioeconomic contractors” or “socioeconomic contracting,” this requirement does not impose an obligation to set aside either the solicitation or award of a contract to these types of firms; this requirement only imposes an obligation to carry out and document the six identified affirmative steps. Failure to do so has been frequently identified as a justification to de-obligate funding by the Department of Homeland Security (DHS), Office of Inspector General (OIG).

and women's business enterprises?³⁶ Yes No N/A – **not economically feasible (document)**

- iv. Establishing delivery schedules, *where the requirement permits*, which encourage participation by small and minority businesses, and women's business enterprises? Yes No N/A – **the requirement does not permit (document)**
- v. Using the services and assistance, *as appropriate*, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce Yes No N/A – **not appropriate (document)**
- vi. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above? Yes No N/A – **no subcontracts will be let (document)**

8. Contract cost and price³⁷

- a. *If the contract amount (including contract modifications) exceeds \$150,000*, did the NFE perform a cost or price analysis? § 200.323(a) Yes No N/A
- b. Did the NFE negotiate profit as a separate element of the price for each contract in *which there is no price competition and, in all cases, where cost analysis is performed?* § 200.323(b) Yes No N/A
- c. Is the contract a “cost plus a percentage of cost” or “percentage of construction cost” contract?³⁸ [Note: This form of contract is prohibited under the Federal procurement standards and is ineligible for FEMA reimbursement] Yes No

9. Bonding requirements for construction or facility improvement contracts exceeding \$150,000

- a. [Note: For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold (i.e., \$150,000), the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-Federal entity provided that the Federal awarding agency or pass-through entity has decided that the Federal interest is adequately protected.]

³⁶ This is not the same as breaking a single project down into smaller components in order to circumvent the micro-purchase or small purchase thresholds to utilize their streamlined acquisition procedures (e.g. “project splitting.”)

³⁷ See, Pricing Guide for Recipients and Subrecipients Under the Uniform Rules for guidance on cost or price analysis.

³⁸ This type of contract is separate and distinct from cost plus fixed fee, cost plus incentive fee, and cost-plus award fee type contracts, which are permissible and used to incentivize contractors to perform to a higher standard of quality, lower cost, or faster performance. Cost plus percentage of cost contracts on the other hand provide none of these incentives; instead, there is a reverse incentive for the contractor to increase its costs as the higher its costs go, the more profit it earns, as its potential earnings are uncapped. The following characteristics are suggestive of a prohibited cost-plus percentage of cost contract: (1) payment is on a predetermined percentage rate; (2) the predetermined percentage rate is applied to actual performance costs; (3) the contractor’s entitlement is uncertain at the time of contracting; and (4) the contractor’s entitlement increases commensurately with increased performance costs.

- b. If such a determination (see above) has not been made, does the procurement include the following? Yes No N/A
- i. A bid guarantee from each bidder equivalent to five percent of the bid price? Yes No N/A
 - 1. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
 - ii. A performance bond on the part of the contractor for 100 percent of the contract price? Yes No N/A
 - 1. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
 - iii. A payment bond on the part of the contractor for 100 percent of the contract price. Yes No N/A
 - 1. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

END OF CHECKLIST³⁹

³⁹ All FEMA PDAT Reference Materials can be found at the following website: www.fema.gov/procurement-disaster-assistance-team

Appendix H: Ex-Offender Compliance Report

Full and Fair Consideration of Ex-Offenders for Awarded Contractor
Submitted with Progress Payments
This form must be notarized

Date:

Project Name and Bid Number:

Invoice Number:

Payment Application Number:

Name of Contractor:

Authorized Signature and Title:

Printed Name:

Please review the following and respond accordingly, if applicable.

By Submission of this report, it is attested that the efforts below have been utilized in providing full and fair consideration to ex-offenders in the hiring practices of the above-named contractor in support of and in compliance with Section 4 of the project specifications/contract.	
1. Total number of Ex-Offenders hired and working on this project, during this pay period:	
a. If no Ex-Offenders were hired for this project, during this pay period, why?	
b. Is there a list or attachment of all ID numbers for the Ex-Offender hired for this project during this pay period?	Yes / No (circle one)
2. Total number of Ex-Offenders that were interviewed for employment for this project, during this pay period:	
a. Total number of Ex-Offenders that applied for employment for this project, during this pay period:	
3. Total number of Ex-Offenders that applied for employment for this project, during this pay period, and were refused employment:	
a. If the Ex-Offender was refused employment, why?	
4. Employment policy exists for this project, and during this pay period, stating that ex-offenders will be given full and fair consideration in employment this pay period?	Yes / No (circle one)
5. During this pay period, there is indication in recruitment literature that Ex-Offenders will be given full and fair consideration in employment by the contractor?	
6. Total number of employment openings for this project, during this pay period:	
7. An Ex-Offender Program Provider was contacted no later than 30 days after the issuance of a notice to proceed under the project to obtain information regarding available Ex-Offenders for employment. <i>List the providers name and give a statement below. (this is mandatory)</i>	Yes / No (circle one)

If necessary, on a separate attachment, provide an explanation as to why no ex-offenders have been hired, including but not limited to, identifying any safety or security considerations, issues related to bonding or insurance, as applicable, whether any ex-offenders applied for employment, efforts made to recruit ex-offenders for employment and any specific impediments encountered that prevented ex-offenders from being hired.

Sworn to before me this _____ day of _____, 20__ by _____
(Name of affiant)

He/She is personally known to me or has produced _____ as identification.

Signature of Notary

Notary's Printed Name

Expiration of Notary's Commission

Affix Seal Here:

Appendix I: Smart Form Overview

Smart Form / Request Form Name	Description / When to use
“More Tasks” drop down “Request a Requisition Line”	Should only be used for requisitions less than \$4500 or managing requisition preferences.
Agreement Amendment Request (Quantity & Dollars Based)	Used for any amendment or any modification requests to existing agreements/awards/contracts. This includes Renewals, Increases, Decreases, Extensions, or any modifications needed to an existing Procurement award or Contract.
CIP - Construction Services (Quantity & Dollars Based)	Use for any request for bid that involves CIP funding whether it is the Formal or Informal threshold.
Contract Purchase Agreement (CPA) Release	Any releases against an existing Contract Purchase Agreement. Use to enter release requisitions only against Contract Purchase Agreements. Refer to training documents for the steps needed to enter release requisitions against a Blanket Purchase Agreement.
Design-Build Contract Purchase Agreement (CPA) Release	Use for any releases against an existing Contract Purchase Agreement where there is a design-build contract.
Direct Material Purchase Request	Any Direct Material purchases against an existing award/contract.
Emergency Request (Quantity & Dollars Based)	Any emergency purchase request as defined in Section 126.102 (f) of the Procurement code.
Exempt Purchase Request (Quantity & Dollars Based)	Used for any requests citing an exemption per Section 126.107 of the Procurement code.
Informal Quotes Request (Quantity & Dollars Based)	Used for any informal quotes request between \$4,500 and \$65,000. Includes blanket order requests over \$4,500. All Line(s) need to be setup in the same manner that the suppliers will need to submit their pricing (i.e., lump sum price, unit-based price, etc.).
Administrative Award Request (Quantity & Dollars Based)	Used for administrative award requests for MOU requests, requests not to exceed \$4,500 that require administrative awards, or no cost agreements. **Please use the Exempt Purchase Request Smart Form for administrative awards citing an exemption.
New Request for Proposals (RFP) (Quantity & Dollars Based)	Used for Informal and Formal evaluated bid requests (RFP's) to include Professional Services requests.
New Low Bid Request (Quantity & Dollars Based)	Used for any new Formal bids to the lowest responsive supplier (ITB) - no evaluation criteria.
Piggyback Request (Quantity & Dollars Based)	Used for any Formal or Informal piggyback requests.
Request for Information (RFI) Only	Used for requests for information only with no award associated.
Request for Qualifications (RFQ)	Used for any new requests for qualifications to qualify (RFQ) multiple suppliers for specific services.
Single Source (Quantity & Dollars Based)	Used for any Formal or Informal single source requests.