

# Operational Procedures

## Supplementing the JEA Procurement Code

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# PART A: INTRODUCTION

## 1.0 INTENT OF OPERATIONAL PROCEDURES

Section 2-103(2) of the Amended and Restated JEA Procurement Code effective May 27, 2025, (the "Code") requires that the Chief Procurement Officer promulgate written processes and procedures governing JEA's Procurement activities that are consistent with the provisions of the Code. These Operational Procedures shall constitute the Operational Procedures required under the Code. Therefore, any discrepancies that may arise between these Operational Procedures and the Code shall be resolved by the CPO in a manner consistent with the Code.

## 1.1 GUIDING PRINCIPLES AND PURPOSES AND POLICIES

**Guiding Principles.** These Operational Procedures shall at all times be subject to the provisions of the Code and the JEA Charter found in Article 21 of the Charter of the City of Jacksonville and governed by the following guiding principles:

(a) **Open and Fair Competition.** To the greatest extent reasonably possible, JEA shall use fair, competitive, and generally accepted government Procurement methods that seek to encourage the most competition and best price for the purchase of Supplies, Construction, professional and other contractual Services. JEA shall adhere to all applicable state procurement laws, including but not limited to laws governing the purchase of Construction services and professional design services.

(b) **Transparency in Procurement Processes.** The Code and all Procurement policies, Operational Procedures, rules, Directives, standards, and other Procurement governing documents, including any amendments thereto, shall be Posted on JEA's website in a conspicuous manner for the public to view. All records of JEA Procurement activities shall be subject to disclosure under Florida's Public Records Laws, including, but not limited to those laws codified in Section 119, Florida Statutes, as amended.

(c) **Use of Certain Agreements.** The use of confidentiality, nondisclosure, or similar agreements by government agencies are contrary to open and transparent government. With the exception of information or records deemed by JEA to be confidential or exempt in accordance with federal or state law, JEA should not enter into confidentiality or nondisclosure agreements with third parties and should use confidentiality, nondisclosure or similar agreements sparingly in the conduct and operation of its Procurement activities. Additionally, JEA shall not require a member, officer or employee to maintain the confidentiality of information or records that is not confidential or exempt by law.

**Purposes and Policies.** Consistent with the Code, the underlying purposes and policies of these Operational Procedures are:

- (a) to provide for increased public confidence and consistency in the procedures followed in JEA Procurement;
- (b) to ensure the fair and equitable treatment of all persons who deal with the JEA Procurement system;
- (c) to maximize, to the fullest extent practicable, the purchasing value of JEA funds;
- (d) to foster effective, broad-based competition among vendors purchasing good and services from JEA;
- (e) to provide safeguards for the maintenance of the quality and integrity of the JEA Procurement system;  
and
- (f) to ensure JEA's Procurement activities comply with all applicable Florida Statutes.

## **1.2 DEFINITIONS**

### **1.2.1 INTENT AND USAGE OF DEFINED TERMS**

Capitalized terms used in these Operational Procedures and not defined herein shall have the meanings given to them in the Code. All words not defined in the Code, or these Operational Procedures shall have the meanings commonly attributed to them and as appropriate for the context of their use.

### **1.2.2 DEFINED TERMS IN THE CODE**

Terms defined in the Code and used in these Operational Procedures, include, but are not limited to, the following:

- Addendum
- Appeal
- Award
- Awards Committee
- Best and Final Offer or BAFO
- Bid
- Bidder
- Business Days
- Capital Project
- Chief Procurement Officer or CPO
- Consultants' Competitive Negotiation Act or CCNA
- Code
- Collaborative Procurement
- Construction
- Construction Management Entity
- Contract
- Contract Amendment
- Data
- Designee
- Determination
- Directives
- Emergency
- Evaluation Team
- Ex Parte Communication
- Florida's Open Meeting Laws
- Formal Purchase
- Governmental Entity
- Informal Purchase
- Intent to Award
- Invitation for Bid or IFB
- Invitation to Negotiate or ITN
- Irregularity
- JEA
- JEA Board
- JEA Charter

- Office of the General Counsel
- Operational Procedures
- Operations and Maintenance (O&M)
- Organizational Element
- Organizational Element Manager
- Pilot Project
- Post, Posting, or Posted
- Pre-Source Selection Methods
- Procurement
- Procurement Appeals Board
- Professional Services
- Project Manager or JEA Project Manager
- Proposal
- Proposer
- Protest
- Protestant
- Purchase Order
- Request for Information
- Request for Proposals or RFP
- Request for Qualifications or RFQ
- Respondent
- Responsible Bidder
- Services
- Single Source
- Solicitation
- Source Selection
- Specifications or Technical Specifications
- Supplies
- Utility Industry Partner
- Vendor

### 1.2.3 TERMS DEFINED FOR THESE OPERATIONAL PROCEDURES

The following terminology is used within these Operational Procedures to more concisely refer to people and processes:

**Bid Documentation File** - Shall have the same meaning given to the term in Section 7.6 of Part C of these Operational Procedures.

**Business Unit** – A department or division or other segment of JEA’s operations that desires to Procure Supplies or Services for JEA.

**Buyer** – A JEA Procurement Services staff member that reports directly to the Manager Procurement Portfolio and is responsible for performing duties related to sourcing products and services. The term “Buyer” shall also include Manager Procurement Portfolios, Purchasing Agents, Senior Buyers, and Purchasing Assistants if such persons are performing responsibilities assigned to, or contemplated to be undertaken by, a Buyer in these Operational Procedures.

**Contract Documents** - The Contract and all documents incorporated into or referenced in the Contract, including but not limited to, supplementary conditions, the Solicitation, drawings, Technical Specifications, Purchase Orders, and Task Authorizations.

**Change Order** - Shall have the same meaning set forth in Section 13.0 , Part C, of these Operational Procedures.

**Consent Agenda** - The agenda voted on by the Awards Committee with no discussion.

**Contract File** – The collection of documentation associated with a Contract that is maintained by the Manager of Procurement Contract Administration.

**Contractor** – A Vendor providing construction or repair services to JEA which require a payment and performance bond under Section 255.05, Florida Statutes.

**Evaluator** – An individual designated to review a Bid, Proposal or Response to a Solicitation or replies to a Request for Quotes.

**Florida's Public Records Laws** – Chapter 119, Florida Statutes, as amended.

**Formal Solicitation Process** – A process under which JEA uses established methods of Source Selection for Formal Purchases as provided in Section 3-104 of the Code.

**Informal Purchase Process** – A process under which JEA uses established methods of Source Selection for Informal Purchases as provided in Section 3-102 of the Code.

**JEA Standard** – Supplies or Services that have been selected as standard via the JEA standardization process as detailed in these Operational Procedures.

**JSEB**– The City of Jacksonville's Small and Emerging Businesses Program.

**JSEB Manager** – A JEA Procurement Services staff member that reports directly to the CPO and manages the JSEB program on behalf of JEA.

**Letter of Credit** - A commitment, usually made by a commercial bank, to honor demands for payment of an obligation upon compliance with conditions and/or the occurrence of certain events specified under the terms of the commitment.

**Lead Evaluator** – The individual identified by the Requestor to lead the Evaluation Team in reviewing and scoring Proposals or Responses.

**Manager of Procurement Contracts Administration** – The individual within Procurement Services who is charged with managing the preparation of Solicitations and Contracts, managing the Contract execution process, maintaining Contract Files, and managing JEA's Vendor Performance Program.

**Minimum Qualifications** – The minimum qualifications as delineated and required in a Solicitation in order for a Vendor to have their Bid, Proposal, or Response considered by JEA.

**Piggy-backing** – Use of an existing contract competitively procured by another Governmental Entity in accordance with the provisions of Section 3-117 of the Code for the Procurement of Supplies or Services by JEA.

**Procurement Services** - The Business Unit within JEA responsible for overseeing the Procurement of Supplies and Services.

**Manager Procurement Portfolio or MPP** – A JEA manager responsible for the strategic sourcing of specific Supplies and Services.

**Procurement Platform** - A JEA software platform that is used for any of the following: sourcing, document storage, Contract management, supplier evaluations, supplier management, or Vendor Performance Program scorecards. During sourcing events, the Procurement Platform allows JEA Procurement Services to ensure Bids, Proposals, Responses and other documents associated with an Informal or Formal purchases such as supplier evaluations are kept confidential to the extent an applicable exemption is available under Florida's Public Records Laws.

**Purchasing Assistant** – A JEA Procurement Services staff member that reports directly to the Manager Procurement Portfolio and assists with administrative duties as assigned.

**Regular Agenda** – The agenda voted on by the Awards Committee with discussion at the committee meeting.

**Requestor** – The individual representing the requesting Business Unit who will be responsible for overseeing the Procurement process on behalf of the Business Unit.

**Request for Quotes**– A document released by JEA to obtain prices from Vendors for Informal Purchases.

**Requisition** - Document generated by the Business Unit to notify Procurement Services of Supplies or Services to be Procured, their quantity, and the timeframe.

**Selection Criteria** – The criteria used by an Evaluator or the Evaluation Team to rank or score a Vendor's submittal.

**Senior Buyer** – A Procurement Services staff member that reports directly to the Manager Procurement Portfolio and is responsible for strategic sourcing of Formal Purchases.

**Subject Matter Expert or SME** - An individual who provides technical expertise during the Procurement process. The SME may assist with preparing the Solicitation documents and may provide an evaluation scoring guidance sheet prior to receiving Bids/Responses/Proposals. After the Bids/Responses/Proposals are received, the SME may meet individually with Evaluation Team members to provide clarification and answer technical questions or may meet with the entire Evaluation Team in a meeting held in accordance with Florida's Open Meeting Laws. The SME shall not share information provided by one Evaluation Team member with another Evaluation Team member.

**Task Authorization or Work Order** – A document issued by the JEA Project Manager or other authorized member of Procurement Services authorizing a Vendor to proceed with a specific scope of work as a part of either a larger scope of work or a master Contract as described in Section 6.0, Part E of these Operational Procedures.

**Vendor Performance Program** – The set of policies and procedures by which JEA assesses and manages the performance of Vendors.

## **2.0 FILING OF DETERMINATIONS**

### **2.1 GENERAL DETERMINATIONS**

Determinations regarding these Operational Procedures or other interpretations of the Code should be maintained in a master file by the CPO, or designee.

### **2.2 SPECIFIC DETERMINATIONS**

Determinations associated with a particular Procurement, Award or Contract should be maintained by Procurement Services in the associated Solicitation, Informal Purchase, Award or Contract File.

## **PART B: INFORMAL PURCHASES**

### **1.0 OVERVIEW**

#### **1.1 DEFINITION OF INFORMAL PURCHASES**

Informal Purchases are those purchases of Supplies and Services where the estimated aggregate cost and fees for the Procurement are \$300,000 or less annually, or less than \$300,000 for an O&M or Capital project, or are otherwise not considered to be Formal Purchases as set forth in Section 3-101 of the Code. Buyers are encouraged to seek as much competition as reasonably possible under the circumstances with respect to Informal Purchases. To promote competition, and minimize the administrative burden on JEA, JEA has established thresholds for conducting Informal Purchases, as summarized in the table below.

The Buyer is permitted some discretion in determining the content of the Request for Quotes, including but not limited to the number and form of quotes to obtain. Notwithstanding the foregoing, the Buyer shall follow the minimum guidelines outlined in the table below when conducting Informal Purchases, unless waived by the CPO as set forth below.

**Informal Purchase Thresholds**

<b>Estimated Purchase Amount</b>	<b>Procurement Actions Required</b>
\$10,000 or less	Minimum of one (1) properly documented quote (See section 2.1 below)
More than \$10,000, but less than \$50,000	Minimum of three (3) properly documented quotes (See section 2.2 below)
Over \$50,000, but less than \$300,000 annually for Supplies and Services, or less than \$300,000 total for an O&M or Capital Project	Minimum of three (3) properly documented quotes, Procurement Services leads Informal Purchase Process (See section 2.3 below).

Notwithstanding the foregoing table, if JEA fails to receive three (3) quotations despite using all reasonable efforts to obtain three (3) quotations, the CPO may waive this requirement.

Informal Purchases exceeding \$50,000 shall be Posted for 7 to 10 calendar days.

**Informal Emergency or Single Source** - If the Informal Purchase is awarded as a Single Source or Emergency, the Buyer shall utilize the forms attached hereto as **Appendix 1** to justify the Purchase.

**1.2 INFORMAL PURCHASE THRESHOLDS FOR PUBLIC CONSTRUCTION, ELECTRICAL WORK AND PROFESSIONAL SERVICES**

A "construction project" projected to cost more than \$200,000 must be publicly advertised in accordance with the requirements of Section 255.0525, Florida Statutes, even if it qualifies as an Informal Purchase under the Code. Note that this threshold amount is not subject to adjustment as the thresholds contained in Section 255.20.

In accordance with Section 3-101 of the Code, certain categories of Supplies and Services are considered Formal Purchases if the Procurement of such Supplies and Services are required to be competitively bid under applicable sections of Florida Statutes. A general guide is noted in the table below.

If a Procurement does not meet the thresholds noted in the table immediately below, the Procurement should be made using the Informal Purchase Process and the thresholds in Section 1.1 would apply:

<b>Type and Purchase Amount</b>	<b>Procurement Actions Required</b>
"Electrical work" estimated to exceed \$75,000, as adjusted by the percentage change in the applicable index (Engineering News Record) from January 1, 2009, to January 1 of the year in which the project is scheduled to begin, as set forth in Section 255.20,	Bids must be obtained via the Formal Solicitation Process and the process required by Section 255.20, Florida Statutes

Florida Statutes	
“Public construction work” as contemplated in Section 255.20, Florida Statutes, and estimated to exceed \$300,000, as adjusted by the percentage change in the applicable index (Engineering News Record) from January 1, 2009, to January 1 of the year in which the project is scheduled to begin.	Bids must be obtained via the Formal Solicitation Process and the process required by Section 255.20, Florida Statutes. Note that the advertising requirements of Section 255.0525, Florida Statutes will apply.
Engineering, architectural, mapping, and surveying services considered “Professional Services” in Section 287.055, Florida Statutes (CCNA) in the amount of \$35,000 or less unless for a project with an estimated construction cost exceeding \$325,000	Exempt from competitive solicitation requirements of the Code and may be Procured directly. A Direct Purchase of Exempt Professional Services Certification form should be completed by the Requestor and attached to the Requisition when routed for approval.
Engineering, architectural, mapping, and surveying services considered “Professional Services” in Section 287.055, Florida Statutes (CCNA) for (1) a project with an estimated construction cost exceeding \$325,000 or (2) a planning or study activity when the fee exceeds \$35,000	Proposals must be obtained via the Formal Solicitation Process and the process required by 287.055, Florida Statute (CCNA)

**2.0 PROCESSES FOR PREPARING, SOLICITING, RECEIVING, EVALUATING, AND MAKING INFORMAL PURCHASES USING A REQUEST FOR QUOTE**

**2.1 INFORMAL PURCHASES OF \$10,000 OR LESS**

Business Unit (or Buyer if Business Unit requests assistance from Procurement Services) obtains a minimum of one (1) properly documented quote.

The time frame from Requisition to Purchase Order should be less than ten (10) calendar days for noninventory Procurements, and less than fourteen (14) calendar days for inventory Procurements, unless otherwise agreed upon by Buyer, Business Unit, and Manager Procurement Portfolio.

The following detailed checklist is a guideline for Informal Purchases of \$10,000 or less, and the process may vary depending on the facts and circumstances of a particular Procurement.

- Business Unit enters a Requisition in the Procurement Platform with the quote attached, along with any other required documentation if applicable (Technical Specifications, other quotes if more than one quote was obtained, etc.).
- Business Unit obtains approval of the Requisition from its any appointed position with direct reports. Buyer may use a quote from the previous Vendor if the Vendor accepts JEA's Purchase Order at the previous price or better.
- Questions from Vendors should be emailed to Buyer and the Buyer will respond via Addendum to all Vendors.
- If, at any time during the Informal Purchase Process the Requestor requires a revision to the Informal Purchase documents, the Requestor should immediately notify the Buyer. Such revisions may require details of the Request for Quotes to be revised, such as delivery dates, estimated quantities, Technical Specification changes, or if budgetary constraints require the cancellation of the Procurement. These changes should be communicated with the Vendors via Addenda.
- Buyer issues Purchase Order. Purchase Order approval thresholds by Buyer are specified in Section 3.0 below.
- Buyer must ensure the Vendor does not appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List.
- Buyer, with the assistance of the Business Unit, must ensure the Vendor complies with all requirements for insurance, Critical Infrastructure Protection (CIP), information security, physical security, and safety requirements prior to approving the Purchase Order where applicable.
- Buyer shall ensure Vendor is set up in the Procurement Platform with the exact entity name as shown on the State of Florida Division of Corporations' website (sunbiz.org) unless the Vendor is located out of the United States.

## **2.2 INFORMAL PURCHASES OF MORE THAN \$10,000 AND LESS THAN \$50,000**

The Buyer and/or Business Unit (with review by the Buyer) obtains a minimum of three (3) properly documented quotes, unless JEA fails to receive three (3) quotes despite using all reasonable efforts, and this requirement is waived by the CPO.

All communications and questions during the Informal Purchase Process described in this Section 2.2 are subject to Ex Parte Communication requirements stated in the Code, Section 1-107, and the Buyer should ensure all Vendors are aware of the requirements. These communications must be documented and should include the following: date, originator of the communication, Vendor name and firm, phone call or e-mail, time of communication, and topic.

The time frame from Requisition to Purchase Order should be less than ten (10) calendar days for noninventory Procurements, and less than fourteen (14) calendar days for inventory Procurements, unless otherwise agreed upon by Buyer, Business Unit, and Manager Procurement Portfolio

The following detailed checklist for Informal Purchases of more than \$10,000 and less than \$50,000, is a guideline, and the process may vary depending on the facts and circumstances of a particular Procurement.

- Business Unit enters a Requisition in the Procurement Platform with the quotes attached, along with any other required documentation (Technical Specifications, other Bids if more than one Bid was acquired, etc.)
- Business Unit obtains approval of the Requisition from any appointed position with direct reports.

- Questions from Vendors should be emailed to Buyer and the Buyer will respond via Addendum to all Vendors
- If, at any time during the Informal Purchase Process the Requestor requires a revision to the Informal Purchase documents, the Requestor should immediately notify the Buyer. Such revisions may require details of the Request for Quotes to be revised, such as delivery dates, estimated quantities, Technical Specification changes, or if budgetary constraints require the cancellation of the Procurement. These changes should be communicated with the Vendors via Addenda.
- Buyer issues Purchase Order. Purchase Order approval thresholds by Buyer are specified in Section 3.0 below.
- Buyer must ensure the Vendor does not appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List
- Buyer, with the assistance of the Business Unit, must ensure the Vendor complies with all requirements for insurance, Critical Infrastructure Protection (CIP), information security, physical security, and safety requirements prior to approving the Purchase Order where applicable
- Buyer must ensure Vendor is set up in the Procurement Platform with the exact entity name as shown on the State of Florida Division of Corporations' website (sunbiz.org) unless the Vendor is located out of the United States.

**2.3 INFORMAL PURCHASES FOR SUPPLIES & SERVICES BETWEEN \$50,000 AND \$300,000 ANNUALLY, OR \$300,000 TOTAL FOR O&M & CAPITAL PROJECTS**

Buyer obtains a minimum of three (3) properly documented quotes, unless JEA fails to receive three (3) quotes despite using all reasonable efforts, and this requirement is waived by the CPO or Designee.

All communications and questions during an Informal Purchase Process are subject to Ex Parte Communication requirements stated in Section 1-107 of the Code, and the Buyer should ensure all Vendors are aware of the requirements. These communications must be documented and should include the following: date, originator of the communication, Vendor name and firm, phone call or e-mail, time of communication, and topic.

The following detailed checklist for Informal Purchases for Supplies and Services between \$50,000 and \$300,000 annually, or \$300,000 total for O&M and Capital projects is a guideline, and the process may vary depending on the facts and circumstances of a particular Procurement.

- Business Unit or Procurement Services enters a Requisition in the Procurement Platform along with the following required information:
  - Sufficiently detailed description of Supplies or Services sought, including any brand or manufacturer requirements, the quantity of Supplies or Services sought, and any other specific requirements, and associated Technical Specifications
  - List of suggested Vendors
  - Estimate of the total purchase amount
  - Delivery requirements, ensuring that the address stated is a reasonable location for receiving the Supplies or Services and that the Requestor has indicated the JEA contact and his or her contact information who will receive the Supplies or Services
  - A realistic need-by date
  - Required certification forms are completed and submitted

- Required approvals and endorsements are included, validating purchase and funding of the Procurement
  - Minimum Qualifications
  - Drawings
- Whether or not a Request for Quotes document is prepared, the Requestor or Procurement Services must obtain approval for: Critical Infrastructure Protection (CIP), Information Security Data protection, safety certification, badge requirements, and any other JEA approval requirements that may apply
- Business Unit obtains approval of the Requisition from any appointed position with direct reports.
- Buyer creates a Request for Quotes in the Procurement Platform. At a minimum, Buyer should provide the following information to potential Vendors:
  - Acceptable method for submitting a quotation or response
  - Bid Bond and/or Payment and Performance Bond requirements (if applicable)
  - JEA Buyer's contact information
  - Directions for communicating between Vendors and JEA (refer to Ex Parte Communication requirements stated in the Code, Section 1-107)
  - Due date for submitting a quotation or response
  - Delivery Date or Completion Date
  - Delivery and shipping requirements as applicable
  - Drawings or plans (if applicable)
  - Indemnification
  - Insurance requirements
  - Liquidated Damages (if applicable)
  - Payment Terms (Lump Sum, Milestone Payments, etc.)
  - Request for Quotes number for reference
  - Safety Qualifications and requirements
  - Physical, Infrastructure, Information Security requirements (if applicable)
  - Technical Specifications
  - Time period for which quotations should be valid – typically 90 calendar days
  - Warranties
- Buyer may contact the JSEB Manager to identify potential JSEB qualified Vendors that may be qualified to provide the Supplies or Services. When four (4) or more JSEB qualified firms may provide the Supplies or Services, the Buyer should review the Procurement with the JSEB Manager and may initiate a sheltered market Procurement.
- Buyer creates any necessary forms and includes them in the Request for Quotes file (Minimum Qualifications form, Bid form, evaluation matrix, etc.)
- Buyer obtains approval for the Informal Purchase through the JEA Procurement approval workflow
- Buyer provides information to Purchasing Assistant for Posting to jea.com
- Buyer sends the Procurement Platform link for the Request for Quotes to the list of potential Bidders
- Request for Quotes should be Posted for 7 to 10 calendar days
- Questions from Vendors should be emailed to Buyer and the Buyer will respond via Addendum to all Vendors
- If, at any time during the Informal Purchase Process the Requestor requires a revision to the Informal Purchase documents, the Requestor should immediately notify the Buyer. Such revisions may require details of the Request for Quotes to be revised, such as delivery dates, estimated quantities, Technical Specification changes, or if budgetary constraints require the cancellation of the Procurement. These changes should be communicated with the Vendors via Addenda.
- Vendor issues a reply to the Request for Quotes via the Procurement Platform

- Replies to Request for Quotes:
  - Are deemed confidential until the earlier of the Intent to Award or 30 calendar days after opening of the replies, unless another applicable exemption exists under Florida's Public Records Laws
  - Will be protectively stored via the Procurement Platform
  - Can only be accessed by those with sign-on credentials and with whom the event is shared or invited to evaluate/score by the Buyer
  - Are not to be removed from the Procurement Platform, unless there is a documented exception
  - Cannot be saved to or copied to any non-JEA computer drive, desktop or any removable storage device
  - Must have documentation with access history (name, reason, date, time and duration)
- Vendors should submit replies according to the requirements stated in the Request for Quotes.
- Informal Purchases are not publicly opened unless for the Procurement of services for construction or repairs on a public building or a public work but are subject to Florida's Public Records Laws.
- The Buyer should:
  - Ensure that the Vendors have completely and accurately replied to the Request for Quotes (i.e., should ensure that the Supplies or Services proposed by the Vendor match the requirements of the specifications, should ensure price quotes are reasonable and accurately reflect the Supplies or Services to be provided, should ensure any required forms are completed and submitted, etc.)
  - Review replies or price quotations received for completeness and compliance with the details stated in the Request for Quotes. Buyer may ask Vendors clarifying questions.
  - Ensure Minimum Qualifications are met by Vendor (the Business Unit usually performs this check)
- If Procurement method of selection allows for evaluations and negotiations, Buyer should:
  - Ensure an Evaluation Team is created pursuant to Section 6.4 of these Operational Procedures
  - Provide instructions to Evaluation Team prior to evaluations to ensure procedures are followed including instructions on Ex Parte Communication and confidentiality acknowledgement of the submitted replies, conflict of interest check, and process for documenting contact between Evaluation Team, Buyers and SME's (Template for logging information outside of the Procurement Platform available, if needed)
  - If a potential conflict exists with an Evaluation Team member, the Buyer should work with the JEA ethics officer to review. If the JEA ethics officer determines there is a conflict, the review process will be documented, and next steps will be communicated to Buyer. The process would repeat until there were no conflicts with the Evaluation Team members.
  - If clarification on submitted replies are needed, schedule a meeting with the Evaluation Team and Vendor. This meeting must be publicly noticed, recorded, and stored on the Procurement Platform.
  - Compile first round scores from Evaluation Team at a Public Evaluation Meeting to create a short list of Vendors for the Informal Purchase
  - If using the ITN method, follow the specific procedures set forth in Appendix 5.
  - Review scores submitted by the Evaluation Team and compile them
  - If requested, schedule and run a presentation to present final scores to be recorded and stored on the Procurement Platform
  - Present results to and request approval from Manager Procurement Portfolio

- Issue Intent to Award
- Issue Purchase Order
- Time Frame from Requisition to Purchase Order should be less than 30 calendar days unless otherwise agreed upon by Buyer, Business Unit and Manager Procurement Portfolio
- Buyer must ensure the Vendor does not appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List
- Buyer, with the assistance of the Business Unit, must ensure the Vendor complies will all requirements for insurance, Critical Infrastructure Protection (CIP), information security, physical security, and safety requirements prior to approving the Purchase Order where applicable
- Buyer must ensure Vendor is set up in the Procurement Platform with the exact entity name shown on the State of Florida Division of Corporations' website (sunbiz.org) unless the Vendor is located out of the United States.

## **2.4 SOFTWARE PURCHASES EXCEEDING \$50,000**

For any Information Technology (IT) solicitations exceeding a \$50,000 estimate purchases, Procurement shall use an IT specific solicitation template with certain contractual clauses related to Data protection, access limitations, etc. Software purchases using a Purchasing Card are prohibited. See Section 4.0, Part E for additional procedures related to software procurements.

## **2.5 WHEN ONLY ONE REPLY IS RECEIVED**

If only one (1) reply is received to a Request for Quotes for an Informal Purchase despite using all reasonable efforts to obtain the minimum three (3) quotations (and the purchase was not intended as a Single Source), then the Buyer and the Requestor should document the reasons why no other replies were received. If a satisfactory reason(s) is (are) found, reasonableness of the price received should be vetted by the Buyer. The Buyer and Requestor may consider taking steps such as the following, if time permits, in making a determination as to the reasonableness the price:

- Conduct market research via the Internet, by contacting known suppliers, or by reviewing advertisements, catalogs or price indices for similar Supplies or Services
- Compare price with prices received for previous Procurements of the Supplies or Services, or of similar Supplies or Services
- Consider experience or knowledge that Buyer or Requestor may have in purchasing the Supplies or Services, or similar Supplies or Services

If the Buyer and Requestor determine that the price is reasonable, they may include a statement in the Procurement documentation indicating any efforts taken to validate the reasonableness of the price and justify the award to the single respondent. Pursuant to Section 3-102(4)(b) of the Code, a waiver of the three (3) quote requirement must be obtained from the Chief Procurement Officer.

## **3.0 APPROVAL OF INFORMAL PURCHASES**

The authority of various Procurement Services personnel to approve Informal Purchases depends on the estimated amount of the Procurement. The following table summarizes the approval thresholds of Procurement Services personnel.

### **Procurement Services Personnel Informal Purchase Order Approval Thresholds**

<b>Estimated Informal Purchase Order Amount</b>	<b>Procurement Services Personnel Authorized to Approve Purchase Orders</b>
\$10,000 or less	Purchasing Assistant, any Buyer or Manager Procurement Portfolio
Over \$10,000, but less than \$50,000	Any Buyer or Manager Procurement Portfolio
Over \$50,000, but less than \$100,000	Senior Buyer or Manager Procurement Portfolio
Over \$100,000, but less than \$300,000 Annually for supplies and services, or less than \$300,000 for O&M and Capital projects	Manager Procurement Portfolios only

#### **4.0 PURCHASE ORDER TERMS AND CONDITIONS**

**Purchase Order Terms:** For most Informal Purchases, JEA will issue a Purchase Order that includes JEA's standard Purchase Order terms and conditions as JEA's offer to buy specified Supplies or Services from the Vendor, and which should serve as the sole contracting vehicle for the Procurement. The Vendor may accept JEA's PO either by signing to indicate written acceptance (if required), or more often, by simply delivering or performing the Supplies or Services indicated.

Purchase Orders should be for one year or less unless it was awarded as a multi-year competitive Procurement, which should be referenced and included in the Purchase Order.

**Vendor Imposed Terms:** JEA typically does not accept the Vendor's Purchase Order or Contract terms and conditions unless approval is given by the Manager Procurement Portfolio, or designee. If the Manager Procurement Portfolio approves the use of the Vendor's terms, the Buyer should then use the Contract Checklist provided in **Appendix 3** to negotiate the Vendor's terms prior to submitting to the Manager of Procurement Contracts Administration for final review and submittal to CPO for signature. The Buyer should wait for approval of the Vendor's terms before issuing the Purchase Order.

Buyers should enter Purchase Orders into JEA Procurement ERP System (Oracle) and ensure the Purchase Order is clear as to:

- Unit prices
- Total Amount of Purchase Order
- Delivery Dates or Completion Dates, and
- Ensure the contractual terms apply to the Purchase Order

If Request for Quotes was issued then the Purchase Order should state, "The parties agree that, to the extent of any inconsistency, the terms and conditions of JEA Solicitation shall supersede the pre-printed terms stated on JEA's Purchase Order."

The Manager of Procurement Contracts Administration, or designee, may determine criteria under which additional JEA standard terms and conditions (other than JEA's standard Purchase Order terms and conditions) may be required for an Informal Purchase. In such cases, JEA may issue a separate set of terms and conditions or addition to the terms and conditions of a Purchase Order.

**Insurance:** Prior to issuing a Purchase Order, the Buyer is required to determine if insurance is required and, if so, verify there is a valid insurance certification on file for the Vendor in iSupplier in accordance with JEA Insurance Certificates Processing Procedures dated March 30, 2006.

**Bonds:** If a Purchase Order is for construction services of \$200,000 or more, the Vendor is required to provide a Payment and Performance Bond to JEA prior to the beginning of construction, as more particularly set forth in Section 11.2, Part C. The Payment and Performance Bond should be saved in the Contract File.

**5.0 CANCELLATION OF INFORMAL PURCHASE OR POSTPONEMENT OF PROCUREMENT**

In the event that an Informal Purchase is cancelled prior to receipt of quotes or replies, the Buyer should notify in writing all Vendors that submitted replies to a Request for Quotes for a Procurement that was estimated to exceed \$10,000 and all Vendors that specifically requested notice of cancellation of the Procurement.

In the event that quotes are solicited for an Informal Purchase, but no award is made resulting from the Request for Quotes, the Buyer should retain documentation of the quotes or Bids/Proposals for Supplies or Services in accordance with JEA’s record retention policy.

In the event that the Requestor must postpone the Procurement, the Buyer should retain all quotes received in accordance with Florida’s Public Records Laws and JEA’s records retention policies.

**6.0 INCREASES IN DOLLAR LIMIT OF A PURCHASE ORDER FOR AN INFORMAL PURCHASE**

In the event that the dollar limit of a Purchase Order issued for an Informal Purchase must be increased, the Requestor should complete a Requisition indicating the reason for the change and the amount of the increase requested and submit the Requisition for approval to the Business Unit. Once approved by the Business Unit, Oracle will forward the approved Requisition to the appropriate Buyer.

The Buyer should review the Requisition for completeness and request additional information, if appropriate.

The dollar limit of an Informal Purchase for which the original amount was \$300,000 or less, may be increased by Procurement Services personnel depending upon the amount of the requested change, as follows:

**Approval Guidelines for Increases to Informal Purchase Orders**

<b>If original award amount is ...</b>	<b>... and total award amount after requested increase will ...</b>	<b>... then approval is required from ...</b>
an Informal Purchase (i.e., less than the thresholds for Formal Purchases contained in Section 3-101 of the Code)	not exceed the thresholds for Formal Purchases contained in Section 3-101 of the Code	the persons shown in the Informal Purchase Approval Thresholds in Section 3.0 of these Operational Procedures, and the Business Unit manager
an Informal Purchase	exceed the thresholds for Formal Purchases contained in Section 3-101 of the Code	Awards Committee

If the PO must be increased in amount that causes the total Purchase Order amount to exceed Formal Purchase thresholds contained in Section 3-101 of the Code, the Requestor should follow the established procedures for Change Orders/Contract Increase to Formal Awards, which must be reviewed and approved by the Awards Committee.

After obtaining the required approvals, the Buyer should then reissue the Purchase Order to the Vendor to ensure the Vendor is aware of any changes to the Purchase Order and to ensure the Vendor is invoicing JEA correctly. The new Purchase Order will note that it is a "Changed Purchase Order." If auto create is not used, the Buyer should ensure that the Requisition is cancelled immediately following the PO change. The PO number should be used as the reason for cancellation.

## **7.0 CHANGES OR RENEWALS OF INFORMAL PURCHASE ORDERS FOR CONTINUING SERVICES**

If changes or renewals to a Purchase Order require the Buyer to modify the Purchase Order to reflect the new total dollar amount, additional Services added to the scope of work, or term renewals or extension., then the Buyer should reissue the Purchase Order to the Vendor to ensure the Vendor is aware of any changes to the Purchase Order and to ensure the Vendor is invoicing JEA correctly. A note will be added to the Purchase Order stating the reason for Change Order. Also, the Buyer should verify a valid certificate of insurance is on file, and if not, ask the Vendor to update their insurance information.

## **8.0 PURCHASING CARD PROGRAM ("P-CARD")**

JEA's P-Card program is managed by JEA Accounts Payable department. The P-Card provides a convenient method for approved cardholders to efficiently conduct Informal Purchase transactions for specified types of Procurements within the dollar limits afforded to the card holder by documented procedures maintained by JEA Accounts Payable. JEA personnel should consult Purchasing Card Administrator and/or the established Purchasing Card procedures, maintained by Accounts Payable, regarding the use of P-Cards.

Software purchases using a Purchasing Card are prohibited.

Procurement Services also conducts periodic audits of P-Card usage to determine if there are Procurement strategies for cost savings. ~~for the items repeatedly purchased on P-Cards.~~

# **PART C: AWARD AND SOLICITATION PROCESSES FOR FORMAL PURCHASES**

## **1.0 OVERVIEW OF FORMAL PURCHASES AND AWARD PROCESS**

### **1.1 GENERAL**

As defined in the Code, the term "Award" means the written approval of the Awards Committee with the written concurrence of the Chief Executive Officer that a Formal Purchase will be in accordance with the Code and in the best interest of JEA. Formal Purchases are defined in Section 3-101 of the Code. Procurements of Supplies or Services where the estimated cost will exceed \$300,000 annually for supplies and services, or exceed \$300,000 for an O&M and Capital projects, or otherwise exceed the Formal Purchase thresholds under Section 3-101 of the Code, are Formal Purchases unless exempt under 2-102 of the Code, and **Appendix 4** of these

Operating Procedures. Procurements required to be competitively awarded under Section 255.20 and 287.055, Florida Statutes are also Formal Purchases.

Formal Purchases are conducted via JEA's established Formal Solicitation Process set forth in **Appendix 5**, whenever possible, so as to ensure the best value for JEA and the most fair Procurement of Supplies and Services. The Formal Solicitation Process utilizes a variety of competitive solicitation documents and methodologies to procure Supplies and Services depending upon the method of Procurement and JEA's needs.

Some Formal Purchases, even if less than \$300,000, are required by law to be procured via a Formal Solicitation Process. Other Formal Purchases, even though they exceed \$300,000, may be procured using a Method of Source Selection other than the Formal Solicitation Process (e.g., Single Source or Emergency Procurements).

The Formal Solicitation Process must be used for all Formal Purchases, including construction and Design-Build Services, unless one or more of the following applies to the Procurements:

- Supplies and Services are subject to a Procurement Code Exemption described in Section 2-102(1) of the Code. More detail concerning these exemptions is contained in Section 1.2 and **Appendix 4** of these Operational Procedures
- Procurement may be justified as a Single Source under Section 3-112 of the Code or an Emergency Procurement under Section 3-113 of the Code
- Procurement is accomplished by Piggybacking on an existing competitively procured Contract under Section 3-117 of the Code
- Procurement is accomplished using another Method of Source Selection listed in Section 3-104 of the Code that, in the opinion of the CPO, does not require use of the Formal Solicitation Process or requires a modified version of the Formal Solicitation Process

Note, that the Formal Solicitation Process may be used for an Informal Purchase if JEA determines that the impact of the Procurement justifies the time and effort of conducting a Formal Solicitation Process. However, in such cases, approval by the Awards Committee is not needed.

## 1.2 PROCUREMENT CODE EXEMPTIONS

Due to the nature of the marketplace for certain Supplies and Services, the Section 2-102 of the Code sets forth certain Supplies and Services that need not be procured through the CPO and are not subject to approval by the Awards Committee. In accordance with the Code, **Appendix 4** sets forth more details concerning the types of Supplies and Services included within the exempt categories and the applicable Procurement policies and procedures for the exempt category of Supplies and Services as established by the applicable Organizational Element Manager.

The following categories of Supplies and Services are listed as exempt under Section 2-102 of the Code:

- a. Generation Fuels, Emission Allowances, and Associated Transport;
- b. Byproducts;
- c. Purchase or Sale of Electric Energy, Electric Generation Capacity, Electric Transmission Capacity and Transmission Services – Short- and Long-Term Transactions;
- d. Sale of JEA Owned Transmission and Ancillary Services, including applicable Enabling Agreements;
- e. Environmental Allowances;

- f. Real Estate, including easements,
- g. Community Outreach Procurements; and
- h. Financial Instruments and Services.

Except as otherwise provided in the Code, any contractual services or commodities described as exempt under the City of Jacksonville Code of Ordinances, Section 126.108, shall also be exempt from JEA's procurement Code. For any purchase that meets the definition of a Formal Purchase, as provided in 3-101 of the Code, such purchase shall still require Awards Committee approval.

### **1.2.1 SINGLE SOURCE AWARDS**

All Single Source Awards for Procurements that exceed the Formal Purchase thresholds under Section 3-101 of the Code must be approved by the Awards Committee and must include the certification form along with the Award. All Single Source Procurements must meet the requirements of Section 3-112 of the Code.

### **1.2.2 USE OF PUBLICLY PROCURED CONTRACTS (PIGGY-BACKING)**

JEA may choose to Piggy-back on an existing Contract, in accordance with Section 3-117 of the Code and these Operational Procedures, for a Procurement that would otherwise be conducted via the Formal Solicitation Process. In such cases, a Buyer should be assigned to ensure the following points:

- The scope of the existing Contract is substantially similar to the scope and term for which JEA intends to utilize the Contract
- The existing Contract was awarded via a fairly conducted, competitive Procurement process consistent with the purposes and guiding principles set forth in Section 1-101 of the Code
- The existing Contract was awarded by the City of Jacksonville or its independent agencies, political subdivisions, other city and state or governmental agencies, school board districts, community colleges, federal agencies, Governmental Entities, or public colleges or universities
- The Buyer and Category Manager have confirmed that the existing Contract is still in effect and can be used as a Piggyback
- The Business Unit and Buyer have conducted an internal review of the Contract and have determined that the terms of JEA's Contract are at least as favorable as the Contract on which JEA is piggybacking and would be in JEA's best interest, and the pricing is reasonable

The Manager of Procurement Contract Administration should be responsible for the execution of the final Contract resulting from Piggybacking and for maintaining a Contract File in the same manner as established for other JEA Procurement Contracts. Formal Purchases using this Method of Source Selection shall be awarded through the Awards Committee.

### **1.3 USE OF DESIGNEE FOR PROCUREMENT OF PROPERTY AND CASUALTY INSURANCE AND HUMAN RESOURCE BENEFITS**

Unless otherwise authorized, JEA should competitively procure Contracts for consulting and brokering Services with regard to group insurance for public officers and employees as contemplated in Section 112.08, F.S., and property and casualty insurance using the Formal Solicitation Process. Upon Award, the CPO may delegate the consultant or broker to act as JEA's designee to Procure group insurance for public officers and employees as contemplated in Section 112.08, F.S., or property and casualty insurance on behalf of JEA. Depending on the

cost to JEA and its employees, the Designee will be required to comply with the following requirements of JEA's Procurement Code:

**(a) Costs that Exceed Formal Purchase Thresholds**

When the consultant or broker procures Human Resource Benefits or property and casualty insurance on behalf of JEA and the estimated aggregate cost and fees to JEA or its employees exceed \$300,000 annually, the consultant or broker should be required to follow one of the Methods of Source Selection described in Section 3-104 of the Code. If applicable, the designee should provide evidence of the public advertisement to JEA prior to the opening of any Bids or Proposals and should provide a Bid or evaluation tabulation to JEA prior to JEA executing a Contract for the Human Resource Benefits or property and casualty insurance.

**(b) Costs Less Than or Equal to the Formal Purchase Thresholds**

When the consultant or broker procures Human Resource Benefits or property and casualty insurance on behalf of JEA in which the estimated aggregate cost and fees to JEA or its employees does not exceed \$300,000 annually, the consultant or broker is required to follow the requirements and process for Informal Purchases as described in Section 3-102 of the Code and Part B of these Operational Procedures. The broker or consultant will provide documentation to JEA demonstrating the process used by the broker or consultant is consistent with the guiding principles, purposes and policies set forth in Section 1-101 of the Code.

Pursuant to Section 2-102(4) of the Code, ultimate approval of the Property and casualty insurance, and group insurance for public officers and employees as contemplated in Section 112.08, F.S., shall be by the Awards Committee.

**1.4 REPORTING REQUIREMENTS OF FORMAL AWARDS**

Pursuant to Section 1-110 of the Code and the JEA Charter, the Chief Procurement Officer shall prepare and deliver a written report to the JEA Board on or before the JEA Board's last regularly scheduled meeting held in each calendar year summarizing all Awards that were brought before the Awards Committee and made during the immediately preceding fiscal year. Details of the contents of the report are detailed in the Code.

**2.0 FORMAL SOLICITATION METHODS**

The methods listed in Sections 3-103 and 3-104 of the Code should be utilized for Pre-Source Selection and Source Selection for Formal Purchases.

**Methods of Pre-Source Selection**

The following methods may be used as Pre-Source Selection methods as described in Section 3-103 of the Code:

1. Request for Information ("RFI")
2. Request for Qualifications ("RFQ")
3. Intent to Bid

**Methods of Source Selection**

Unless exempt under Section 2-102 of the Code, all Formal Purchases shall be procured using one of the following Methods of Source Selection:

- a) Section 3-105 (Invitation for Bids (IFB));
- b) Section 3-106 (Request for Proposals (RFP));
- c) Section 3-107 (Consultants' Competitive Negotiation Act (CCNA) (Architectural, Engineering, Landscape Architectural, or Surveying & Mapping Services));
- d) Section 3-108 (Design-Build Contracts);
- e) Section 3-109 (Construction Management and Program Management);
- f) Section 3-110 (Multi-Step Competitive Bidding);
- g) Section 3-111 (Invitation to Negotiate (ITN));
- h) Section 3-112 (Single Source);
- i) Section 3-113 (Emergency Procurements);
- j) Section 3-114 (Public Private Ventures);
- k) Section 3-115 (Collaborative Procurements);
- l) Section 3-116 (Joint Projects);
- m) Section 3-117 (Use of Publicly Procured Contracts);
- n) Section 3-118 (Pilot Projects);
- o) Section 3-119 (Use of Reverse Auctions);
- p) Section 3-120 (Owner Direct Purchase).

Unless otherwise specified in these Operational Procedures, or otherwise required by applicable law, the process and procedures set forth in this Part C shall apply to each Method of Source Selection listed above.

### **3.0 SOLICITATION DOCUMENT CREATION PROCESSES**

#### **3.1 CREATION OF SOLICITATIONS - PROCESS OVERVIEW**

The creation of a Solicitation begins with a Requestor's identification of a need to procure Supplies or Services. The Technical Specifications of the Procurement are then included in a Solicitation document in the format appropriate for the Procurement type, in addition to other required terms and conditions of the Procurement. The requirements for Technical Specifications are provided below in Section 4.3.

Software Procurements: For any Information Technology (IT) Solicitations exceeding a \$50,000 estimate, including software, Procurement shall use an IT-specific Solicitation template with certain contractual clauses related to Data protection, access limitations, etc. See Section 4.0, Part E for additional requirements for software procurements.

##### **3.1.1. FORMAL SOLICITATION INITIATION PROCESS**

**A detailed checklist providing a guideline for initiating the Formal Solicitation Process is contained in Appendix 5, herein.**

#### **4.0 CONTENT OF FORMAL SOLICITATION DOCUMENTS**

##### **4.1 JEA CLAUSE LIBRARY & SOLICITATION TEMPLATES**

Sections 2-103(3) of the Code requires the CPO to develop and maintain the standard Contract language for Solicitations, Contracts and other documents used in JEA's Procurement process in consultation with the Office of General Counsel. Section 2-105 of the Code requires the CPO to create a process and procedures to ensure all Solicitations and other documents used in JEA's Procurement process are reviewed to ensure compliance

with the Code, these Operational Procedures and all applicable laws and regulations and that the process and procedures for such review be set forth in these Operational Procedures.

Procurement Services maintains a clause library of Contract terms and conditions and criteria for use in JEA Solicitations. All Solicitations are assembled using an iContract containing these standard clauses. While Manager Procurement Portfolios, Senior Buyers and Buyers are permitted to make necessary edits to an individual Solicitation document, changes to the clause library may only be made upon approval of the Manager of Procurement Contract Administration, who will consult the Office of General Counsel as appropriate for assistance in changing standard clauses. Reference Section 5, Part F.

## **4.2 JSEB REQUIREMENTS**

In accordance with Section 1-105 of the Code, the Buyer and Requestor should consult with the JSEB Manager to determine what requirements should be included in the Solicitation document regarding the use of businesses certified under the City of Jacksonville's JSEB program.

## **4.3 TECHNICAL SPECIFICATIONS REQUIREMENTS**

With the assistance from the Manager Procurement Portfolio or designee, Requestors should ensure their Technical Specifications contain all requirements for each line item on the Bid, Proposal or Response form, and address the following areas:

- Specific - To set specific performance Selection Criteria the following must be answered: Who? What? (What do I want the Contract to accomplish?) Where? When? Why? (Specific reasons, purpose or benefits of accomplishing the work), and How? (How does JEA want the work accomplished and how will the work be tied to payments?).
- Measurable - How will I know when the work is accomplished? How will I know if the work was done correctly? The Technical Specifications should be clear to the Vendor and clear as to how JEA will measure and track performance. JEA should only measure the outcomes under the direct control of the Vendor.
- Attainable – Is the work required by the Contract attainable? Determine if JEA has accomplished anything similar in the past or ask yourself what conditions would have to exist to accomplish this measure?
- Relevant – Is this meaningful to JEA's desired outcome?
- Time bound – What kind of timeframe should the work be completed or performed? What will happen to JEA if the work or services are not performed timely? Should liquidated damages be associated with the work?

Specifications that are optional should be clearly noted as optional.

## **4.4 ESTABLISHING MINIMUM QUALIFICATIONS AND SELECTION CRITERIA**

### **4.4.1 MINIMUM QUALIFICATIONS**

Solicitation documents may contain a listing of the Minimum Qualifications that potential Vendors must meet for their Bid, Proposal or Response to be considered by JEA. Such requirements may include a reference to an established JEA Responsible Bidders List or Qualified Proposers List category or require minimum work experience, qualifications, licensing or other requirements that can be verified by the Buyer with technical input

from the Lead Evaluator. The purpose of Minimum Qualifications is to obtain Bids/Proposals/Responses only from Vendors that are qualified to provide the Goods or Services. The Minimum Qualifications should be set in a manner that maximizes competition, while ensuring that JEA receives Goods and Services of high quality. The Manager Procurement Portfolio will have the authority to modify Minimum Qualifications, so they are in the best interest of JEA and do not unreasonably limit competition.

#### 4.4.2 SELECTION CRITERIA

All Solicitation documents should contain the Selection Criteria that the Evaluator, or the Evaluation Team, will utilize to score a Proposal or Response. Depending on the type of Procurement, the Selection Criteria may range from general to specific, or from just a few to several. The following guidelines indicate suggested Selection Criteria for the different types of Procurements.

##### Selection Criteria Guidelines for Formal Solicitations

Document Type	Selection Criteria Guidelines
Sealed IFBs & Multi-Step Competitive Bidding	<ul style="list-style-type: none"> <li>• Technical compliance with specifications</li> <li>• Lowest price/cost</li> </ul>
Design-Build	<ul style="list-style-type: none"> <li>• Professional qualifications</li> <li>• Experience (past work of the firms, including the partners or members thereof)</li> <li>• Availability</li> <li>• Amount of past JEA work</li> <li>• Cost</li> <li>• Proposed team members</li> <li>• JSEB use</li> </ul>
ITNs and RFPs for Construction and Non-Construction Services (non-CCNA)	<ul style="list-style-type: none"> <li>• Professional qualifications of firm</li> <li>• Experience</li> <li>• Proposed team qualifications</li> <li>• Value added Services</li> <li>• Ability to meet requirements</li> <li>• Cost</li> <li>• JSEB use</li> <li>• Location of offices</li> <li>• Availability/Ability to meet schedule</li> <li>• Past JEA work – volume</li> <li>• Past JEA work – performance Data via Vendor Performance Program</li> <li>• Innovation</li> <li>• Safety</li> <li>• Warranty</li> <li>• Ease of doing business</li> <li>• Versatility of solution</li> <li>• Storm response</li> <li>• Indirect cost reduction capability</li> <li>• Technical offering and quality program (Supplies)</li> </ul>

CCNA Proposals	<p>The CCNA requires that Proposals received for architectural, mapping, surveying and engineering Services as defined under the CCNA be evaluated using factors other than compensation (price). CCNA requires that in determining whether a firm is qualified, the following factors shall be considered: :</p> <ul style="list-style-type: none"> <li>• Ability of professional personnel</li> <li>• Whether a firm is a certified minority business enterprise</li> <li>• Past performance</li> <li>• Willingness to meet time and budget requirements</li> <li>• Location</li> <li>• Recent, current, and projected workloads of the firms</li> <li>• Volume of work previously awarded to each firm by the agency (more work = lower score, provided such distribution does not violate the principle of selection of the most highly qualified firms)</li> </ul> <p>JEA also commonly considers Proposed Design Approach/ Solution</p>
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It is important that the Manager Procurement Portfolio, Senior Buyer and Requestor remain aware that the Selection Criteria stated in the Solicitation document must match the criteria included on the evaluation matrix. The evaluation matrix shall be advertised with the Solicitation. Nothing contained herein shall be interpreted to require that the evaluation matrix be in a table format or other specified format. As used herein, inclusion of an evaluation matrix shall mean that the specific information related to the evaluation criteria and scoring utilized for evaluating a Solicitation be included in said Solicitation.

When establishing the Minimum Qualifications and Selection Criteria, the Requestor should ensure that the Solicitation document requests information from the Bidder, Proposer or Respondent that is adequate and appropriate enough to enable the Evaluator or Evaluation Team to assess and rank the Bid, Proposal or Response using the Selection Criteria. The Requestor, the Buyer and all reviewers of the Solicitation document should ensure that the Selection Criteria are general enough to include the widest pool of competitors, yet specific enough to be definitively evaluated.

The establishment of Minimum Qualifications and the Selection Criteria must be completed before the issuance of the Solicitation, as they form an important part of the Solicitation and should be critiqued during the review of the Solicitation document.

#### **4.3 DETERMINING INITIAL TERM OF CONTRACT**

For some Procurements, the term of the Contract may be determined by the completion of Services or delivery of Supplies, or by the necessity to meet a deadline.

The Manager Procurement Portfolio may approve a Contract for a maximum initial term of five (5) years, with up to two (2) one-year (1) renewals, unless there is a valid business justification for a longer term. The Manager Procurement Portfolio is responsible for and is authorized to set the duration and renewal terms for the Contract within these limits or make recommendations regarding consideration of a longer initial term. Nothing contained herein shall be interpreted as superseding the monetary threshold requirements for authority to approve awards or Contracts.

For Contracts where the initial Contract period is flexible within the five-year limit, the Manager Procurement Portfolio should consult with the Business Unit manager and consider the market for the Supplies or Services being sought. The Requestor should work with the Manager Procurement Portfolio and other members of Procurement Services to determine the term that would result in the best value to JEA.

If JEA plans to award a multi-year Contract, then JEA should obtain, as part of the Bid, Proposal, or Response, or as part of subsequent negotiations prior to award of the Contract, written statements from the Bidder, Proposer or Respondent of firm prices, and specific means of determining price changes for subsequent years of the Contract, if any. The Manager of Procurement Contract Administration should ensure that such information is included in the final Contract documents and in the Contract File.

#### **4.4 DETERMINING IF CONTRACT RENEWAL OPTION SHOULD BE OFFERED IN SOLICITATION**

The Manager Procurement Portfolio or designee should consider including a Contract renewal period in the initial Solicitation only when such a period may be in the best interests of JEA, and when approved by the Manager Procurement Portfolio. Reasons for including a Contract renewal option may include, but are not limited to, any of the following:

- The Supplies or Services require include a long or costly implementation process, or one that is disruptive to JEA operations.
- The anticipated benefits of establishing a long-term relationship with a Vendor would outweigh any benefits gained by undertaking another competitive Procurement.

If the Requestor and the Manager Procurement Portfolio determine that it would be in JEA's best interests to include the option to renew the Contract, the following information should be addressed in the Solicitation document:

- The scope of work JEA anticipates including in the renewal.
- The means of pricing the work in the renewal period (either firm prices or specific price determination criteria to be applied upon execution of the renewal option).
- The time period to which the renewal will apply.
- Any required renewals of licenses, permits, certificates, or bonds for the renewal period.
- The maximum number of times that the renewal option may be exercised, and that said option to renew is at JEA's sole discretion.
- The minimum performance requirements of the Vendor to be eligible for renewal consideration.

#### **4.5 DETERMINING IF PRICE ADJUSTMENT SHOULD BE OFFERED IN SOLICITATION**

The Manager Procurement Portfolio, or designee, should determine if the pricing should remain firm for the term of the Contract or if the pricing can be adjusted annually or periodically in accordance with a specified Consumer Price Index or some other publicly available pricing index. The Solicitation and the Contract should clearly specify which Consumer Price Index or other index applies. JEA will not accept a Vendor's private commercial index without approval from the CPO.

#### **4.5.1 UNIT PRICE ADJUSTMENT GUIDELINES**

The Solicitation language should state the method and the process for unit price adjustments. If there is no price adjustment methodology stated in the Solicitation, then the pricing will remain firm for the term of the Contract.

If the Solicitation language requires the Vendor to request a price adjustment within a certain number of days prior to the Contract's anniversary date, any request received after the stated timeline may be rejected in accordance with the Contract. All unit price adjustments must be approved by the Manager Procurement Portfolio or designee.

The CPO can approve a different unit price adjustment not stated in the Solicitation document if it is in the best interest of JEA.

#### **4.6 LIST OF PROSPECTIVE BIDDERS/PROPOSERS FOR SUPPLIES AND SERVICES**

The CPO, or designee, should maintain a list of prospective Bidders Proposers for Supplies and Services for award of Contracts, known as the Responsible Bidders List ("RBL") and Qualified Proposers List ("QPL"). The list may be subdivided into separate lists, based upon the type of supplies, services, e.g., construction, or other relevant criteria. Additional Bidders and Proposers lists may be developed and approved by the CPO for other Supplies and Services as needed.

##### **4.6.1 LIST OF QUALIFIED BIDDERS/PROPOSERS**

The main objectives for maintaining an RBL/QPL are:

- To allow JEA to more efficiently identify a pool of qualified Bidders, Proposers and Respondents for a category of Supplies or Services for which the process of qualifying Bidders/Proposers/Respondents for the Supplies or Services sought is complex or time consuming; and/or
- To allow JEA to quickly obtain Bids, Proposals or Responses from qualified Vendors for Supplies and Services that are purchased with relatively high frequency.

Potential Bidders/Proposers/Respondents may be required to prequalify under a particular RBL/QPL category in order to meet the Minimum Qualifications for those projects. The CPO, or designee, should:

- Coordinate with the appropriate Business Unit managers to establish the necessary qualification criteria; and
- Establish the process by which prospective Bidders, Proposers and Respondents may prequalify.

Requestors may submit prequalification under a stated RBL/QPL category as a Minimum Qualification to Bid/propose, as long as such requirement does not unreasonably limit competition. The Solicitation document should state how interested Bidders, Proposers and Respondents not already RBL/QPL qualified may obtain such qualification.

##### **4.6.2 MAINTENANCE OF THE RBL/QPL**

The Manager Procurement Portfolio or designee should process new applications to the RBL/QPL list and maintain the RBL/QPL list by requiring existing Vendors to renew their qualifications according to approved RBL/QPL procedures. The RBL/QPL will be used as a source of qualified Bidders for Supplies and Services that are purchased repetitively. For Supplies and Services that are infrequently purchased, JEA will include Minimum Qualifications for Bidders on a Solicitation-by-Solicitation basis. JEA may periodically require Vendors to update their submitted reference/qualifying projects in order remain on the respective RBL/QPL.

#### **4.6.3 CHANGES TO THE RBL/QPL LISTS**

The CPO, with consultation from the Business Unit, may periodically eliminate categories from the RBL/QPL lists that are deemed obsolete or not sufficiently utilized to warrant the effort of maintaining. The CPO, with consultation from the Business Unit, may remove a Vendor who fails to continue to maintain the requirements of an RBL/QPL from that RBL/QPL until such time as the Vendor demonstrates to the CPO, in the CPO's sole discretion, that the Vendor qualifies for the RBL/QPL.

The Chief Procurement Officer, after consultation with the Organizational Element Manager, shall have authority to suspend or debar a Vendor from inclusion in any RBL/QPL in accordance with Section 4-102 of the Code.

#### **5.0 ADVERTISING (PUBLIC NOTICE) OF FORMAL SOLICITATIONS**

JEA's public notice requirement is a generally accepted government procurement method designed to increase open and fair competition and transparency in JEA's Procurement process. This requirement is very important because increased competition and transparency can reduce Procurement costs, increase Procurement quality and result in increased public confidence in JEA. Further, JEA is subject to laws requiring public notice for certain types of Procurements, as outlined below.

In general, public notice of the date when Bids, Proposals or Responses are due should be given far enough in advance to allow potential Bidders/Proposers/Respondents adequate time to prepare a reply to a Solicitation. For those Procurements that do not involve construction related services, advertising requirements are set by JEA policy and may be amended, if necessary, to meet JEA's goals. Procurement Services recommends, as a minimum, announcing the availability of a Solicitation document not less than 21 calendar days before the due date, and not less than 5 calendar days before any planned pre-Bid, pre-Proposal, or pre-Response meeting.

#### **5.1 CONSTRUCTION RELATED PUBLIC NOTICE REQUIREMENTS**

For construction related Procurements, Section 255.0525 of Florida Statutes specifies advertising requirements for Bids for construction-related Services as follows:

- Construction related Procurements projected to cost over \$200,000 require a minimum of 21 calendar days of public notice prior to Bid opening, and at least 5 days' notice prior to any scheduled pre-Bid meeting.
- Construction related Procurements projected to cost over \$500,000 require a minimum of 30 calendar days of public notice prior to Bid Opening, and at least 5 calendar days' notice prior to any scheduled pre-Bid meeting.

Bids or proposals shall be received and opened at the location, date, and time established in the bid or proposal advertisement.

For those situations in which emergency conditions meeting the requirements of an “emergency” as defined in Section 255.0525 (a different definition than contained in the Code) exist, formal advertising requirements may be altered in a manner that is deemed reasonable under the emergency circumstances.

## **5.2 TYPE OF NOTICE**

Notice of Formal Purchases should be arranged and made by the Manager Procurement Portfolio, or designee, and normally includes publication in the Financial News and Daily Record and, as applicable, other publications having wide distribution to the business community serving JEA’s needs. Examples of other publications include the Dodge Report for construction and The Florida Times Union for professional services.

Construction-related procurements projected to cost over \$200,000 must be advertised at least once in a newspaper of general circulation in the county where the project is located and meet the timing requirements described in Section 5.1 above.

All advertisements for formal Bids or Proposals, and some informal advertisements for quotations, are Posted on jea.com. For Procurements which are not construction-related, posting on jea.com also meets the public notification requirements. Interested Bidders or Proposers may register for and download forms and information necessary to reply to a Solicitation at jea.com and/or JEA Procurement Platform.

## **5.3 AVAILABILITY OF REQUIRED FORMS TO SUBMIT WITH BIDS**

All standard forms that a Vendor is required to complete must be available for download from jea.com and/or the Procurement Platform or may be included in the Solicitation. Posting of the forms on the website and/or the Procurement Platform allows a central place for Vendors to find forms and creates efficiencies in the production of Solicitation documents and in Bid office procedures. Procurement Services is responsible for maintaining current forms on the Bid Form tab of the Procurement page on jea.com. However, all JEA employees are encouraged to notify Procurement Services whenever a change is needed to standard Procurement forms. Examples of such forms include but are not limited to: Unable to Submit a Bid, conflict of interest form, List of Subcontractors, and Florida Trench Safety Act Acknowledgement.

## **5.4 DRAWINGS INCLUDED WITH SOLICITATIONS**

Unless specifically exempt from public records requirements for security reasons pursuant to Florida Statutes, interested Bidders, Proposers and Respondents may view and download PDF quality drawings on jea.com or the Procurement Platform. The Buyer will coordinate the production of drawings to be provided to the Vendors if necessary. A signed non-disclosure agreement will be required prior to sharing drawings relating to security of JEA’s systems or any of JEA’s CIP assets.

## **6.0 AFTER SOLICITATION RELEASE AND BEFORE RECEIPT OF BID**

### **6.1 ISSUANCE OF ADDENDA**

In the event that a Formal Solicitation must be amended or altered after the issuance of the Solicitation, Procurement Services may do so at any time before the Bid due date by issuing an Addendum to the document. The following steps should be followed as a guideline in the issuance of Addenda, as also provided in **Appendix 5**:

- Buyer works with Requestor to prepare a draft statement of correction, clarification, or explanation, to the document using a standard format established by Procurement Services
- The Manager Procurement Portfolio should review the draft document and either approve or suggest revisions to the draft document. The MPP should consult with the Manager of Procurement Contract Administration and/or Office of General Counsel as necessary to ensure the Addendum appropriately conveys the change.
- The Requestor should review and either approve, or suggest revisions to the draft document
- The Buyer should make any necessary changes and submit the final draft to the MPP or designee for preliminary approval
- Once approved, the Manager Procurement Portfolio or designee should forward the document to the appropriate Purchasing Assistant for Posting
- The Buyer or Purchasing Assistant should distribute Addenda to all potential Bidders that have registered for the Bid either on Procurement Platform or at the pre-Bid meeting
- The Buyer or Purchasing Assistant should ensure that the document is labeled and Posted properly on the Procurement Platform and that copies are available to potential Bidders

## **6.2 PRE-BID MEETINGS**

Most Solicitations should require a pre-Bid, pre-Proposal or pre-Response meeting. The pre-Bid meeting is one of the few opportunities where JEA and Vendors can exchange information. In some instances, the Manager Procurement Portfolio will approve a Solicitation with no pre-Bid meeting or list it as optional. Attendance by Vendors at the pre-Bid, pre-Proposal or pre-Response meeting is sometimes mandatory. When attendance at a pre-Bid meeting is mandatory, JEA will decline to open Bids from any Bidders that failed to attend. Potential Bidders may not arrive after the time set for the start of the pre-Bid meeting in order to be considered in attendance at the meeting. The Buyer, with approval of the Manager Procurement Portfolio, may approve a supplementary pre-Bid meeting if it is deemed to be in the best interest of JEA.

The Buyer and the Requestor should attempt to set the pre-Bid meeting date during the document creation process, allowing for any statutory requirements of advertisement. The Manager Procurement Portfolio or Buyer should ensure that the pre-Bid meeting date is not sooner than 5 Business Days after first advertisement of the document and not sooner than 5 business days following actual release of the document, whichever is later.

Attendees at the pre-Bid meeting should include, at a minimum, the Requestor and the Buyer or designee. Other individuals such as other personnel from the Business Unit who have an interest in the Procurement, may attend the Prebid meeting, if appropriate.

The Buyer should document all attendee names and the full legal name of the Vendor the attendee represents. The attendee list should be stored on the Procurement Platform and available for review upon request.

The Buyer should maintain a written record of material questions that arise during the pre-Bid meeting for which the answers are not contained within the Solicitation document. The Buyer should record the answers to the questions stated during the meeting and should obtain the answer from the appropriate source(s) following the meeting for any unanswered questions. The Buyer should document all questions and answers in the form of an Addendum to the Solicitation.

## **6.3 ESTABLISHING AN EVALUATOR FOR REPLIES TO IFBS**

This Section 6.3 addresses those Solicitations where selection of a successful Bidder will be based solely on price.

The Requestor from the Business Unit initiating the Procurement should inform the Buyer or Manager Procurement Portfolio of the name of the individual who will be designated to review the Bids received. The Requestor may designate himself or herself to be the Bid Evaluator. The Buyer, with approval of the Manager Procurement Portfolio, or Manager Procurement Portfolio may reject the proposed Bid Evaluator if the Manager Procurement Portfolio determines that the person selected as Bid Evaluator by the Requestor may not have the ability to fairly or completely evaluate the Bids and may require the Requestor to select a different individual to serve as the Bid Evaluator. The Evaluator must complete a conflict-of-interest form (see **Appendix 5 – Formal Procurement Process**) prior to reviewing the Bids.

#### **6.4 ESTABLISHING AN EVALUATION TEAM AND SCORING MATRIX FOR REPLIES TO RFPS & ITNS**

This Section 6.4 addresses those Proposals or Responses where JEA will consider other factors, which may or may not include price, in the selection of a successful Vendor.

The Requestor from the Business Unit initiating the Procurement should compile a list of the proposed members of the Evaluation Team and submit the list to the Buyer or Manager Procurement Portfolio. A minimum of three (3) individuals is required for any Evaluation Team, unless otherwise approved by the Manager Procurement Portfolio. The Requestor has the option to include himself or herself as a proposed member of the Evaluation Team; however, the Buyer shall not be a member of the Evaluation Team. The Requestor should name one (1) member of the Evaluation Team, which may be himself or herself, as the Lead Evaluator, who should serve as the main contact point with Procurement Services during the establishment of the evaluation matrix, and later, during the actual evaluation of the Responses or Proposals. Procurement Services will also consult and communicate with other members of the Evaluation Team including Subject Matter Experts, if any. Each Evaluation Team member must complete a conflict-of-interest form (see **Appendix 5 – Formal Procurement Process**) prior to reviewing Responses or Proposals.

The Evaluation Team members should not communicate with each other at any time regarding any matters relating to the Bids/Proposals/Responses (other than communications related to purely administrative matters, e.g., scheduling) unless the communications take place in a meeting held in compliance with Florida's Open Meetings Laws.

The Buyer or Manager Procurement Portfolio shall approve the composition of the Evaluation Team, and even after Evaluation Team formation, the Manager Procurement Portfolio may remove individuals from the Evaluation Team in the event the MPP concludes, solely at his or her discretion, that a team member is unwilling or unable to provide an independent and fair evaluation.

The Buyer should prepare the evaluation matrix and submit such matrix to the Manager Procurement Portfolio prior to advertisement of the Solicitation. The evaluation matrix shall be included with the Solicitation. In any event, the Selection Criteria included in the evaluation matrix, and the weight given to each Selection Criterion, should be clearly described in the Solicitation. The Selection Criteria may also be entered in the Procurement Platform questionnaire section (Zycus iSource). The Buyer, in compiling the evaluation matrix, should ensure that the criteria in the matrix match the description of the Selection Criteria stated in the Solicitation. For each evaluation criterion, the Evaluation Team should assign a whole number indicating the maximum possible points for each criterion, or sub-criterion, indicating more points for those Selection Criteria that are most integral, and fewer points for those of lesser importance. The total score of the possible points should equal

100 for the original written Proposal or Response, unless otherwise determined to be in the best interest of JEA to have more points as approved by the CPO. If an optional presentation or demo is used, the final score may exceed 100 points as the score of the presentation or demo will be added to the original written Proposal or Response score. Selection Criteria may be further subdivided when constructing the evaluation matrix. The table below shows common examples of Selection Criteria and possible sub-criteria for inclusion on the matrix:

**Examples of Selection Criteria and Sub-criteria**

<b>Selection Criteria</b>	<b>Sub-criteria</b>
Skills and experience	Skills and education of proposed team members who will perform the work for JEA Skills and education of project manager Vendor experience in conducting comparable work Team member experience in performing comparable work Project manager experience in performing comparable work
Design Approach and Workplan	Ability to meet the technical requirements Proposed milestone schedule Demonstrated ability to meet specified schedule Timeline of implementation plan Timeline of mobilization plan Value added services

As a guideline, points assigned to price should never be less than the points assigned to any nonprice factor unless approved by the CPO or designee.

The Manager Procurement Portfolio may approve, edit and approve as edited, or return the matrix to the Buyer as unapproved. It is the responsibility of the Buyer to ensure that an approved evaluation matrix is prepared prior to the issuance of the Solicitation.

Where a criterion of the Evaluation Matrix calls for a numeric score, a simple average of each team member's score for that criterion should be used.

Where a criterion requires a formula to establish a standard method of assigning points to that criterion, as when assigning points to a range of Responses such as proposed prices, the Evaluation Team and the Manager Procurement Portfolio should agree on such formula before Solicitations are issued. A formula such as the following may be used in such situations:

$$\text{Number of Points} = \text{Maximum Number of Points for the category} * (\text{Lowest Proposed Price} / \text{Proposers Proposed Price})$$

The following example illustrates the use of this formula (assuming a max of 50 points are given in this category):

<b>Bidder</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>Price Formula</b>	Lowest/ Bidder/Respondent	All Other Bidders/Respondents	Highest Bidder/Respondent

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Other approaches may be used with the approval of the Manager Procurement Portfolio.

Note, the evaluation may be conducted initially outside of the Procurement Platform (Zycus iSource or SharePoint), however the Evaluation Team scores should be entered into the Procurement Platform (Zycus iSource) to record the final scores and results.

## **7.0 AFTER BIDS/PROPOSALS/RESPONSES ARE RECEIVED - SELECTION AND AWARD**

### **7.1 OPENING OF BIDS/PROPOSALS/RESPONSES**

Under Section 255.0518, Florida Statutes, all Bids received for construction or repairs must be opened at a public meeting. At this meeting, the name of each Bidder and the price submitted in the Bid must be announced.

All other Bids, Proposals, and Responses received by JEA are publicly opened during the opening session electronically through the Procurement Platform.

At the opening session, the Buyer acknowledges receipt of the Bids, Proposals or Responses, that the Bidders, Proposers or Respondents meet any specified safety qualifications, that the Bidders, Proposers or Respondents are listed on the current JEA Responsible Bidders List (RBL/ QPL) if required, and that the Bidders, Proposers or Respondents were present at the pre-Bid, pre-Proposal or pre-Response meeting if attendance was mandatory.

Copies of the Bids/Proposals/Responses are stored electronically in the Procurement Platform, in which the Buyer has access, any Procurement Services or Business Unit members in which the event has been shared, and any Procurement Platform administrators. The Evaluation Team will receive an electronic copy of all the Bids/Proposals/Responses via the secure Procurement Platform, and will complete the evaluation of Proposals/Responses, if applicable.

All Bids, Proposals and Responses should be released upon request in accordance with the timeframes specified in Florida's Public Records Laws.

#### **7.1.1 TWO-STEP BID OR COMPETITIVE NEGOTIATED OPENINGS**

Where the Formal Solicitation Process requires a two-part Bidding process, such as for two-step Bidding or competitive negotiated Proposals or Responses, Procurement Services will follow the same public opening procedures as set forth in Section 7.1. of these Operational Procedures, however, Procurement Services will open only the technical Proposal portion of the Bid. Procurement Services may acknowledge receipt of an accompanying price Proposal, but the price Proposal will remain sealed in accordance with the procedures set forth for two-step Bidding or competitive negotiated Bidding, as applicable.

#### **7.1.2. WHEN PROCUREMENT SERVICES DETERMINES NOT TO OPEN RESPONSES/BIDS/PROPOSALS**

Procurement Services may not open Responses/Bids/Proposals under some circumstances, which include, but are not limited to, the following situations:

- Except as provided in Section 255.0518, Florida Statutes, if Responses/Bids/Proposals are received late
- Limited Responses are received and the Manager Procurement Portfolio or the Chief Procurement Officer would like to reopen the Bid or resolicit to increase competition.

Note, under no circumstances will Bids associated with IFBs be opened in a non-public setting after a scheduled opening. Once the reason for the delayed Bid opening is resolved, the Manager Procurement Portfolio and CPO will determine if the Bid can be opened and will direct the Buyer to schedule and host another formal Bid opening. No adjustments to any Bids will be allowed.

## **7.2 CORRECTION OR WITHDRAWAL OF BIDS**

### **7.2.1 MINOR IRREGULARITIES**

Solicitation documents should include terms and conditions that allow for correction or waiving of Irregularities if the CPO, Manager Procurement Portfolio, or designee determines that doing so is in the best interest of JEA.

### **7.2.2 CORRECTIONS**

Correction by a Vendor of a Bid/Proposal/Response already received will be considered only if the correction is received by the CPO, Manager Procurement Portfolio, or designee, prior to the time announced for the opening. All corrections should be made in writing, executed and submitted in the same form and manner as the original submittal. Vendors may not alter Bids/Proposals/Responses after the announced time of opening. In case of a mathematical error in the total price, the unit prices will prevail, and JEA will evaluate the Bid, Proposal or Response utilizing the corrected total price calculated using the unit prices contained in the Bid, Proposal or Response.

### **7.2.3 WITHDRAWAL OF BIDS/PROPOSALS/RESPONSES**

Prior to the opening, any Vendor may withdraw a Bid/Proposal/Response by giving written notice via the Procurement Platform or email to the Buyer or Manager Procurement Portfolio. Vendors may not withdraw or modify their submittals for 90 days after the time announced for opening, without the approval of the CPO or Manager Procurement Portfolio. Withdrawn Bids, Proposals and Responses shall be maintained by JEA as required by Florida's Public Records Laws.

## **7.3 RESPONSIVENESS AND RESPONSIBILITY OF BIDDERS/PROPOSERS/RESPONDENTS**

The Buyer shall endeavor to make a preliminary Determination of whether a Bidder/Proposer/Respondent is responsive and responsible prior to the evaluation of the Bid/Proposal/Response. Reasons for deeming a Bidder/Proposer/Respondent as not responsive and responsible include, but are not limited to:

- Failure to meet the Minimum Qualifications as set forth in the Solicitation
- Failure to meet the Technical Specifications
- Failure to supply required information in a timely manner
- Vendor appears on JEA's suspension or debarment list, State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List. It is the Buyer's responsibility to check these lists prior to moving forward.

While it is the intent of these procedures to have a Determination made as to whether a Bidder/Proposer/Respondent is responsive and responsible prior to evaluations, if it is later determined during the evaluations that the Bidder/Proposer/Respondent is not responsive or responsible for the reasons set forth above, then a Determination may be made at that time.

Following the initial review and preliminary Determination by the Buyer, a formal Determination should be made in one of the following ways:

- The CPO or Manager Procurement Portfolio may issue a written Determination that the Bidder/Proposer/Respondent is not responsive and responsible for reasons set forth in the Determination; and
- The Awards Committee may determine that a Bidder/Proposer/Respondent is not responsive and responsible based upon the recommendation of the Evaluator and with the concurrence of the CPO.

#### **7.4 EVALUATING BIDS SUBMITTED IN RESPONSE TO IFBS**

Once it is determined that a Vendor meets the Minimum Qualifications stated in the Solicitation, the Evaluator should review the qualified Bids received and ensure their technical compliance with the specifications.

In the event that the Evaluator disqualifies the lowest priced Bid, the Evaluator should submit to the Manager Procurement Portfolio the justifiable reasons for why the Bidder does not meet the Solicitation requirements or otherwise is not capable of rendering the proposed services or supplying the proposed goods to JEA as stated in the Solicitation.

In the sole discretion of the Manager Procurement Portfolio, the Manager Procurement Portfolio may form a separate Evaluation Team to review the Bids in order to justify the Evaluator's selection. The Manager Procurement Portfolio also has the authority to override the Evaluator's selection of a Bidder, or the selection of a Bidder made by any team formed to evaluate the Bid, including, but not limited to, waiving Irregularities in the Bid. The Manager Procurement Portfolio shall provide written justification for having convened an Evaluation Team to review bids and justify the Evaluator's selection, or for overriding the selection of a Bidder by the Evaluator or Evaluation Team, which written justification shall be maintained in the Bid Documentation File.

#### **7.5 EVALUATING PROPOSALS/RESPONSES SUBMITTED IN RESPONSE TO EVALUATED RFPS/ITNS**

When evaluating Proposals and Responses, the Solicitation should contain specific steps to take during the review process. Below are guidelines and the process may vary depending on the facts and circumstances of a particular Procurement.

The Manager Procurement Portfolio, or designee, will oversee the Evaluation Team through the complete Solicitation and Award process. Once the Proposals/Responses are received, and prior to disseminating the Proposals/Responses to the Evaluation Team, the Buyer will send a conflict-of-interest form to the members of the Evaluation Team to fill out, as well as review the Vendor's conflict of interest form submitted with the Proposal/Response, to determine whether a conflict exists. The Manager Procurement Portfolio, or designee, may, at their discretion, choose either to assist the Lead Evaluator in the completion of the evaluation process, or may choose to serve as the Lead Evaluator, including preparing an evaluation for review and approval along with other Evaluation Team members' evaluations. The Manager Procurement Portfolio may also prepare an

evaluation to be considered in the same manner as the other Evaluation Team members' evaluations at the request of the Business Unit or when requested to do so by the CPO.

Prior to disseminating the Proposals/Responses to the Evaluation Team, the Buyer will vet the submitted Proposals/Responses to determine which Proposals/Responses meet the Minimum Qualifications. Proposals/Responses that are deemed non-responsive to the Minimum Qualifications are to be rejected through a disqualification process (communication with the disqualified Vendor), prior to distributing the remaining Proposals for evaluation.

Each Evaluator should use the approved evaluation matrix (which is frozen and may not be altered after the receipt of Proposals/Responses) and should separately and independently score the Proposals/Responses based on the instructions in the evaluation matrix. As shown in the matrix, the evaluation may be based on quantitative objective criteria or subjective criteria requiring the Evaluation Team member's interpretation of the Proposals/Responses. The Evaluation Team will only evaluate Bids/Proposals/Responses that meet the Minimum Qualifications stated in the Solicitation. Occasionally, if there is a delay in verifying references used to verify the Minimum Qualifications, the Evaluation Team members may begin evaluating while the references are being verified.

The Evaluation Team members should not communicate with each other at any time regarding any matters relating to the Bids/Proposals/Responses (other than communications related to purely administrative matters, e.g., scheduling) unless the communications take place in a meeting held in compliance with Florida's Open Meetings Laws.

The Buyer (or whoever else designated to do so in advance so long as said individual is also not a member of the Evaluation Team) will be responsible for checking references submitted as part of the Proposers'/Respondents' Proposals/Responses. Prior to contacting any of the references, the Buyer will prepare a script of questions to be asked of each reference (the same script should be used with all references) and solicit feedback regarding the script from the Manager Procurement Portfolio. The Buyer should document answers to the script of questions and the Buyer should distribute them to each of the Evaluation Team members. The Evaluation Team members should grade the references independently based on their interpretation of the Responses obtained from the script of questions.

Upon completion, each Evaluation Team member should submit to the Buyer, and only to the Buyer, his or her completed evaluation matrices through the Procurement Platform.

The Buyer shall compile the scores and submit copies of each of the individual Evaluation Team members' scores and a summation of evaluations to the Manager Procurement Portfolio for review. The Buyer should be responsible for providing the Manager Procurement Portfolio with additional details regarding the processing of the scores as requested.

Thereafter, a meeting shall be scheduled with members of the Evaluation Team in compliance with Florida's Open Meetings Laws (the "Public Evaluation Meeting") to discuss their evaluations and scoring.

The Buyer or Manager Procurement Portfolio may review scoring received by the Evaluation Team prior to the Public Evaluation Meeting. At the Public Evaluation Meeting, the Buyer or Manager Procurement Portfolio may request Evaluation Team members to review and discuss any Selection Criteria for which there are outlying scores. The Evaluation Team members will be afforded the opportunity to change their scores during the public meeting if desired. Where score variances exist among Evaluation Team members, said score variance should be raised and discussed at the Public Evaluation Meeting.

If no negotiations are to be conducted, then upon completion of the Public Evaluation Meeting wherein the final scoring is discussed and announced, and after the Manager Procurement Portfolio or CPO have approved the compiled scores, Procurement Services should announce an Intent to Award and then should draft a recommendation to the Awards Committee for Award of the Contract in accordance with the recommendations of the Evaluation Team. The Manager Procurement Portfolio, or designee, obtains Award draft approval from the Director and Chief/VP of the Business Unit prior to the Awards Committee meeting. The Buyer or Manager Procurement Portfolio should ensure approved recommendations to the Buyer for inclusion on the Awards Committee agenda. Only Awards Committee recommendations approved and made by the CPO, or designee, should be submitted to the Awards Committee.

When negotiations will be conducted with the selected Proposer for an RFP, the Procurement Category Manager should forward to the CPO the results of the evaluations by the Evaluation Team. If the CPO approves such evaluations, the Buyer will notify all Proposers of the results of the evaluation via an Intent to Award communication. JEA should not conduct any negotiations with the selected Proposer, or any other Proposers, prior to this notification by the Buyer to all Proposers. In addition, such notification should serve as the starting point for the limited timeframe during which Proposers may submit a protest regarding the evaluation process or results.

When negotiations will be conducted with selected Proposers for an ITN, the Procurement Category Manager should forward to the CPO the results of the evaluations by the Evaluation Team. The Buyer will notify all Proposers of the results of the evaluation via a Notice of Shortlist/Intent to Negotiate communication. JEA should not conduct any negotiations with the shortlisted Proposers prior to this notification by the Buyer to all Proposers. In addition, such notification should serve as the starting point for the limited timeframe during which Proposers may submit a protest regarding the evaluation process or results.

## **7.6 BID DOCUMENTATION FILE**

The Buyer and/or the Purchasing Assistant will store all documents related to the Solicitation (the "Bid Documentation File") to the Procurement Platform so that they are available for review by Procurement Services staff and available for negotiations. Written Determinations shall be maintained with the Bid Documentation File. The file may also include, but is not limited to, the following documents:

- Original and copy of Technical Specifications (available in the Procurement Platform)
- Advertisement of the Solicitation
- Newspaper Advertisement Affidavit
- Solicitation
- Cover sheet – Plan holder list (available in the Procurement Platform, Vendor status Report)
- Addenda (available in the Procurement Platform)
- Pre-Bid/Proposal/Response; meeting minutes or audio/video recordings (Only if Mandatory, uploaded into the Procurement Platform)
- Unable to Submit Bid forms (returned from Vendors) (available in the Procurement Platform)
- Bid/Proposal/Response evaluation/scoring matrix (available in the Procurement Platform, Award Summary)
- Bid/Proposal/Response tabulation sheet (available in the Procurement Platform)
- Bids/Proposals (available in the Procurement Platform)
- Completed Evaluator or Evaluation Team scoring matrices (individual scores and compiled scores) (available in the Procurement Platform, Award Summary)

- Letters to Bidders/Proposers/Respondents (if applicable)
- CPO approval of ranking (printed email) (if applicable)
- Approved Awards Committee agenda item
- Required licenses submitted as part of the Bid/Proposal/Response
- Bid Bonds (if provided)
- Rejection/Disqualification letters (available in the Procurement Platform, Award Summary)
- Signed Award

## **7.7 NEGOTIATIONS**

### **7.7.1 RESPONSIBILITIES**

The Manager Procurement Portfolio, or designee, should lead and be responsible for the proper and effective performance of all negotiations. All pre-Award negotiations should follow a well-designed negotiation plan and should include those individuals considered to be of value to JEA in negotiating the Contract. Unless otherwise determined by the Manager Procurement Portfolio, or designee, all negotiations should be conducted by a negotiations team comprised of the appropriate Procurement Services, technical, and Business Unit representatives.

The Manager Procurement Portfolio, or designee, should be responsible for leading the Negotiation Team through the negotiation process, which should include at least the following responsibilities but is just a guideline and the process may vary depending on the facts and circumstances of a particular Procurement:

- Opening the negotiation meetings;
  - Obtaining any additional facts needed to support continued Proposal/Response analysis and negotiation;
  - Reviewing facts and identifying negotiation issues;
  - Bargaining on the issues;
  - Reaching agreements on the issues;
  - Closing the negotiation session(s);
- Ensuring negotiation sessions are recorded.

### **7.7.2 GENERAL PRACTICES FOR NEGOTIATIONS**

Each solicitation should contain specific steps to take during the negotiation process. Below are guidelines and the process may vary depending on the facts and circumstances of a particular Procurement.

Prior to the start of any negotiations, the Requestor should submit to the Manager Procurement Portfolio, or designee, for his or her approval a list of names of the individuals proposed to be included on the Negotiation Team and the roles of each individual during the negotiations. At the discretion of JEA, the original Evaluation Team members may serve as members of the Negotiation Team. The Manager Procurement Portfolio, or designee, has the authority to modify such list, and also to remove any individual from the Evaluation Team at any time if, in the sole opinion of the Manager Procurement Portfolio, or designee, the individual is detrimental to the effective conduct of negotiations.

The Manager Procurement Portfolio, or designee should develop or adopt, document and follow a negotiation process addressing the Negotiation Team members' responsibilities. For each negotiation, the Manager Procurement Portfolio, or designee, should lead the Negotiation Team in developing a written, contract-specific negotiating plan.

The Manager Procurement Portfolio, or designee, should ensure the following elements of a good negotiation are prepared:

- The supply market is properly analyzed and understood by the team and such knowledge is incorporated into a negotiating plan
- The meeting room/Webex is properly set up, and ensure entire negotiation meetings are recorded
- That Negotiation Team members are available and prepared to perform their assigned roles in implementing the negotiation plan
- The number of Negotiation Team members participating in any negotiation session should be as small as practical, but large enough to provide the support required
- The Manager Procurement Portfolio, or designee, should consider having the entire team present for the opening of negotiation. This permits everyone to hear the opening comments and participate in the introductions. It also visually demonstrates JEA's position is a team position. For other sessions, the Manager Procurement Portfolio, or designee, should only include team members whom he or she expects will actively participate in the session. That the negotiating team member participation is productive
- Further, the Manager Procurement Portfolio, or designee, should exercise the control necessary to ensure effective communications while presenting a unified position to the Proposer's/Respondent's team
- Ask for support from appropriate team members when needed to clarify or emphasize a negotiation position
- Interrupt when team members enter into an uncontrolled discussion with the Proposer/Respondent
- Do not permit side conversations between team members and the Proposer's/Respondent's team
- Use caucuses to review, and when appropriate, adjust the team position
- Use breaks to relieve tension and control the pace of negotiations
- The pre-established negotiating plan is followed, unless conditions sufficiently change during negotiations, to require the alteration of the initial negotiation plan. In such cases, a revised plan should be developed and followed
- The Manager Procurement Portfolio, or designee, should be present in all negotiating sessions with the Proposer/Respondent, or should designate a qualified alternate.
- The Manager Procurement Portfolio, or designee, should ensure that a written record or recording of all offers, counteroffers, agreements and unresolved issues is maintained

### **7.7.3 NEGOTIATIONS IN LIEU OF RE-SOLICITATION**

It is hereby recognized that the negotiation process, including negotiation of prices, may result in modifications to the original scope of work proposed in a Solicitation, as price and scope are closely related and should be considered together. Therefore, the MPP, or designee, should ensure that all Solicitations contain language permitting the CPO or designee to negotiate the scope of service and cost of solicited Supplies and Services with the lowest Bidder, or highest ranked Proposer, meeting or exceeding the specifications rather than undertaking another competitive Solicitation if:

- The Business Unit Manager, with the concurrence of the Manager Procurement Portfolio, determines that time or business considerations preclude re-solicitation; and
- The Business Unit Manager prepares a statement of the possible revisions to the Supplies and Services solicited and resulting impacts on cost for review by the CPO, or designee; and
- The CPO, or designee, approves negotiations with the lowest Bidder/highest ranked Proposer.

- Upon approval of the CPO, or designee, the Evaluator, with help from the Buyer, may negotiate the Procurement with the lowest Bidder/highest ranked Proposer.

Notwithstanding the foregoing, during the course of negotiations, if in the judgment of the MPP or designee based on market research or otherwise, the original scope of work as advertised in the solicitation is revised so substantially as to exceed what prospective Vendors reasonably could have anticipated, so that additional sources likely would have submitted offers had the substance of the revision been known to them, the MPP or designee shall cancel the original solicitation and issue a new one.

#### **7.7.4 AWARD OR RESCIND AFTER NEGOTIATIONS**

Upon conclusion of negotiations, the Buyer should prepare its recommendation to the Awards Committee for consideration and action. The actions that the Awards Committee may take include, but are not limited to, Award of the Contract and rescission of the Solicitation.

### **8.0 TIED RESPONSES TO FORMAL COMPETITIVE SOLICITATIONS**

#### **8.1 TIE BIDS - IFBs**

##### **8.1.1 APPLICABILITY**

When the Bid Evaluator determines that two or more Bids are low Bids meeting or exceeding all Minimum Qualifications and Technical Specifications in accordance with the IFB, then the following tie-breaking steps may be utilized.

##### **8.1.2 ALTERNATE BIDS**

If the needs of JEA permit, the Manager Procurement Portfolio, or designee, should obtain from the tie Bidders, and tie Bidders only, one alternate Bid each, which should include an alternate price and more detailed qualifications statements. The Bid Evaluator should evaluate alternate Bids in the same manner as original Bids, using the Minimum Qualifications and Technical Specifications set forth in the Solicitation. The Bid Evaluator should then select the lowest alternate Bid meeting or exceeding specifications.

If the needs of JEA do not allow time to receive alternate Bids, or, if after receiving alternate Bids, tie Bids still exist, then the Bid Evaluator should submit to the Manager Procurement Portfolio a statement that documents the reasons for recommending Award to one of the Bidders over the other based on the qualification's statements submitted by Bidders, or, if permitted by applicable law, Bidders' past performance for JEA on other work including those documented by the Vendor Performance Program. The Manager Procurement Portfolio may approve this recommendation and proceed with following the established formal Awards processes from this point or may defer the recommendation to the CPO for approval or rejection of the recommendation. The Bid Evaluator should be prepared to document and explain his or her recommendation decision before the Awards Committee.

#### **8.2 TIE RANKINGS – RFPS**

##### **8.2.1 APPLICABILITY**

In the event that two or more evaluated Proposals received in response to an RFP, are scored or ranked as highest, then the following procedures may be utilized.

## **8.2.2 RANKING ACCORDING TO PRICE**

The Evaluation Team should further rank tied Proposers, and tied Proposers only, in order of price with the tied Proposer offering the lowest price ranked first, the tied Proposer offering the second lowest price ranked next and so forth until the tied Proposer offering the highest price is ranked last in order of preference. An Award recommendation may be made based upon the revised rankings.

If the Evaluation Team determines that tied Proposers cannot or should not be further ranked according to price, then the Evaluation Team should make said determination during the Public Evaluation Meeting and should further evaluate the tied Proposers according to the established Selection Criteria and make a recommendation as to the preferred Proposer.

If the tie cannot be resolved using the methods described above, the amount of work previously awarded to each Proposer may be used as a criterion to break the tie. In order to encourage new firms to do business with JEA, the Proposer with the least amount of work awarded would then rank the highest. In the alternate, the tie could be resolved by random drawing of names provided this drawing is conducted in a public forum.

## **9.0 FORMAL AWARDS**

### **9.1 AWARD REQUESTS**

#### **9.1.1 FORM OF REQUESTS FOR REVIEW AND ACTION**

Upon completion of the evaluation process and Intent to Award, the Buyer will initiate the Awards process.

The Award recommendation must have the proper approvals from the Business Unit Manager, Director and VP.

If a Capital Project not to exceed amount is \$50,000,000 or more, or the award will take the initial not to exceed amount over the authorized threshold, it will not be put on the Awards Committee agenda, but instead will be required to be reviewed by the Capital Projects Board Committee, and approved by the JEA Board to proceed. Procurement will work with Budget for approval prior to the JEA Board approval request. The resolution from the JEA Board will serve as backup documentation to approve the contract in place of the Awards Committee.

If a continuing service contract has bid results that are over \$50,000,000 for the term of the contract, or the continuing services contract award will take the initial not to exceed amount over the authorized threshold, it will not be put on the Awards Committee agenda, but instead will be required to be reviewed by the Finance Board Committee, and approved by the JEA Board to proceed. Procurement will work with Budget for approval prior to the JEA Board approval request. The resolution from the JEA board will serve as backup documentation to approve the contract in place of the Awards Committee.

In addition to the above approvals and endorsements, the recommended award must be on the Award Agenda that must provide signature lines for the Awards Committee Chair, and the Manager of Budget Services, or the Business Unit's Vice President or Chief Officer if Budget does not endorse. Under Section 2-109(4) of the Code, each Award item shall be reviewed and approved by the Budget Organizational Element to determine whether sufficient funding is available for the Award. If the Budget Organizational Element is unable to confirm that sufficient funds are available, the senior executive Officer for the Organizational Element requesting the Award

may confirm by signature on the Award Agenda document that sufficient funding is or is expected to be available in that Organizational Element's Budget.

If the CPO determines that additional approvals or information regarding the Awards request are necessary, the CPO has the authority to defer an Awards request for inclusion on a future Awards Committee agenda pending receipt of the additional information. The CPO also has the authority to defer an Award request for failure to obtain prior endorsements and approvals required prior to the deadline for Awards Committee, or, if the Award request does not, in the opinion of the CPO, comply with the requirements of the Code, or otherwise is not in the best interest of JEA.

The Manager Procurement Portfolio, with assistance from the Requestor's Business Unit, should secure the required endorsement by the Budget Organizational Element. The Manager Procurement Portfolio should ensure that all documentation for the Award recommendation is sufficient and correct and submit it to the Purchasing Assistant for inclusion on the Awards Committee agenda.

### **9.1.2 AWARDS COMMITTEE**

The Awards Committee, with the concurrence of the CEO, provides the authority for JEA to, among other things, enter into Contracts for Formal Purchases of Supplies and Services unless exempt under Section 2-102 of the Code or specifically provided otherwise in the Code.

The purpose and responsibilities of the Awards Committee are provided in Sections 2-107, 2-108 and 2-109 of the Code, and the procedures by which Awards are made and Contracts are formed are further described in these Operational Procedures.

The Awards Committee authority to approve awards shall be as set forth in the Code, these Operational Procedures, and as more particularly stated in the Delegation of Authority and Responsibility Policy.

### **9.1.3 AGENDA PREPARATION AND DISTRIBUTION**

By Monday of each week, the Purchasing Assistant should prepare a draft of the Consent Agenda for the Awards Committee. This agenda should contain the date, time and place of the meeting and list the Awards for review and approval by the Awards Committee.

The Purchasing Assistant should post the agenda to jea.com no later than 10:00 AM on the Tuesday immediately preceding the relevant Awards Committee meeting. Such Posting should serve as reasonable notice of the public of the meeting, in accordance with the requirements of the Florida's Open Meetings Laws.

The Awards Committee members should review all Award requests to confirm that the request complies with the requirements of the Code and is in the best interest of JEA.

Prior to, and in preparation for, sharing of drafts with the awards committee, the following timelines should be followed:

Requestor / Initiator	Intended Audience	Item	Forum	Timeline
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Buyer	CPO	Award w/ Approval from BU Director & CM	Teams Site	COB Thursday prior to the next awards meeting
Buyer	Committee, Budget, OGC and Chiefs	Finalized Award and Necessary Back-up Documentation	Teams Site	COB Friday prior to the next awards meeting
Category Manager	BU VP	Finalized Award	Email or Approved Alternative	COB Friday prior to the next awards meeting
Procurement Assistant	Buyers, CPO, Committee, Budget, OGC and Chiefs	Proposed Agenda	Email or Approved Alternative	COB Friday prior to the next awards meeting
Award Committee	Buyers, CPO, Budget, OGC and Chiefs	Revisions to Agenda – Conversions to Regular Agenda, Award Revisions, and Proposed Deferrals	Email or Approved Alternative	COB Monday the week of the awards meeting
Procurement Assistant	Buyers, CPO, Committee, Budget, OGC and Chiefs	Finalized Agenda	Website Posting; and either Email or Approved Alternative	Tuesday 10am EST the week of the awards meeting
Budget	Buyers, CPO, Committee, Budget, OGC and Chiefs	Budget Approval	Email or Approved Alternative	COB Tuesday the week of the awards meeting

If a member of the Awards Committee has questions regarding an upcoming Award on the Consent Agenda, the PA will pull this Award off the Consent Agenda and add it to the Regular Agenda so that the specific Award can be discussed and voted on separately by the Awards Committee or deferred. The Consent Agenda will receive one vote for the entire agenda from the committee and the Regular Agenda items will be voted on separately by the committee.

#### **9.1.5 AWARDS COMMITTEE REVIEW AND APPROVAL**

The Awards Committee must review and approve, or ratify, all Procurements of Supplies and Services set forth in Section 2-109(2) of the Code. After approval by the Awards Committee of the Consent Agenda and the Regular Agenda, if applicable, the CPO is required to email the approved Awards on only the Regular Agenda

to the Chief Executive Officer for final approval. After final approval by the CEO, the MPP, or designee, and the Manager of Contract Administration, or designee, should proceed with preparation of the Contract Documents. Note, if the awards items stay on the Consent Agenda, the CEO is not required to approve.

### **9.1.6 MEETING MINUTES**

The approved Awards Consent Agenda and Regular Agenda, if applicable, shall become the meeting minutes of the Awards Committee meeting in accordance with the Florida's Open Meetings Laws, and posted to jea.com.

In the event that no Awards Committee meeting is held for a given week, the Purchasing Assistant or designee Assistant or designee should post a notice on jea.com in the same format as normal Awards Committee meeting minutes but stating that no meeting of the Awards Committee was held.

### **9.2 RESCINDING/CANCELLATION OF INVITATIONS FOR BIDS, REQUESTS FOR PROPOSALS, OR INVITATIONS TO NEGOTIATE**

After Bids, Proposals and Responses have been received, formal competitive Solicitations (e.g., IFBs, RFPs, ITNs) may be canceled or rescinded only with the approval of the Awards Committee if the Manager Procurement Portfolio, with the concurrence of the CPO, or designee, along with the Business Unit Manager, recommends this action to the Awards Committee. The Manager Procurement Portfolio, or designee, must include compelling reasons for this action.

Compelling reasons include, but are not limited to:

- All Bids, Proposals, or Responses received in Response to the Solicitation fail to meet the requirements of the Solicitation document;
- All Bids, Proposals, or Responses received do not meet the needs of JEA;
- All Bids, Proposals, or Responses received exceed the funds budgeted and available for the Procurement;
- The Procurement is no longer required; or
- Changes in circumstances make cancellation prudent and in the best interest of JEA.

The approval of the Awards Committee shall not be required for rejection of all Bids, Proposals and Responses received by JEA.

## **10.0 AFTER AWARD**

### **10.1 USE OF CONTRACTS**

All Awards for Formal Purchases should use a formal Contract as the means of establishing the definitive agreement between the parties. A PO referencing the terms and conditions contained in the Solicitation may be used to establish a Contract for the one-time Procurement of Supplies. If a formal Contract is executed, all changes to the Contract should be made via a written amendment to the Contract or by a means otherwise specified in the Contract. Changes to, and renewals of, any Contracts executed in connection with an Award approved by the Awards Committee must receive Awards Committee approval if the change or renewal meets the requirements of Section 2-109(2)(b)-(c) of the Code.

#### **10.1.1 CONTRACT EXECUTION**

An Award made by the Awards Committee, except for the one-time Procurement of Supplies, requires the execution of formal Contract between JEA and the selected Vendor(s). An Award made by the Awards Committee does not, in itself, constitute a Contract with the selected Vendor(s). Following Award, the Manager of Procurement Contracts Administration, or designee, will coordinate the preparation and execution of the Contract. All Award recommendations are subject to JEA and the Vendor's successful execution of a Contract. Pursuant to Section 3-121 of the Procurement Code, the CEO may delegate signatory authority to CPO or Designee to execute contract within the constraints of the Delegation of Authority.

For those Awards where negotiation of Contract terms and conditions may be permitted, the Manager of Procurement Contracts Administration, or Manager Procurement Portfolio, will be responsible for coordinating the negotiations, including all communications, document reviews and meetings, between the Requestor, the selected Vendor, the Vendor's representatives and Office of General Counsel. In the event that JEA and the Vendor fail to reach mutually agreeable terms and conditions, the Manager of Procurement Contracts Administration may recommend future action to the CPO, including cancellation of the Award, negotiation with the next highest ranked Bidder/Proposer/Respondent, or re-solicitation of the Supplies or Services, as appropriate. The Manager of Procurement Contracts Administration, or Manager Procurement Portfolio, will ensure that documentation of the negotiations process is retained in the Contract File.

## **10.2 CONFORMING CONTRACT DOCUMENTS**

The Manager of Procurement Contracts Administration will be responsible for the execution of the final Contract documents following all negotiations and after Award of the Contract, and for making sure that the Contract properly conforms to the final Award. The Manager of Procurement Contracts Administration should make every effort to produce a single Contract document, referencing and incorporating other documents as needed and, when doing so, clearly stating an order of precedence for such documents.

The Manager of Procurement Contracts Administration should ensure that a copy of the fully executed final Contract is maintained by Procurement Services in the Contract File in accordance with Florida's Public Records Laws relating to records retention, and longer if required by other applicable JEA records retention requirements.

## **10.3 CONTRACT ADMINISTRATION**

Prior to Contract execution, the Business Unit will designate an individual as JEA's Project Manager for each Contract. The Project Manager should ensure that the Vendor meets the terms and conditions of the Contract.

Prior to the Vendor performing the work pursuant to the Contract, the JEA Project Manager and Category Manager should hold a project kickoff meeting with the Vendor to review the Contract requirements.

During the term of the Contract, the JEA Project Manager should maintain a record of all changes and correspondence related to the Contract and should coordinate with the Manager of Procurement Contracts Administration and the Manager Procurement Portfolio as necessary to obtain any approvals required for changes made to the Contract and to resolve any concerns. All of the aforementioned records shall be maintained with the Contract file.

The JEA Project Manager should also periodically review the Vendor's performance in accordance with JEA's Vendor Performance Program. The Manager of Procurement Contracts Administration manages Vendor Performance Program and the iRisk portal where the vendor scorecards are housed.

#### **10.4 INFORMATION TECHNOLOGY (IT) -LEASES & SUBSCRIPTIONS**

Following Contract execution, any Contract that falls under the definition of an Information Technology (IT) lease or subscription the Contract shall be forwarded to Financial Accounting & Reporting for review after contract execution. Following its review, Financial Accounting & Reporting shall provide copies of any documents created as part of its review to Procurement for inclusion in the Contract File. For the purposes of this section, a lease or subscription associated with Information Technology (IT) is defined as any contract that (i) conveys to JEA the right to use another entity's asset for a period of time; or (ii) conveys to another entity the right to use a JEA asset for a period of time.

#### **10.5 CONTRACT FILE**

The Manager of Procurement Contracts Administration is responsible for maintaining copies of documents related to all Contracts that are approved by the JEA Awards Committee in Contract Files maintained in a central location accessible by the CPO and all MPPs.

Examples of documentation to be included in the Contract File include the following:

- Contract signed by JEA and the Vendor
- Signed amendments to the Contract
- Documentation of Contract negotiations, when applicable
- Contract renewal or extension terms
- Bonds or Letters of Credit
- Insurance Certificates
- Fully executed approved Award with all attachments presented to the Awards Committee
- All documents referenced in the Contract if not readily available in another location, including, but not limited to, the Solicitation and any Addenda thereto, and the Bid/Proposal/Response submitted by the successful Vendor
- Any documents created as part of a review by Financial Accounting & Reporting for leases, unless otherwise maintained in the JEA Board files

When the Contract File is no longer needed for frequent reference, as after the conclusion of negotiations or after an amendment has been finalized, the Manager of Procurement Contracts Administration should ensure that the Contract File is filed or re-filed in accordance with JEA's records retention policies.

#### **11.0 BONDS, LETTERS OF CREDIT, AND INSURANCE CERTIFICATES**

The Manager of Procurement Contracts Administration will oversee and be responsible for the collection of any required payment and performance bonds, and letters of credit or other alternative forms of security, not already collected as part of the Solicitation process prior to Contract execution.

Insurance certificates should be loaded by the Vendors into iSupplier. The Manager of Procurement Contracts Administration, or designee, will ensure a valid insurance certificate is on file prior at the time of Contract execution. The Manager of Procurement Contracts Administration will ensure that iSupplier is available so that the Manager Procurement Portfolios and Buyers can comply with JEA's Insurance Certificates Processing Procedures which reside in Policy Tech, which are reviewed and updated from time to time.

#### **11.1 BID SECURITY**

Procurement Services generally requires a Bid bond for any work that will require the Vendor to secure payment and performance bonds after award. (JEA may also accept alternative forms of security such as cash, money order, a certified check, a cashier's check, or an irrevocable Letter of Credit in lieu of a Bid bond.) The purpose of the Bid bond is to provide some protection to JEA in the event that the Vendor is unable to obtain the necessary permits, certificates, licenses, bonds, or funding to enable the Vendor to begin work as required in the Contract. In such an event, JEA may retain the Bid bond amount as damages for lost productivity and for the cost of rescinding the award and obtaining another Vendor capable of performing the work. In general, JEA requires Bidders/Proposers/Respondents to submit with their Bids a Bid bond in the amount of 5 percent of the Bid/Proposal/Response, however, the CPO and MPP have the authority to alter this amount.

The CPO may determine what constitutes an Irregularity and may accept a Bid/Proposal/Response with the Irregularity, if doing so is deemed to be in the best interest of JEA. If the CPO determines, with the concurrence of Office of General Counsel, that a Bidder/Proposer/Respondent has failed to comply with the Bid bond requirement, then the CPO should issue a written Determination and notify the Bidder that the Bid/Proposal/Response is therefore rejected.

## **11.2 CONTRACT PAYMENT AND PERFORMANCE BONDS**

If a payment and performance bond is required under Section 255.20, Florida Statutes, the Manager of Procurement Contracts Administration is responsible for confirming that JEA has received a certified copy of a payment and performance bond in the form required by the statute executed and properly recorded in the public records of the applicable county before the Contractor commences work.

In the event that Section 255.05, Florida Statutes, is revised, the revised statute shall prevail over requirements set forth in these Operational Procedures and these procedures shall be updated to reflect the revised requirements.

Payment and performance bonds assure that all persons furnishing labor, services or materials in connection with work are promptly paid as required by law and that the Contractor will perform the work in the time and manner prescribed in the Contract.

JEA's standard Contract terms and conditions should contain a standard clause, approved by Office of General Counsel, to be included in Solicitations where payment and performance bonds will be required to be executed by the successful Bidder.

### **11.2.1 WHEN A CONTRACT REQUIRES A PAYMENT AND PERFORMANCE BOND**

As permitted by Section 255.05(1)(d), Florida Statutes, the Chief Procurement Officer, Awards Committee and Chief Executive Officer by approval and adoption of these Operational Procedures, hereby exempts Contractors entering into contracts for \$200,000 or less from the requirement to execute a payment and performance bond. However, JEA may require payment and performance bonds, or alternative forms of security, for Contracts of \$200,000 or less for construction or repairs and for Contracts for the Procurement of any Supplies or Services, if, in the opinion of the CPO, requiring such bonds or security is in the best interest of JEA.

For Informal Purchases of construction or repairs that exceed \$200,000, the Buyer may issue a PO along with the required payment and performance bond forms to serve as the Contract for that Procurement. The Vendor should provide a certified copy of the bonds, recorded with the Clerk of Court of the county in which the work is performed, and the bonds should be saved by the Buyer in Oracle with the PO.

### **11.2.2 DETERMINING REQUIRED AMOUNT OF PAYMENT AND PERFORMANCE BONDS**

As required by Section 255.05(1)(g), Florida Statutes, the amount of the bond shall equal the contract price, except that for a Contract in excess of \$250 million, if the CPO determines that a bond in the amount of the contract price is not reasonably available, the CPO may set the bond at the largest amount reasonably available, but not less than \$250 million.

### **11.2.3 ALTERNATIVE FORMS OF SECURITY IN LIEU OF BONDS**

As provided by Section 255.05(7), Florida Statutes, a Contractor may submit an alternative form of security, in lieu of a bond, "in the form of cash, a money order, a certified check, a cashier's check, an irrevocable Letter of Credit, or a security of a type listed in part II of chapter 625 [Florida Statutes]." The alternative form of security must be for the same purpose and be subject to the same conditions as the payment and performance bond required under Section 255.05. The amount of such alternative form of security shall be the same as that required for payment and performance bonds under Section 11.2.2 above.

Alternative forms of security submitted in lieu of bonds are subject to the vetting and approval, within the statutory limitations, of the CPO, or designee.

### **11.3 WARRANTY BONDS**

Warranty bonds are intended to guarantee performance of warranty work during the warranty period stated in the Contract. Florida Statutes neither require that JEA obtain warranty bonds from Vendors, nor prohibit JEA from obtaining a warranty bond from a Vendor. The CPO, or designee, may determine when the provision of a warranty bond may be advantageous to JEA.

### **11.4 BOND FORMS**

The CPO, or designee, should maintain the current form of the Bid security, performance and payment bonds required by JEA and approved by the Office of General Counsel. Such forms may be included as examples in Solicitation documents or may be placed for reference on [jea.com](http://jea.com).

### **12.0 CHANGES TO CONTRACTS - RENEWALS, ASSIGNMENTS, EXTENSIONS, AMENDMENTS AND CHANGE ORDERS**

In accordance with Section 2-1010(2)(b) and (c) of the Code, the Awards Committee must approve changes to, and renewals of, any Contracts executed in connection with an Award approved by the Awards Committee if:

- the financial impact of the change or renewal exceeds 10% of the amount of the most recent Award approved by the Awards Committee;
- the financial impact of the change or renewal exceeds \$1,000,000;
- the change or renewal causes an Informal Purchase to exceed the threshold for a Formal Purchases set forth in Section 3-101 of the Code;
- the change is an assignment of a Contract; provided, however, that if the assignment arises in connection with a merger, sale of a Vendor or one of its business units or other similar extraordinary event involving the Vendor, the Chief Procurement Officer may authorize the assignment without the approval of the Awards Committee; or

- the change or renewal, in the opinion of the Chief Procurement Officer, changes the Award approved by the Awards Committee in any material respect.

## **12.1 CONTRACT RENEWALS**

When the original term or funding authorization of an existing Contract has been reached, if renewal options exist under a Contract, then one or more of the following factors may indicate a situation when exercising the renewal option may be in JEA's best interest:

- The general terms of the renewal were included as part of the Contract and, when applicable, the terms of the renewal were included as part of the negotiations of the Contract and have already been mutually agreed upon
- The Supplies or Services sought would otherwise require large implementation costs (i.e., high Vendor learning curve, longer lead times, etc.) if JEA were to change Vendors
- The Supplies or Services currently provided by the Vendor, which may include value added services, are believed to be a better value to JEA than the Business Unit and the MPP expect they could otherwise obtain by undertaking another competitive Solicitation.  
Market research is encouraged to substantiate this claim for renewing a Contract
- The Business Unit anticipates that in the near future, it will no longer require the Supplies or Services, or significant aspects of the Supplies or Services are likely to change soon, and the cost of undertaking another competitive Solicitation the work at the present time would not be justified by the limited amount of time that the Business Unit would continue to require the specific Supplies or Services
- There is sufficient funding authorized under the original award amount to cover the renewal period and the Business Unit is satisfied with the Vendor's performance
- There is not sufficient funding authorized under the original Award to cover the renewal period, but the Business Unit believe that it can create a solid argument based on market conditions, service quality or any of the factors listed above to justify the renewal to the Awards Committee

Contract renewals will normally be in one-year increments, with a maximum of two renewals per Contract, unless otherwise approved by the CPO.

Situations in which a renewal option may not be exercised include any of the following:

- The Supplies or Services will no longer be required
- Awards Committee or the Business Unit's VP rejects the option to renew
- the Business Unit believes it may get a better deal or obtain a better-performing Vendor if the Contract were re-Bid
- There is no funding remaining for the renewal
- The Vendors performance has been scored as "Unacceptable" under the Vendor Performance Program unless the provision of the Supplies or Services by any other Vendor would be extremely impractical or detrimental to JEA.

## **12.2 CONTRACT EXTENSIONS**

The use of Contract extensions is not the recommended method for continuing Contracts for Supplies or Services.

Contract extensions may be permitted if determined by the CPO to be in JEA's best interest and authorized by the Awards Committee, if Awards Committee approval is required under Section 2-109 of the Code. Situations in which an extension may be permissible as practicable and advantageous to JEA include when, but not limited to:

- The end for the need for the Supplies or Services is foreseeable; or
- Market conditions are abnormal or substantial economies are available to JEA; or
- An Emergency or force majeure as defined in the Contract exists; or
- Re-solicitation is underway, but the new Vendor has not yet been identified, or the new Contract has not yet been finalized

### **12.3 CONTRACT AMENDMENTS**

Contract Amendments should be conducted in accordance with the terms and conditions stated in the Contract. Contract Amendments require Awards Committee as provided in Section 12.0, Part C, of these Operational Procedures and Section 2-109 of the Code.

#### **12.3.1 COMBINING A NEW PROCUREMENT WITH AN EXISTING CONTRACT**

JEA may realize administrative efficiencies by combining separate Procurement actions into a single Contract, providing that each separate Procurement action was conducted in accordance with the requirements of the Code and these Operational Procedures.

Combining a new Procurement with an existing Contract may be permitted if determined by the CPO to be in JEA's best interest and authorized by the Awards Committee if Awards Committee approval is required under Section 2-109 of the Code, in order to reduce the number of Contracts managed with the same Vendor if:

Award of Contracts for the separate Procurements would be made to the same Vendor; and amending the existing Contract to include the separate Procurement action(s) would reduce administrative costs.

Examples of the above include, but are not limited to, increasing the dollar amount of an Award to include a separate Procurement competitively solicited and awarded to the Vendor in accordance with the requirements of the Code, and a Single Source Award to the Vendor subsequent to execution of an existing Contract with the same Vendor.

#### **12.3.2 AMENDMENT INCREASING AN INFORMAL PURCHASE TO A FORMAL PURCHASE**

A Requestor may request that the dollar limit of a Purchase Order for an Informal Purchase be increased by an amount that would result in a total maximum indebtedness exceeding the applicable thresholds for Formal Purchases set forth in Section 3-101 of the Code. Such a request must be approved by the Awards Committee.

If the Awards Committee approves an Amendment increasing an Informal Purchase by an amount that would result in the total maximum indebtedness exceeding the Formal Purchase thresholds, and a Purchase Order is already in place for the initial Procurement, a separate Contract does not need to be executed unless directed by the CPO.

#### **12.3.3 FORM OF REQUEST FOR CONTRACT AMENDMENT**

Requests should be submitted to Procurement Services in an email requesting approval along with the reasons for the amendment and a quote detailing the cost for the additional work, if applicable. Once approved by Procurement Services, the Requestor should submit a Requisition containing background and discussion information required by Procurement Services and the recommended action. The Requisition would be subject to all approvals required by the Code and these Operational Procedures.

### **12.3.3 ASSIGNMENT OF A CONTRACT**

The Chief Procurement Officer may approve an assignment of a contract upon making a determination that such Contract is in the best interest of JEA. In determining whether the requested assignment is in the best interests of JEA, the Chief Procurement Officer shall consider all relevant factors, including, but not limited to, the capability of the assignee to perform the contracted work and whether any conflicts of interests will be created.

Prior to approval of a request for the assignment to the Chief Procurement Officer, the MPP or the Buyer shall obtain all relevant backup information needed for the CPO to decide whether to approve or deny request.

Below are guidelines for the backup information to be collected and may vary depending on the facts and circumstances of a particular assignment:

- The Buyer or MPP to verify that the new Vendor has the financial responsibility and other resources to perform under the Contract
- Acknowledgement (written or verbal) from the applicable JEA Business Unit that it has vetted the Vendor's staff to ensure they have the qualifications to perform the work, is in the JEA's best interest to continue the Contract with the new Vendor and explaining why it is not in the best interest of the JEA to rebid the Contract

Except as otherwise stated herein, the Manager of Procurement Contracts Administration will ensure an assignment and assumption agreement is executed between JEA, and the Vendors. The assignment and assumption agreement shall be reviewed, and form approved by OGC prior to execution by JEA.

In the event of an assignment by a Vendor to a parent company, affiliate, or subsidiary, the terms of the contract should be reviewed to determine whether JEA's consent is required for assignment to become effective or whether the contract permits the Vendor to assign the agreement upon written notice to JEA. In situations where JEA's consent is not required, an assignment and assumption agreement should still be executed as provided above.

If a Vendor merges with and into another entity, the Contract will be assumed by operation of law and an Assignment Agreement is not required. Although not requiring specific approval by JEA or execution of an assignment and assumption agreement, the Business Unit should confirm that the merger will not affect the Vendor's ability to perform under the Contract.

### **13.0 CHANGE ORDERS**

A Change Order is a term used by JEA for an amendment to a Contract that authorizes an addition, deletion, or revision of the work required under the Contract, or an adjustment in the Contract price or the amount of time the Vendor has to complete the work. Change Orders are most often used for construction Contracts. Change Orders are signed by the JEA Project Manager, or designee, and should also be signed by an authorized representative of the Vendor. Change Orders must not authorize expenditures greater than the funds encumbered by JEA, as shown on the associated Purchase Order(s). A Change Order that involves an increase

to the maximum indebtedness under a Contract or other material change to the Contract should be documented in a formal Contract Amendment.

A Change Order is not required for an addition or revision of the work under a Contract if the Contract contains a Supplemental Work Authorization (SWA) account with available funds, and there exists a valid business justification for the addition or revision. See Section 14.0 below.

When the amount of an initial Award has been exhausted, JEA's preference is to undertake another competitive Solicitation. However, Change Orders may be approved when required to complete the initial scope of work, or to complete newly discovered work necessary to complete the project as contemplated by the Contract and its scope of work. Change Orders should not be used to prolong a Contract term in order to include work not contained in the original scope and not required to complete the original scope.

To request a Change Order, the JEA employee requesting the change should do the following:

- Submit to Procurement Services an email or an iRequest requesting approval along with a quote detailing the cost for the additional work. Once approved by Procurement Services, the Requestor should submit an approved Requisition containing background and discussion information required by Procurement Services and the recommended action.
- Submit to Procurement Services a completed Awards request form if Awards Committee approval is required.

Change Orders may require Awards Committee approval as set forth in Section 12, Part C, of these Operational Procedures and Section 2-109(2) of the Code. The CPO, or designee, has the authority to approve Change Orders not requiring Awards Committee approval.

#### **14.0 SUPPLEMENTAL WORK AUTHORIZATIONS (SWA)**

For Procurements of certain construction related services, the MPP may authorize the inclusion of a predetermined Supplemental Work Authorization (SWA) account as a separate line on the Bid Form to be submitted by the Bidder. The SWA account should be based on JEA's estimated amount for the cost of the services and should be added to the Bid price submitted by each Bidder prior to evaluation.

The inclusion of an SWA account for certain construction related services permits the necessary flexibility for the authorized JEA Representative to quickly authorize necessary changes to the work and reduces the amount of time lost to inactivity, as the nature of such work is inevitably subject to minor, unforeseen changes.

Generally, the amount included on the Bid Form for the SWA account amount should not exceed 10 percent of the total Award amount.

All Contracts approved with SWA accounts, should contain Contract language stating the terms and conditions of payment for work performed under an SWA order, including method of cost calculation for the SWA work and payment conditions.

In the event a minor change is required for a Contract with an existing SWA account, the authorized JEA Representative, which may be an Inspector, Engineer, Project Manager, or other individual supervising the performance of work, should issue a written SWA order on the established SWA form available at [jea.com](http://jea.com).

The Company should not perform any work required by the SWA until both the authorized JEA Representative and the Vendor's representative with authority to enter into agreements, have signed the SWA. The JEA Representative should be responsible for maintaining records of all SWAs and should monitor the amount remaining in the SWA account.

In the event that a change is required, but the SWA account does not contain sufficient funds, the JEA Representative should follow the established procedures for requesting a formal Change Order, which may require the approval of the Awards Committee as provided in Section 12.0, Part C, of these Operational Procedures.

**15.0 PROTESTS, SUSPENSIONS AND DEBARMENTS, AND CONTRACT CONTROVERSIES**

**15.1 PROTESTS, SUSPENSIONS AND DEBARMENTS**

Article 4 of the Code provides some Vendors with limited rights to submit Protests in connection with certain matters related to Awards. The Code sets forth deadlines by which Protests must be received by the CPO to be considered timely, the acceptable format in which Vendors must file a Protest, and other requirements in order for the Protest to be considered a valid Protest.

Among other things, failure to submit a Protest in a timely manner will result in the Protest being rejected. The following is a summary of timeliness requirements. Article 4 of the Code should be consulted for more detail.

**Deadlines for Submitting Protests**

<b>Protested Action</b>	<b>Deadline – Must be received by the CPO</b>
Rejection of Bid, Proposal or Response (considered a Determination made in connection with a Solicitation)	Within two Business Days after Posting or other written notification of JEA's Determination, whichever is earlier.
Issuance of Addenda with JEA's Determination of a short-list of Proposers or Respondents	Within two Business Days after Posting or other written notification of JEA's selection of the short-list of Proposers or Respondents, whichever is earlier.
Issuance of Final Rankings on Evaluated Proposals, including CCNA RFPs (considered a Determination made in connection with a Solicitation)	Within two Business Days after Posting or other written notification of JEA's selection of the highest evaluated Proposer(s) or Respondent(s), whichever is earlier.
Award	Within two Business Days after Posting or other written notification of Award, whichever is earlier

In addition to the above, the Posting of the Awards Committee agenda, Proposers or Respondents stating its Intent to Award or establishing the short list of Respondents or Proposers shall constitute notification of an Award or Intent to Award, or other Determination. The period for filing a Protest shall begin at the earliest time of any given Posting or other such written notification.

## **15.2 PROTEST BOND**

A protest bond shall be submitted by a Vendor within 48 hours of submission of its written protest in accordance with the requirements of Procurement Code Section 4-101(7). The protest bond shall be in substantially the same form as provided in Rule 28-110.005(2), Florida Administrative Code. In lieu of a bond, Procurement may, in its sole discretion, accept a cashier's check or money order in the amount provided in Procurement Code Section 4-101(7). Procurement shall keep a record of all administrative costs, including staff time, incurred in connection with addressing the protest. A protest bond shall be submitted by a Vendor with its written protest. The CM will track administrative costs and staff time using a spreadsheet on SharePoint and those working on the protest will log in their hours and any other expenses that are required to resolve the protest.

If a protest is successful, the protest bond shall be returned to the protestor in its entirety within five (5) business days of the conclusion of the protest.

If a protest is not successful, Procurement shall retain the portion of the protest bond necessary to cover the administrative costs incurred in addressing the protest, including any appeal of the Chief Procurement Officer's decision. The remainder of the protest bond shall be returned to the protestor within five (5) business days of the conclusion of the protest.

For the purposes of this section, a protest is concluded upon:

- The rendering of the Chief Procurement Officer's decision and the expiration of time for appeal; or
- In the event the Chief Procurement Officer's decision is appealed, the issuance of a written decision by the Procurement Appeals Board.

## **15.3 SUSPENSIONS, DEBARMENTS, BREACH OF CONTRACT CONTROVERSIES**

The CPO shall have authority to suspend or debar a Vendor from consideration for participation in any Procurement undertaken by JEA in accordance with Section 4-102 of the Code.

## **15.4 CONTRACT AND BREACH OF CONTRACT CONTROVERSIES & TERMINATIONS**

In the event that a controversy regarding a Contract or the breach of a Contract cannot be resolved, the terms of the Contract govern the rights and remedies of JEA and the Vendor. Contract terminations shall be approved by the Business Element Chief, with the concurrence of the CEO, which approvals shall be obtained before the CPO sends a termination letter to the Vendor whether the termination is for convenience or default.

The JSEB Manager shall be advised if the termination involves a JSEB Vendor. If so, the JSEB Manager will coordinate the City of Jacksonville Ombudsman to ensure the termination is in accordance with the JSEB City Ordinance.

## **PART D: CLAUSE & DOCUMENT MANAGEMENT**

### **1.0 CENTRALIZED STORAGE OF FINAL CONTRACT DOCUMENTS**

The Manager of Procurement Contracts Administration should ensure that all Procurement Contracts are stored in a centralized location. The Manager of Procurement Contracts Administration should ensure the proper maintenance of hardcopies and/or electronic copies of all Contract Documents, and the Manager of Procurement Contracts Administration should take reasonable measures to ensure that the storage of all related documents is as centralized and accessible as possible.

The Manager Procurement Portfolios should ensure proper storage of the Bid Documentation Files.

### **2.0 ONGOING CLAUSE REVIEW AND DOCUMENTATION**

The Manager of Procurement Contracts Administration will be responsible for administering any changes that should be made to JEA's standard Contract clauses. Such changes should be reviewed and approved by the Office of General Counsel prior to implementation. This updating should be performed on both an on-going basis— e.g., resulting from changes discovered to be appropriate during the negotiation of Contracts or the preparation of Solicitations, audit findings or other Contract issues or questions—and on periodic clause review basis. Prior to implementing any significant changes to clause language or changes to the rules for when certain clauses must be included or excluded, the Manager of Procurement Contracts Administration should consult with and obtain the approval of the Office of General Counsel. Following the completion of any such significant changes, the Manager of Procurement Contracts Administration should provide a memo to the appropriate Procurement Services personnel documenting the changes.

#### **2.1 REGULAR REVIEW**

The Manager of Procurement Contracts Administration should, not less than once per two years, and with the assistance of Office of General Counsel, review all of the clauses in JEA's standard clause library. If the Manager of Procurement Contracts Administration questions the appropriateness of a clause, he or she should solicit the necessary input from other parties within JEA and approval from Office of General Counsel, to determine whether changes to the clause should be made. The Manager of Procurement Contracts Administration should make necessary changes to clauses and should add clauses to the library with approval from the Office of General Counsel. The Manager of Procurement Contracts Administration, in consultation with the Office of General Counsel, should also consider, as part of the clause review, the situations that govern the use of each clause.

#### **2.2 MODIFICATIONS TO CLAUSES**

From time to time, modifications may be necessary to ensure clauses reflect JEA's best interests and current applicable laws, rules and codes. JEA personnel may request modifications to clauses, additions of new clauses or deletion of obsolete clauses by contacting the Manager of Procurement Contracts Administration.

From time to time, it may be necessary to update the rules for which clauses appear in certain circumstances. JEA personnel who believe adjustment in the rules for using a particular clause should submit the change request and reasons for such change in writing to the Manager of Procurement Contracts Administration. The Manager of Procurement Contracts Administration should review the change and either approve the change, deny the change or submit the change to the CPO and Office of General Counsel for review.

## **PART E: OTHER PROCUREMENT PROCEDURES**

### **1.0 SINGLE SOURCE AWARDS**

The requirements for purchasing Supplies or Services as a Single Source Procurement are set forth in Section 3-112 of the Code. Examples of Single Source procurements may include, but are not limited to, Supplies and Services determined to be a JEA Standard, and Supplies and Services tested during a Pilot Project under Section 3-118 of the Code, provided the Vendor was competitively selected for the Pilot Project.

If only one properly documented quotation is obtained as permitted under the Code for Informal Purchases, of \$10,000 or less, the Procurement will not be considered a Single Source Procurement and the approval and documentation process described in these Operational Procedures will not apply. Except as described in the immediately preceding sentence, the Manager Procurement Portfolio (MPP) will be responsible for ensuring that JEA has obtained all required approvals and appropriate documentation to support the Single Source Award. Such documentation should clearly state the reasons for the Single Source award.

The MPP has the authority to reject a Business Unit's request for a Single Source Award.

### **1.1 REVIEW AND APPROVAL OF SINGLE SOURCE PROCUREMENTS**

Upon receipt of a Requisition for a Single Source Procurement, the MPP, or designee, should review and may approve or reject the Single Source Procurement. All Single Source Procurements exceeding \$10,000 must be approved by a Chief or Designee and reviewed by the MPP. In addition, Single Source Procurements for Formal Purchases shall require the review and approval of Awards Committee. The CPO shall have the authority to approve Single Source Procurements for Informal Purchases.

The CPO may deny requests, or recommend that the Awards Committee deny requests, for Single Source Procurements if more than one source can be identified as meeting or exceeding the requirements, if the CPO suspects that competition is being artificially limited, if the process for establishing a Supply or Services as a JEA Standard has not been properly followed and all required approvals have not been received, or if, in the opinion of the CPO, the Single Source Procurement is in the best interests of JEA.

### **1.2 CERTIFICATION OF SINGLE SOURCE PROCUREMENT**

The Requestor initiating a Single Source Procurement should complete the form titled "Certification for Single Source or Emergency Procurement" found at **Appendix 1**, attached hereto, or the Procurement Services internal website, indicating how the Single Source Procurement complies with the Code and these Operational Procedures, and attach the form to the Requisition prior to routing for approvals and sending to Procurement Services.

### **1.33 REVIEW AND APPROVAL OF SINGLE SOURCE**

Single Source Procurements for Informal Purchases shall be reviewed and approved by the CPO. The Awards Committee shall review and approve all Single Source Procurements for Formal Purchases.

### **2.0 RESERVED**

### **3.0 PILOT PROJECTS**

Pilot Projects are governed by Section 3-118 of the Code which allows JEA to Procure Supplies or Services on a trial basis in limited amounts and for a limited period of time in order to determine whether to proceed with a Formal Solicitation. At the completion of a Pilot Project over \$100,000, the CPO will determine whether JEA will initiate a competitive bidding process for the Supplies or Service using one of the Methods of Source Selection available under the Code. Under Section 3112(d) of the Code, Procurement of the Supplies or Services tested during the Pilot Project may be Awarded as a Single Source Procurement, provided the Vendor was competitively selected for the Pilot Project.

Procurement of Supplies or Services at the completion of Pilot Project will be subject to the same review process and require the same approvals as other Procurements, including, but not limited to, the approval of the Awards Committee if the Procurement is a Formal Purchase.

Pilot Projects under Section 3-118 of the Code: Following issuance of the Intent to Award to the highest-ranking Vendor(s), JEA may choose to request an unscored Proof of Concept presentation or demonstration to further verify technical competency prior to Award and Contract execution for the Pilot Project.

### **4.0 SOFTWARE PROCUREMENTS**

Software purchases are manually identified by JEA Procurement prior to purchase, often with assistance from the JEA business team or vendor, based on the product description or category description provided in the Procurement Platform requisition or request. This identification includes determining if the software is an on-premises solution or a SaaS or cloud software solution. If the solution identified is a SaaS or cloud software solution, regardless of estimated amount of purchase, Procurement instructs the vendor to complete the Information Security External Data Protection Questionnaire Confidential SSI which is reviewed / approved by the Information Security prior to purchase.

For any Information Technology (IT) Solicitations exceeding a \$50,000 estimate, including software, Procurement shall use an IT-specific Solicitation template with certain contractual clauses related to Data protection, access limitations, etc.

### **5.0 EMERGENCY PROCUREMENTS**

If the event of an Emergency as defined in Section 3-113 of the Code, the Emergency Procurement procedures will apply.

All Emergency Procurements must be approved by a Chief or Designee and CPO. Oracle will generate a PO number for approved Emergency Requisitions. The Buyer will finalize and create the confirming PO, as soon as possible thereafter; however, in many cases the Emergency Procurement is already underway or has already been completed by the time the Buyer receives the purchase requisition, Certification of Single Source and Emergency Procurement and other required documentation.

Note: Florida Statutes governing the Procurement of Professional Services (CCNA) and Services for construction and repairs contain different definitions of an "emergency". These laws should be consulted to ensure compliance prior to procuring these types of Services.

## **5.1 COMPETITION REQUIREMENTS FOR EMERGENCY PROCUREMENTS**

The Requestor initiating an approved Emergency Procurement must employ such competition as is practicable under the circumstances. When possible, Requestors initiating Emergency Procurements are encouraged to notify Procurement Services prior to selecting a Vendor and enlist the aid of the Buyers in soliciting for the Procurement. For Emergency Procurements that would otherwise be subject to the Formal Solicitation Process, the Buyer should attempt at minimum, to obtain as many Informal quotes as possible for the Supplies or Services sought. If possible, the number of Vendors solicited for Emergency Procurements of Informal Purchases should be in accordance with the Informal Purchase requirements as established in these Operational Procedures and in the Code.

In some instances, as when an Emergency Procurement must be made outside of normal Procurement Services' business hours, it may be necessary for the Business Unit to initiate and complete the Emergency Procurement prior to contacting Procurement Services.

Notwithstanding the foregoing, as required under Section 3-113 of the Code, the CPO must authorize the Emergency Procurement.

Use of the Emergency exception is only permissible during the actual emergency circumstances. Emergency circumstances will vary for each incident, making it difficult to determine in advance or assign a particular time frame when noncompetitive procurements may be warranted. Emergency circumstances may exist for days, weeks, months, or longer in some cases. JEA must ensure that work performed under the noncompetitively procured contracts is specifically related to the emergency circumstance in effect at the time of procurement. JEA should, upon awarding a noncompetitive contract, immediately begin the process of competitively procuring similar goods and services to transition to competitively procured contracts as soon as the emergency ceases to exist. Additionally, JEA will competitively procure other emergency services during blue skies for emergencies that arise during normal operations.

## **5.2 NON-EMERGENCY RATIFICATION**

Non-emergency ratifications are where a procurement process was followed to Award a new Contract or amend a current Contract; however, due to unforeseen issues JEA exceeded the Maximum Indebtedness of the Contract where stopping work was not feasible or there was significant benefit to JEA either financially or in lead-time to issue a contract or purchase order prior to awards committee approval. Chief approval must be obtained prior to completing a Formal or Informal Non-Emergency Procurement, and the ratification will be taken to the Awards Committee.

## **5.3 CERTIFICATION OF EMERGENCY PROCUREMENT**

The Requestor initiating the Emergency Procurement should certify that the Supplies or Services must be procured on an Emergency basis by completing the Certification of Single Source or Emergency Procurement form available on JEA's internal website and included in **Appendix 1** to these Operational Procedures. This form should accompany the Emergency Requisition when routed for approval.

## **5.4 RATIFICATION OF EMERGENCY PROCUREMENT**

As soon as practicable, the Requestor should submit the completed form approved by the CPO and the Requisition to the Buyer for documentation in the Contract File, and should request ratification of the Emergency Procurement in the following manner:

- For Emergency Informal Purchases, complete and send an approved Requisition, Certification of Single Source or Emergency Procurement form and any other documents pertaining to the Informal Purchase to Procurement Services for issuance of the confirming Purchase Order;
- For Emergency Formal Purchases, in addition to the Certification of Single Source and Emergency Procurement form and approved Requisition, the Requestor should prepare a request for ratification by the Awards Committee and submit it to the Manager Procurement Portfolio as soon as possible thereafter. The Awards Committee should review and consider the Emergency Procurement and the Requestor should be prepared to answer questions regarding the Emergency Procurement.

## **6.0 TASK AUTHORIZATIONS**

Task Authorizations authorize a Company to perform specific tasks within a broader scope of work, subject to terms and conditions previously established in an executed Contract with the Vendor. A Contract in which work is large in scope or price, complex in nature or scope, contains numerous indefinable elements at the time of Award, or includes a long Contract term (5 years or more), may benefit from the use of Task Authorizations to permit work to be performed in stages that allow better synchronization of work tasks, scheduling and funding.

All Task Authorizations should reference a Contract. Each Task Authorization may set forth, in as much detail as necessary, requirements for completion of the portion of work authorized by the Task Authorization including, but not limited to, specific deliverables, schedules for payment and dates when work will be accepted. Task Authorizations should not be used to change the scope of work or other terms and conditions of the Contract. These changes should be accomplished through the use of a Change Order, as provided in Section 13, Part C, of these Operational Procedures or a Contract Amendment as provided in Section 12.3, Part C of these Operational Procedures.

Task Authorizations must be accompanied by a funded and approved Requisition before issuance.

## **7.0 VENDOR PERFORMANCE PROGRAM REQUIREMENTS**

All Contracts for Formal Purchases may include JEA's standard Contract language detailing the Vendor Performance Program. For Contracts, where the Requestor, Manager Procurement Portfolio, Buyer or Manager of Procurement Contracts Administration believes the Vendor Performance Program would be beneficial, the Buyer should ensure that the Vendor Performance Program language is included in the Solicitation. JEA may reject Bids, Proposals and Responses that take exception to the Vendor Performance Program or any related contractual provisions or the scorecard criteria. The Manager Procurement Portfolio should ensure that such language is included in the final Solicitation.

The Project Manager for each Contract for a Formal Purchase of Supplies or Services may evaluate the Vendor's performance and complete a scorecard at least once during the Contract term (for Contracts of one year or less) or at least once per year of the Contract term (for Contracts lasting more than one year). The Project Manager may perform a scorecard evaluation at any time during the term of the Contract, in addition to the frequency required by the Contract. The Project Manager should work with the designated MPP and Manager of Procurement Contracts Administration as necessary to resolve any performance issues and to ensure that scorecards are completed in accordance with the Vendor Performance Program policy set forth in the Contract

language. All documentation, and any action taken, in connection with the Vendor Performance Program should be consistent with other provisions in the Contract concerning failure to perform satisfactorily under the terms of the Contract.

If a Vendor is scored as Below Expectations, the Project Manager should meet with the Vendor to review the scorecard and set a deadline for the Vendor to comply with the Contract. If the Contract continues to fail to comply with the Contract, the Project Manager should notify the MPP and Manager of Procurement Contracts Administration and a notice to cure letter will be sent to the Vendor in accordance with the terms of the Contract. The Office of General Counsel should be consulted and review the default letter prior to sending to the Vendor. The MPP and Manager of Procurement Contracts Administration may meet with the Vendor to review the deficiencies. Failure of the Vendor to cure the deficiencies within the timeframe stated in the notice of to cure letter, the Contract may be terminated for default in accordance with the Contract.

Except as provided in Section 12.1, Part C, JEA will only consider Contract renewals for Vendors whose performance has been evaluated and documented with a "Meets Expectations" or "Above Expectations" scorecard.

In instances where JEA cannot identify an existing scorecard with fewer than four metrics that might be marked "Inapplicable" for the purchase, Procurement Services may develop a new scorecard to be used in evaluating the purchase in a fair, consistent and meaningful manner.

During any Bid, Proposal or Response evaluation process, the MPP or Lead Evaluator may request that the Manager of Procurement Contracts Administration provide to the Evaluation Team copies of completed scorecards documenting past work performed for JEA by one of the current Proposers if the Solicitation included past performance as an evaluation criterion.

## **8.0 COLLABORATIVE PROCUREMENTS**

### **8.1 CONSIDERATION OF A COLLABORATIVE PROCUREMENT**

Section 3-115 of the Code defines a Collaborative Procurement. Any Business Unit may initiate consideration of a Collaborative Procurement by presenting to CPO, or designee, a proposal for the Collaborative Procurement, together with any draft of a Solicitation prepared by another Governmental Entity, Utility Industry Partner, nonprofit organization or purchasing alliance, and all related documents (including any proposed agreement to be entered into between the entities participating in the Collaborative Procurement).

The CPO, or designee, should review the proposal for the Collaborative Procurement and all related documents presented by a Business Unit to identify the steps necessary to determine feasibility. The CPO, or designee, should advise the requesting Business Unit of:

- Required JEA reviews and approvals;
- Required Office of General Counsel reviews and approvals;
- Overall feasibility of the project from the Procurement perspective; and
- Other Procurement procedures available to achieve the desired results.

The CPO, or designee, may choose to conduct an initial review with the Office of General Counsel representative, depending upon the specifics of the proposed Collaborative Procurement. The Office of General Counsel should review, and approve as to form, any proposed memorandum of understanding or other agreement between the participating entities prior to execution by JEA.

## **8.2 ENTERING INTO A COLLABORATIVE PROCUREMENTS**

Collaborative Procurements are subject to the review and approval of the Awards Committee if a Formal Purchase, or the CPO, or designee, if an Informal Purchase.

## **9.0 REVERSE AUCTIONS**

Reverse Auction is a type of acquisition tool following traditional auction principles, in which Vendors bid for the prices at which they are willing to sell their Supplies or Services. Said process allows JEA to purchase Supplies and Services from Vendors in a dynamic environment where offerors successively bid prices down until the auction ends.

As set forth in Section 3-119 of the Code, Reverse Auctions may be used with the following Solicitation types:

- a) Invitation for Bids (IFB) – With Reverse Auction
- b) Request for Proposals (RFP) – With Reverse Auction
- c) Invitation to Negotiate (ITN) – With Reverse Auction

Reverse Auctions are to be used solely for obtaining lowest pricing and the following shall apply:

- During each round of reverse auction, all Vendors shall be permitted to view the lowest price(s).
- Generic identifiers shall be utilized in publishing the lowest price during each round of the reverse auction, such as “offer A” or “lowest-priced offeror.”
- By submitting a proposal in response to the solicitation, Vendors agree to participate in the reverse auction and that their prices may be disclosed, including to other Vendors, during the reverse auction.
- A Vendor’s final auction price at the close of the reverse auction is considered its final price proposal.
- No price revisions will be accepted after the close of the reverse auction, unless the MPP or designee decides that further discussions are needed and final price proposal revisions are again requested in accordance with the Code and Operational Procedures, or the MPP or designee determines that it would be in the best interest of JEA to re-open the auction.
- If a tie offer is submitted, the Vendor that submitted the tie offer must offer a changed price, otherwise its offer will be ineligible for award.

## **10.0 Owner Direct Purchase (ODP)**

On certain projects, the JEA, as the Owner, may determine that it is in its best interest to purchase materials directly instead of having the contractor provide the materials. Therefore, pursuant to Section 3-120 of the Code, JEA is authorized to direct purchase equipment, materials and supplies that are budgeted and included in projects or contracts pursuant to Florida Statute §212.08(6); and Rule 12A-1.094, Florida Administrative Code, hereinafter referred to as owner-direct purchase (ODP).

In making a determination as to whether to utilize ODP, the following shall be considered:

- Potential sales tax savings by JEA.
- Additional project management required by JEA personnel.
- Potential liability to the JEA for the delivery and storage of the equipment, materials and supplies.
- Increase in insurance costs by JEA for the protection of the equipment, materials and supplies.

- Contractor or design-builder competitive bid process.
- Other specific project risks such as potential for delay.

JEA Procurement, in consultation with the Business Unit prior to the issuance of a Contract for construction services, will determine if there is an opportunity for a benefit to JEA for an ODP purchase for the construction project.

Circumstances where equipment, materials and supplies are NOT eligible for ODP include the following:

- The Contractor is the manufacturer of the equipment, materials, or supplies.
- The Contractor has exclusive rights from the manufacturer of the equipment, materials, or supplies to furnish and install such equipment, materials, or supplies.
- The Supplier has already purchased the equipment, materials or supplies.
- Supplies or materials for electric generating stations.

See **Appendix 6** for additional procedures and Certificate of Entitlement form to be used for ODP.

Owner Direct Purchases under \$50,000,000 shall be approved by the JEA Awards Committee.

## **11. VENDOR ONBOARDING REQUIREMENTS**

All Vendors currently doing business with JEA and who have a Contract with JEA are required to be set up in the JEA Procurement ERP System (Oracle). The JEA Procurement ERP System handles all Purchase Orders and Payments to the Vendor. The following documents are required to set up a Vendor in the system:

- Form W-9 – A current Form W-9 is to be provided by the Vendor. The Vendor name on the Form W-9 should match the name registered with the Division of Corporations for the state in which they are incorporated.
- Vendor Request Form - A Vendor Request Form is required to be completed for new Vendor set ups and updates to existing Vendors. This form outlines basic company information including, tax identification number, Vendor address, remit to address, business type and contacts for invoicing, and bank changes.
- ACH Enrollment Form – An ACH Enrollment Form is required to be completed for new Vendor set ups and updates to existing Vendors. This form outlines the Vendor's banking information to allow their invoices to be paid electronically, via ACH. The remit email address is also required to email the Vendor a receipt confirming the payment transaction.

Once the forms are completed, the forms and current Form W-9 should be submitted via email to [isupplier@jea.com](mailto:isupplier@jea.com). The information will be reviewed, and banking information will be validated.

Once the Vendor is set up within the JEA Procurement ERP System, the Vendor will be granted access to the following systems:

- Oracle iSupplier Portal – The Oracle iSupplier Portal is a secure, internet-based portal. It's designed for Vendors to have a centralized place to manage their Vendor profile, view purchase orders, submit and view invoices (that are related to a PO), track invoice payment status and update their banking information. Once a Vendor has been set up with access,

any changes required to their profile should be requested through the Oracle iSupplier Portal.

- Zycus Portal – The Zycus Portal is a cloud-based solution for Procurement ESourcing and Contract management. The system streamlines workflow processes, improves Contract management and document control, Vendor interaction and participation, and Vendor performance evaluations. Once a Vendor has been set up with access, they can view and participate in sourcing events (i.e., Bid, Proposal or Response opportunities). If the Vendor is awarded a Contract, the Contract execution will be handled within the Zycus system as well.

## **PART F: RESPONSIBILITIES**

### **1.0 RESPONSIBILITIES OF MANAGERS PROCUREMENT PORTFOLIO (MPP)**

1. Oversee and manage the Solicitation process to ensure documents and actions are completed in accordance with the Code and all applicable laws, rules and regulations
2. Develop a Category Specific buy plan
3. Seek input and guidance from Manager of Procurement Contracts Administration and/or Office of General Counsel as appropriate
4. For identified Contract, work with JEA Project Manager to facilitate a project kickoff to review Contract requirements with the vendor specifically the termination provisions, price adjustments, liquidated damages, etc.
5. Perform periodic audits of a invoices
6. Assist Manager of Procurement Contracts Administration with the Vendor Performance Program
7. Assist CPO in conducting periodic review of Solicitation and Contract clauses, and these Operational Procedures as required by the Code
8. Identify, measure, and develop a risk strategy for the category
9. Assist JEA Project Manager and Vendor in Vendor issue resolution both internally and externally to JEA
10. Manage supplier risk and supplier segmentation for assigned Supplies and Services

### **2.0 RESPONSIBILITIES OF THE MANAGER OF PROCUREMENT CONTRACTS ADMINISTRATION**

1. Reviews Solicitation documents when requested by MPP and suggest document revisions
2. Consults with Office of General Counsel to address legal concerns in Solicitation and Contract documents
3. Ensures Contract contains JEA's approved standard terms and conditions and that required approvals are obtained for any changes
4. Ensures Contract terms clearly define Vendors' expected performance requirements
5. Ensures Contracts state a maximum indebtedness, and any payment milestones are clearly defined
6. Assists the MPPs with Contract negotiations upon request
7. Coordinates the Contract execution process and maintain Contract repository
8. Coordinates the Vendor Performance Program as needed with assistance from the Manager Procurement Portfolio
9. Maintains Contract Documentation File with all required documentation and any additional relevant documentation for all Contracts.
10. Leads, or designate an alternate to lead, review of clause library with Office of General Counsel assistance, not less than once every two years

11. Obtains copies of the Payment and Performance bond certificates for construction Contracts, letters of credit (if applicable) and ensures Vendor's have an active and compliance insurance certificate on file in iSupplier
12. Trains Procurement Services staff on JEA's certificate of insurance (COI) policy, and how to read a Vendor's (COI), verify the COI complies with JEA standard insurance requirements, and ensures active Vendors have an active and compliant COI on file in iSupplier

### **3.0 RESPONSIBILITIES OF THE CHIEF PROCUREMENT OFFICER**

1. Oversees Procurement processes and metrics
2. Coordinates Awards procedures
3. Manages and implements technology and automation improvements within Procurement Services
4. Coordinates training as needed for Procurement Services
5. Approves Assignments of Contracts
6. Executes Contracts as delegated by the CEO under Section 3-121 of the Code
7. Oversees JSEB Program and Supplier Diversity Programs
8. Resolves Protests and makes other Determinations in accordance with the Code
9. Complies with Annual Reporting as required by the Code
10. Conducts Annual Vendor Survey as required by the Code
11. Conducts periodic review of Solicitation and Contract clauses, and these Operation Procedures as required by the Code

### **4.0 RESPONSIBILITIES OF THE JEA PROJECT MANAGER**

1. Maintains a record of all changes to the Contract terms or schedules
2. Oversees the performance of all of the Contract's terms and conditions Coordinates with JEA Category Manager to facilitate a project kickoff meeting to review contract requirements with the vendor, specifically termination provisions, price adjustments, liquidated damages, etc.
3. Coordinates as necessary with Procurement Services and other Business units during the term of the Contract to resolve issues
4. Prepares the Vendor Performance Program scorecard-based evaluation, if applicable
5. Serves as main point of communication between JEA and the Vendor
6. Focuses on making best business decisions for JEA when authorizing work and approving invoices
7. Improves Contract compliance by measuring Vendor performance, applying liquidated damages, and holding the Vendor accountable to Contract requirements
8. Unless otherwise approved by the Director of the Business Unit, administers payment retainage in accordance with Florida Statute 255.078, as amended 9. Take invoice payment discounts when appropriate
10. Ensure all invoices are processed per the Contract pricing and terms
11. Focus on making best business decisions for JEA when authorizing work and approving invoices
12. Improve Contract compliance by measuring Vendor performance utilizing JEA's Vendor Performance Program Scorecards in iRisk, enforcing liquidated damages, and holding the Vendor accountable to all Contract requirements
13. Unless otherwise approved by the Director of the Business Unit, payment retainage should be in accordance with Florida Statute 255.078, as amended 14. Take invoice payment discounts when appropriate

## **5.0 USE OF OFFICE OF GENERAL COUNSEL**

Under Section 1-106 of the Code, the Office of General Counsel has the responsibility for providing all legal Services to JEA, including, but not limited to legal Services relating to Procurement matters.

The CPO, MPP or Manager of Procurement Contracts Administration should consult with an attorney in the Office of General Counsel on any matters that may have legal implications, involve interpretations of Contract provisions (including all Solicitation documents), and interpretations of the JEA Charter, the Code, these Operational Procedures or any laws and regulations including, but not limited to, if any of the following issues arise at any time during the competitive Solicitation process or other formal award process, from document creation to Contract execution:

- JEA cannot determine which Solicitation process may be required by law for a designated Procurement
- JEA cannot determine the meaning or implications of a clause in JEA's standard terms and conditions
- A Vendor requests changes to JEA standard terms and conditions or asks JEA to execute a document containing additional terms and conditions not contained in JEA's standard forms
- Issues arise during negotiations with Vendors that may have legal implications
- The Supplies or Services sought fall outside those normally procured by JEA
- The Procurement involves a Collaborative Procurement with another entity
- The Requestor desires to create innovative or unique performance requirements and incentives
- The Procurement is of the same or similar type as a Procurement that has been in the subject of recent litigation involving JEA or other public entities
- JEA reaches an impasse in the negotiations process with a Vendor
- The Procurement may require compliance with special laws, rules or regulations not normally encountered in JEA Procurements (such as federal or international laws)

Where questions arise requiring legal counsel, consult the MPP or the Manager Procurement Contracts Administration. The MPP or Manager Procurement Contracts Administration will then forward the issue to the Office of General Counsel for review.

## **5.1 LEGAL SERVICES**

Pursuant to Article 7 (General Counsel) and Article 21 (JEA) of the City of Jacksonville Charter, the General Counsel is responsible for providing legal services to the JEA, which may include the Office of General Counsel engaging outside counsel to assist in providing specialized legal services to JEA, as needed. The Office of General Counsel must oversee and approve all JEA outside counsel legal engagements prior to any work being performed by an outside counsel. The Office of General Counsel has established outside counsel engagement procedures for retaining such services for JEA. The Chief Legal Officer for JEA shall coordinate consistent with the Office of General Counsel outside counsel engagement procedures obtaining the requisite approvals from the General Counsel. The Awards Committee shall not be required to approve outside counsel legal engagements.

**APPENDIX I: CERTIFICATION OF EMERGENCY OR SINGLE SOURCE  
PROCUREMENT**

## ***Certification of Single Source or Emergency Procurement***

Please use this form to certify a Single Source or Emergency Procurement complies with the requirements of the JEA Procurement Code. The JEA Procurement Code defines a Single Source and Emergency Procurement as follows:

### **3-112 Single Source**

Contract may be awarded for Supplies or Services as a Single Source when, pursuant to the Operational Procedures, the Chief Procurement Officer determines that in order to meet certain functional or performance requirements, there is only one justifiable source for the required Supplies or Services (justifications below):

(1) the Supplies or Services must be a certain type, brand, make or manufacturer due to the criticality of the item or compatibility within a JEA utility system, and such Supplies or Services may not be obtained from multiple sources such as distributors; (examples include highly specialized equipment/services, OEM, exclusive intellectual property, only one supplier can meet the JEA Standard requirement, memberships to organizations). **Please provide justification;**

(2) the Supplies/Services are a follow-up of Supply/Service that may only be done efficiently and effectively by the Vendor that rendered the initial Services to JEA, provided the Procurement of the initial Services was competitive **Please provide justification.**

(3) at the conclusion of a Pilot Project under Section 3-118 of the Code, the Procurement of Supplies or Services tested during the Pilot Project, provided the Vendor was competitively selected for the Pilot Project.

### **3-113 Emergency Procurements**

In the event of an Emergency, the Chief Procurement Officer, or Designee, may make or authorize an Emergency Procurement, provided that Emergency Procurements shall be made with as much competition as practicable under the circumstances. A written Determination of the basis for the Emergency and for the selection of the particular Vendor shall be included in the Procurement file.

For purposes of this Section 3-113, an "Emergency" means any one of the following:

- (a) a reasonably unforeseen breakdown in machinery;
- (b) an interruption in the delivery of an essential governmental service or the development of a circumstance causing a threatened curtailment, diminution, or termination of an essential service;
- (c) the development of a dangerous condition causing an immediate danger to the public health, safety, or welfare or other substantial loss to JEA;
- (d) an immediate danger of loss of public or private property;
- (e) the opportunity to secure significant financial gain for JEA, to avoid delays to any Governmental Entity, or avoid significant financial loss through immediate or timely action; or
- (f) a declared federal, state, or local state of emergency, or a valid public emergency certified by the Chief Executive Officer.

**Please provide the following information:**

**Vendor Name:**

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**Description of Services or Supplies provided by Vendor:**

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**Certification:**

I the undersigned certify that to the best of my knowledge, no JEA employee has, either directly or indirectly, a financial interest in this Single Source Emergency Procurement, and

I the undersigned certify that this procurement meets the requirements of a (choose one of the following):

**Single Source Procurement.** Please state which subsection of Section 3-112 above applies to this Single Source Procurement:

Is this Single Source also a Ratification?  Yes  No If yes, explain

---

OR

**Emergency Procurement** - Please state which subsection of Section 3-113 above applies to this Emergency

Is this Emergency also a Ratification?  Yes  No If yes, explain

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**Signature of JEA Business Unit Chief (or Designee)**

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**Name of JEA Business Unit Chief (or Designee)**

**This certification shall be attached to the Purchase Order when it is routed for approval. A Single Source or Emergency Procurement shall be reported to the JEA Board in accordance with Section 1-110 of the JEA Procurement Code.**

## **APPENDIX 2: DIRECT PROCUREMENT OF PROFESSIONAL SERVICES CERTIFICATION**

Under Section 3-102(6) of the JEA Procurement Code, procurements of architectural, engineering, landscape architectural, or registered surveying and mapping Services considered "Professional Services" under the CCNA of \$35,000 or less are exempt from competitive Solicitation and may be procured directly without competition. However, under the CCNA, the public announcement, qualifications procedures, and competitive selection procedures of the CCNA must be followed if the Professional Services are for a project the basic construction cost of which is estimated to exceed \$325,000.

This form may be used in connection with the Procurement of Professional Services of \$35,000 or less without competition when not associated with a project, the basic construction cost of which is estimated to exceed \$325,000:

### **Project Information and Scope**

Project: \_\_\_\_\_

### **Short Project Description:**

**Contract Amount:** \_\_\_\_\_

**Recommended Vendor:** \_\_\_\_\_

### **Certification:**

**I, the undersigned, certify that to the best of my knowledge, no JEA employee has, either directly or indirectly, a financial interest in this procurement and that the direct Procurement of Professional Services meets the requirements set forth above.**

\_\_\_\_\_  
Signature and Printed Name of Appointed Manager

\_\_\_\_\_  
Date

**This form shall be attached the purchase requisition when routed for approval.**

## APPENDIX 3: INFORMAL CONTRACT CHECKLIST

The following detailed checklist is a guideline, and the process may vary depending on the facts and circumstances of a particular Procurement.

1. First, determine if the informal agreement references a prior agreement or master agreement previously signed by JEA. If it does not, then make sure the informal agreement has JEA's standard commercial terms and conditions attached
2. The Contract must state JEA as the legal name and not Jacksonville Electric Authority
3. The Contract should state that JEA is tax exempt
4. The Contract should state that JEA is subject to Florida Public Records laws, Chapter 119, Florida Statutes
5. Unless otherwise agreed upon, all payments for Services and Supplies will be paid by JEA within 30 calendar days of receipt of invoice for undisputed amounts. JEA does not agree to pay late fees or termination fees.
6. Invoices should be submitted to following address:  
"ACCTPAYCUSTSRV@JEA.COM, or if the Company does not have email capability, it can mail hardcopies to: JEA Accounts Payable, P.O. Box 4910, Jacksonville, FL 32201-4910."
7. Indemnification - If the Contract requires JEA to indemnify or mutually indemnify the Vendor, then the following language must be added to the indemnification clause. Usually added at the end of the clause:  
"Notwithstanding any other term or condition of this Contract, JEA's indemnification obligations shall be limited by Section 768.28, Florida Statutes."
8. Venue/Jurisdiction - The Contract shall be construed under the laws of Florida and the venue for any legal proceedings related to the Contract shall be in courts of appropriate jurisdiction in Duval County, Florida
9. Termination for Convenience- All contracts or purchase orders shall have a termination for convenience clause. Do not execute a contract without this type of clause. The Contract should state the following:  
"JEA shall have the absolute right to terminate in whole or part the Contract, with or without cause, at any time after execution upon written notification of such termination. JEA shall pay for all costs incurred up to the date of termination"
10. Maximum Indebtedness - The Contract should clearly state the Maximum Indebtedness of JEA. For example: "JEA's Maximum Indebtedness under this Contract shall not exceed (\$insert dollar amount) and shall be subject to lawfully appropriated funds."
11. Payment Terms - Review payment terms to ensure they clearly stated when JEA must pay if there are milestone payments listed, make sure JEA receives something tangible or a completed work assignment or report before JEA makes payment. Avoid paying fees before the work is performed. Some exceptions may include software licensing, support and maintenance agreements, etc. In these situations, we often pay a year in advance. Under no circumstance should the payment terms require JEA to make payment less than 30 days from receipt of invoice in contravention of Florida's Prompt Payment Act.
12. Warranty - Review Warranty terms to ensure they are reasonable.
13. Rental Agreements - JEA will not agree to a Vendor/Seller having a security interest in any of JEA's equipment.

## APPENDIX 4: PROCUREMENT CODE EXEMPTIONS

Under Section 2-102 of the Code, the following Supplies and Services need not be procured through the Chief Procurement Officer and are not subject to approval by the Awards Committee:

1. Generation Fuels, Emission Allowances, and Associated Transport;
2. Byproducts;
3. Purchase or Sale of Electric Energy, Electric Generation Capacity, Electric Transmission Capacity and Transmission Services – Short- and Long-Term Transactions;
4. Sale of JEA Owned Transmission and Ancillary Services, including applicable Enabling Agreements;
5. Environmental Allowances;
6. Community Outreach Procurements; and
7. Financial Instruments and Services.

As required by the Code, the below link contains more detail concerning the types of Supplies and Services included within each of the exempt categories. The Procurement policies and procedures and approvals applicable to each exempt category of Supplies and Services as established by the Organizational Element Manager designated by the CEO for that category of Supplies and Services.

[https://www.jea.com/About/Procurement/Procurement\\_Directives\\_as\\_of\\_9\\_19\\_2024/](https://www.jea.com/About/Procurement/Procurement_Directives_as_of_9_19_2024/)

The Procurement Directives related to the Procurement Code Exemptions may be updated from time to time as requested by the JEA Business Unit and approved by the CEO. Each time an update is approved, the CEO and procurement officer designated by the CEO, will sign and date the Procurement Directive. As the Procurement Directives are updated, the most recent version will be replaced in the Operational Procedures and posted to JEA.com. These updates do not require the Operational Procedures to be amended. The internal processes are maintained by the Business Units.

## APPENDIX 5: FORMAL PROCUREMENT PROCESS

The following detailed checklists are guidelines, and the process may vary depending on the facts and circumstances of a particular Procurement.

Formal Solicitation Initiation Process:

1. Manager Procurement Portfolio (MPP)/ Buyer will work with Business Unit to confirm need for Supplies or Services and directs the Business Unit or Procurement Services to enter a formal Requisition into the Procurement Platform (Zycus iRequest)
2. Business Unit enters Requisition into the Procurement Platform with the required template information including assignment of Buyer or request manager which will trigger an approval workflow through Buyer, Manager Procurement Portfolio then business unit Manager/Director/VP/Chief
3. Business Unit needs to submit the following to Procurement Services to initiate the Requisition:
  - Drawings, if applicable
  - Minimum Qualifications
  - Scope of Work
  - Project Needed Start and Completion Date
  - Bid Workbook
  - Appendix A of the Solicitation – Technical Specifications
    - Fit, Form, Function requirements
    - List of deliverables (reports, drawings, as-builts, designs for approval, witness and hold points)
    - Permits needed
    - Project Management Approach – Schedule basis (critical path, etc.).
    - Application for Payment methods / requirements
  - Evaluation Matrix
  - Total Budget Estimate
  - Bidder's list (should have company name, contact, email and phone)
  - Other documents as required
4. Requisition approved by Procurement Services, Business Unit Manager, Director, VP (based on spend level)
5. In the Procurement Platform, once the Requisition is approved, the Buyer initiates sourcing process, and a Solicitation Number is generated.
6. Solicitation information added in formal spec log in SharePoint.
7. Solicitation documents created in the Procurement Platform (Buyer may choose to continue to use SharePoint in addition, if desired)
  - a. For any Information Technology (IT) solicitations exceeding a \$50,000 estimate, including software procurements, an IT-specific Solicitation template shall be used with certain contractual clauses related to Data protection, access limitations, etc.
8. Buyer works with the Office of General Counsel, Business Partner, JSEB and Risk Management for relevant information to be incorporated into Solicitation as needed
9. Manager Procurement Portfolio will use best judgement to determine if Office of General Counsel (OGC) needs to review the Solicitation. JEA typically requests Office of General Counsel review on ITNs and other complex Procurements, and when a new product or service is being procured.

10. The Buyer sends a final draft of the sourcing event to the Manager Procurement Portfolio via the approval workflow in the Procurement Platform (Zycus iSource) for Posting. The Business Unit Manager, Manager of Procurement Contracts Administration, JSEB Manager, Risk Management, and or Office of General Counsel (OGC) can also be added to this approval workflow, if appropriate.
11. Once MPP approves the Solicitation (and any other added required approvers), the Buyer sends necessary information to Purchasing Assistant for Posting to JEA.com
12. The Solicitation is Posted to the Procurement Platform and advertised as required by the CCNA or, Section 255.0525, Florida Statutes, for construction or repairs
13. The link is sent to Bidder's List (if applicable)
14. Buyer conducts Pre-Bid meetings (if applicable)
15. Vendor prepares Proposal during allotted time.

#### Addendum Process:

1. Once the Solicitation is Posted if Bidders have any questions, they send an email to the Buyer
2. The Buyer works with Requestor to prepare a draft Addendum for various reasons (Q/A period; change of opening date/location, etc.), using a standard format established by Procurement Services
3. The Buyer obtains approval from Business Unit and MPP of draft Addendum (MPP should consult with the Manager of Procurement Contract Administration and/or Office of General Counsel as necessary)
4. After final revisions are made by the Requester and Buyer, provided they are approved by the MPP or designee, then the MPP or designee forwards to the Purchasing Assistant for uploading of the Addendum to the Procurement Platform
5. The Buyer or Purchasing Assistant should distribute Addenda to all potential Bidders that have registered for the Bid either on Procurement Platform or at the pre-Bid meeting
6. The Buyer or Purchasing Assistant should ensure that the document is labeled and Posted properly on the Procurement Platform and that copies are available to potential Bidders

#### IFB (Invitation for Bid)

1. Bid opening triggers Buyer/Business to coordinate with the technical lead to validate Minimum Qualifications, check subcontractors, JSEB and Bid Workbook calculations
2. Proposals are securely housed on the Procurement Platform
3. Buyer evaluates Bids to determine if irregularities exist, winning Vendors, etc.
4. Buyer meets/emails Manager Procurement Portfolio (MPP) to review scores
5. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, safety and cannot appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List
6. Buyer must ensure Vendor is set up in the Procurement Platform and that the Vendor's name exactly matches the name shown on the State of Florida Division of Corporations' website (sunbiz.org)
7. Buyer creates Award and places in the Procurement Platform
8. MPP pulls the Award out of the Procurement Platform, makes necessary edits, and sends via email to the Business Unit's Manager and Director for review no later than the first Monday COB following the Buyer having placed the award in the Procurement Platform
9. Upon approval from the Business Unit, MPP will then get Director of Supply Chain approval (can do this in tandem with Business Unit Manager/Director approval)
10. Buyer updates Award accordingly

11. Once validated and approved by Manager Procurement Portfolio and Business Unit, Buyer sends Intent to Award to all Bidders
12. MPP then sends to Business Unit VP for approval by COB on Tuesday
13. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday
14. Purchasing Assistant emails the Awards package to the Awards Committee before COB on Wednesday.
15. Award is presented and voted on by Awards Committee
16. Buyer will change the status to "Awarded" within the Procurement Platform upon Awards Committee approval after Awards Committee vote and approval
17. Purchasing Assistant sends Awards packet to Awards Committee Chairman and Budget Representative for signatures
18. Once executed Award packet is received, Purchasing Assistant creates final Award Packet and sends to Manager of Procurement Contract Administration and CPO
19. Purchasing Assistant updates CPA Tracking Sheet in SharePoint folder and shares with Procurement Services team to enable creation of Contract
20. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
21. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
22. Purchasing Assistant Posts approved Minutes to JEA.com after receiving CEO approval

#### RFP (Request for Proposal)

1. Proposal opening triggers evaluations of Proposals. NOTE: Proposals cannot be accepted from a Vendor that is on the convicted felon or debarred list
2. Proposals are securely housed on the Procurement Platform
3. Provide instructions to Evaluation Team prior to evaluations to ensure procedures are followed including instructions on Ex Parte Communication and confidentiality acknowledgement of the submitted replies, conflict of interest check, and process for documenting contact between Evaluation Team, Buyers and SME's (Template for logging information outside of the Procurement Platform available, if needed)
4. If a potential conflict exists with an Evaluation Team member, the Buyer should work with the JEA ethics officer to review. If the JEA ethics officer determines there is a conflict, the review process will be documented, and next steps will be communicated to Buyer. The process would repeat until there were no conflicts with the Evaluation Team members.
5. Buyer vets the submitted Proposals to determine which Proposals meet the Minimum Qualifications.
6. Buyer checks references submitted as part of the Proposers' Proposals.
7. Buyer compiles scores from Evaluation Team.
8. Buyer schedules a Public Evaluation Meeting with members of the Evaluation Team in compliance with Florida's Open Meetings Laws to discuss their evaluations and scoring.
9. If clarification on submitted replies are needed, schedule a separate meeting with the Evaluation Team and Vendor. This meeting must be recorded and stored on the Procurement Platform.
10. After review and scoring of the Proposals at the Public Evaluation Meeting, the Buyer compiles and announces the scores at the Public Evaluation Meeting.
11. MPP approves final ranking via email and the Buyer sends the approved evaluation and ranking to all Proposers
12. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, safety and cannot appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List

13. Buyer must ensure Vendor is set up in the Procurement Platform with the exact name as shown on the State of Florida Division of Corporations' website (sunbiz.org)
14. Buyer creates Award and places in the Procurement Platform
15. MPP pulls the award out of the Procurement Platform, makes necessary edits, and sends via email to the Business Unit's Manager and Director for review no later than Monday COB
16. Upon approval from the Business Unit, MPP will then get Director of Supply Chain approval (can do this in tandem with Manager/Director approval)
17. Buyer updates Awards
18. Once validated and approved by Manager Procurement Portfolio, Buyer sends Intent to Award
19. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday
20. MPP sends to Business Unit VP for approval by COB on Tuesday
21. Purchasing Assistant emails the Awards package to the Awards Committee before COB on Wednesday.
22. Award is presented and voted on by Awards Committee
23. Buyer will change the status to "Awarded" within the Procurement Platform upon committee approval on Thursday
24. Purchasing Assistant sends Awards packet to Awards Committee Chairman and Budget Representative for signatures
25. Once signed Awards packet is received, Purchasing Assistant creates final Award Packet and sends to Manager of Procurement Contracts Administration and CPO
26. Purchasing Assistant updates CPA Tracking Sheet in SharePoint folder and shares with Procurement Services team to enable creation of Contract
27. Purchasing Assistant updates IFB System and Formal Spec Log in SharePoint if applicable.
28. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
29. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
30. Purchasing Assistant Posts approved Minutes to JEA.com after receiving CEO approval

#### ITN (Invitation to Negotiate)

1. Response opening triggers evaluations of Responses NOTE: Responses cannot be accepted from a Vendor that is on the convicted felon or debarred list.
2. Responses are securely housed on the Procurement Platform
3. Provide instructions to Evaluation Team prior to evaluations to ensure procedures are followed including instructions on Ex Parte Communication and confidentiality acknowledgement of the submitted replies, conflict of interest check, and process for documenting contact between Evaluation Team, Buyers and SME's (Template for logging information outside of the Procurement Platform available, if needed)
4. If a potential conflict exists with an Evaluation Team member, the Buyer should work with the JEA ethics officer to review. If the JEA ethics officer determines there is a conflict, the review process will be documented, and next steps will be communicated to Buyer. The process would repeat until there were no conflicts with the Evaluation Team members.
5. Buyer vets the submitted Proposals/Responses to determine which Proposals/Responses meet the Minimum Qualifications.
6. Buyer checks references submitted as part of the Proposers'/Respondents' Proposals/Responses.
7. Buyer compiles first round scores from Evaluation Team.
8. Buyer schedules a Public Evaluation Meeting with members of the Evaluation Team in compliance with Florida's Open Meetings Laws to discuss their evaluations and scoring.

9. If clarification on submitted replies are needed, schedule a separate meeting with the Evaluation Team and Vendor. This meeting must be recorded and stored on the Procurement Platform.
10. Buyer creates a short list of Vendors based upon the final scoring announced at the Public Evaluation Meeting.
11. The Buyer will notify all Proposers of the results of the evaluation via a Notice of Shortlist/Intent to Negotiate communication.
12. Buyer establishes a negotiation team if different than the Evaluation Team (hereinafter, the "Negotiation Team")
13. Buyer provides instructions to Negotiation Team including: Confidentiality, Instructions on Ex Parte Communication, conflict of interest check, process for documenting contact between Evaluation Team and SME's, Buyers, and Negotiation Team.
14. Negotiation Phase Methodology:
  - a. The selected/shortlisted Vendors may be invited to provide a more detailed explanation of their Proposals/Responses, to provide interactive presentations of the Proposals/Responses, and to begin negotiations with JEA. If the Solicitation does not explicitly state that presentations will be required, the decision of whether to require a presentation will be determined by the Negotiation Team.
    - i. If presentations are requested, they shall be conducted live in-person at JEA headquarters.
    - ii. The primary focus of the presentation will be adequately demonstrating the system requirements and functionalities of the vendor's proposed solutions as responsive to the requirements of the ITN and answering all questions from the Negotiation Team concerning the proposed solutions.
    - iii. The exact schedule and agenda for the initial presentations will be provided by JEA prior to that Vendor's scheduled demonstration.
    - iv. Any written summary of presentations or demonstrations provided by the vendor should include a list of persons attending on the Vendor's behalf, a copy of the agenda, copies of all visuals or handouts, which will become part of the Vendor's response.
  - b. Vendors may be provided an opportunity to recommend value added services and provide information and options during negotiations. The Negotiation Team may address each proposed alternative during negotiations but is under no obligation to accept a proposed alternative. If the Negotiation Team determines that a proposed alternative is not acceptable, and the Vendor fails to offer another alternative that is acceptable, the Negotiation Team may stop negotiations with that Vendor.
  - c. The Negotiation Team may require any or all responsive Respondents to address services, prices, or conditions offered by any other Vendor.
  - d. The Negotiation Team may negotiate concurrently or separately with competing Vendors.
  - e. The negotiation process will also include negotiation of the terms and conditions of any proposed resultant contract.
15. At the end of the negotiations, JEA will issue an Addendum to the shortlist of vendors if adjustments are made to the Solicitation documents, including any proposed revisions in the scope of services, and issue a written request for one or more Vendors to submit their Best and Final Offer (BAFO).
16. Send BAFO results to Negotiation Team for final scores utilizing the evaluation matrix and selection criteria contained in the ITN. The Negotiation Team may consider information obtained during the Evaluation Phase but is not bound by Evaluation Team scoring. The Negotiation Team may reassess any

of the evaluation determinations and may consider any additional information that comes to its attention during negotiations.

17. After review and scoring of the Responses, Negotiation Team sends Evaluation Matrix to the Buyer to compile preliminary scores.
18. Buyer emails/meets with Manager Procurement Portfolio (MPP) to review scores and schedule a Public Evaluation Meeting.
19. At the Public Evaluation Meeting, the Negotiation Team will discuss and determine final scoring.
20. Following the Negotiation Team's Public Evaluation Meeting, the MPP approves final ranking via email and the Buyer sends the approved evaluation and ranking to all the Short-listed Respondents
21. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, safety and cannot appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List
22. Buyer must ensure Vendor is set up in the Procurement Platform with the exact name as shown on the State of Florida Division of Corporations' website (sunbiz.org)
23. Award process begins
24. Buyer creates Award and places in the Procurement Platform
25. MPP pulls the award out of the Procurement platform, makes necessary edits, and sends via email to the business unit's Manager and Director for review no later than Monday COB
26. Upon approval from the business, MPP will then get Director of Supply Chain approval (can do this in tandem with Manager/Director approval)
27. Buyer updates Awards
28. Once validated and approved by Category Manager, Buyer sends Intent to Award
29. Purchasing Assistant will create the Agenda and Post to JEA.com by 10 a.m. on Tuesday
30. MPP sends to Business Unit VP for approval by COB on Tuesday
31. Purchasing Assistant will email the Awards package to the Awards Committee before COB on Wednesday
32. Award is presented and voted on by Awards Committee
33. Buyer will change the status to "Awarded" within the Procurement Platform upon committee approval on Thursday
34. Purchasing Assistant sends Awards packet to Awards Committee Chairman and Budget Representative for signatures
35. Once signed Award packet is received, Purchasing Assistant creates final Award Packet and sends to Manager of Procurement Contracts Administration and CPO
36. Purchasing Assistant updates CPA Tracking Sheet in SharePoint folder and shares with Procurement Services team to enable creation of Contract
37. Purchasing Assistant updates IFB System and Formal Spec Log in SharePoint if applicable
38. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
39. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
40. Purchasing Assistant Posts approved Minutes to JEA.com after receiving CEO approval

Single Source/Emergency

1. Business Unit submits a Requisition into the Procurement Platform and includes appropriate backup documentation, including executed Certification of Single Source or Emergency Procurement
2. If Procurement involves Professional Services covered by CCNA or construction or repairs, Buyer must confirm that Florida Statutes allow the Single Source or Emergency exemption (Note: applicable statutes contain different definitions of "emergency" than JEA's Procurement Code)
3. Buyer must ensure the Vendor complies with all requirements for insurance, CIP, information security, physical security, safety and cannot appear on JEA's suspension or debarment list, the State of Florida Convicted Vendor List, State of Florida's Suspended Vendor List or the City of Jacksonville's Disqualified Vendor List
4. Buyer obtains approval for Single Source/Emergency from MPP
5. Buyer must ensure Vendor is set up in the Procurement Platform with the exact name as shown on the State of Florida Division of Corporations (subiz.org)
6. MPP pulls the Award out of the Procurement Platform, makes necessary edits, and sends via email to the Business Unit's Manager and Director for review no later than Monday COB.
7. Upon approval from the Business Unit, MPP will then get CPO approval (can do this in tandem with Manager/Director approval)
8. MPP sends to Business Unit VP for approval by COB on Tuesday
9. Purchasing Assistant will email the Awards package to the Awards Committee before COB on Wednesday
10. Buyer will change the status to "Awarded" within Procurement Platform upon committee approval on Thursday
11. Purchasing Assistant sends Awards packet to Awards Committee Chairman and Budget Representative for signatures
12. Once executed Award packet is received, Purchasing Assistant creates final Award Packet and sends to Manager of Procurement Contracts Administration and CPO
13. Purchasing Assistant updates CPA Tracking Sheet in SharePoint folder and shares with Procurement Services team to enable creation of Contract
14. Purchasing Assistant updates IFB System and Formal Spec Log in SharePoint if applicable.
15. Purchasing Assistant sends WebEx recording of Awards Committee meeting to JEA Social Media group for posting to YouTube
16. Purchasing Assistant updates SharePoint Procurement Scorecard and JSEB Award Information spreadsheet
17. Purchasing Assistant Posts approved Minutes to JEA.com after receiving CEO approval

## **APPENDIX 6: JEA Owner Direct Purchase (ODP) Process for IFB, ITN, RFP**

- Step 1: JEA business unit identifies ODP equipment options on Bid Workbook and provides to Procurement
- Step 2: JEA issues Solicitation notifying vendors of possible ODP line items marked on the Bid Workbook
- Step 3: JEA business unit and Procurement reviews low Bidder's Bid Workbook to evaluate the possible ODP lines
- Step 4: JEA chooses which, if any, items to ODP and notifies the low Bidder
- Step 5: JEA Awards Committee, or Board, approves the execution of the Contract with the low Bidder (Contractor), and an Award will be made to the Contractor.
- Step 6: JEA and Contractor execute a Contract
- Step 7: JEA receives quotes from Contractor on the final pricing of ODP items (excluding sales tax)
- Step 8: JEA has ODP approved by the Awards Committee and then issues PO directly to equipment manufacturer using quote provided by Contractor for ODP items.
- Step 9: JEA issues Contract amendment reducing the Contractor's Contract amount with by the PO(s) amount(s) issued for ODP items.
- Step 10: JEA issues Certificate of Entitlement for JEA tax exemption to Contractor and manufacturer. Certificate of Entitlement is provided below.
- Step 11: Contractor coordinates delivery and offloading of equipment with their Subcontractors
- Step 13: JEA receives the invoice and Contractor verifies invoice pricing
- Step 14: JEA pays the invoice to the manufacturer for the ODP items.
- Step 15: JEA executes a deductive change order to the Contractor's Contract to reduce the Contract amount by the purchase price of ODP items.
- Step 16: An Informational Award item will then be brought before the Awards Committee detailing the actions taken and the new contract amount

### **JEA Owner Direct Purchase (ODP) Procedure for CMAR or Design-Build Contracts**

- Step 1: If CMAR contract estimate is over \$50,000,000, the initial Contract is approved by the JEA Board, if under \$50,000,000 then initial contract is approved by the JEA Awards Committee. The Board Resolution or the Award should specify that the work will involve ODP pursuant to the Procurement Exemption for ODP.
- Step 2: JEA identifies ODP equipment options with CMAR
- Step 3: CMAR bids out equipment with GMP
- Step 4: CMAR receives bids, and provides summary of options to JEA for evaluation
- Step 5: JEA chooses which items to ODP
- Step 6: CMAR negotiates ODP equipment terms and conditions with manufacturer and JEA
- Step 7: CMAR submits GMP to JEA for approval
- Step 8: JEA approves GMP with ODP items included (excluding sales tax for ODP items)
- Step 9: JEA issues contract amendment for GMP
- Step 10: : JEA has ODP approved by the Awards Committee and then issues purchase order to manufacturer using the terms and conditions negotiated by CMAR pursuant
- Step 11: JEA issues Certificate of Entitlement to CMAR and equipment manufacturer
- Step 12: CMAR coordinates delivery and offloading of equipment with responsible subcontractors
- Step 13: JEA receives the invoice and CMAR verifies invoice detail
- Step 14: JEA pays the invoice
- Step 15: JEA executes a deductive change order amendment with the CMAR to reduce the Contract amount by the purchase price of ODP items

Step 16: An Informational Award item is brought before the Awards Committee detailing the actions taken and the new contract amount

# CERTIFICATE OF ENTITLEMENT

The undersigned authorized representative of JEA, (hereinafter "Governmental Entity"), Florida Consumer's Certificate of Exemption Number **85-8012753002C-9**, affirms that the tangible personal property purchased pursuant to Purchase Order Number \_\_\_\_\_ from \_\_\_\_\_ (Vendor) on or after \_\_\_\_\_ (date) will be incorporated into or become a part of a public facility as part of a public works contract pursuant to JEA contract # \_\_\_\_\_ with \_\_\_\_\_ (Name of Contractor) for the construction of \_\_\_\_\_.

Governmental Entity affirms that the purchase of the tangible personal property contained in the attached Purchase Order meets the following exemption requirements contained in section 212.08(6), F.S., and rule 12A-1.094, F.A.C.:

***You must initial each of the following requirements.***

- \_\_\_\_ 1. The attached Purchase Order is issued directly to the vendor supplying the tangible personal property the Contractor will use in the identified public works.
- \_\_\_\_ 2. The vendor's invoice will be issued directly to Governmental Entity.
- \_\_\_\_ 3. Payment of the vendor's invoice will be made directly by Governmental Entity to the vendor from public funds.
- \_\_\_\_ 4. Governmental Entity will take title to the tangible personal property from the vendor at the time of purchase or of delivery by the vendor.
- \_\_\_\_ 5. Governmental Entity assumes the risk of damage or loss at the time of purchase or delivery by the vendor.

Governmental Entity affirms that if the tangible personal property identified in the attached Purchase Order does not qualify for the exemption provided in section 212.08(6), F.S. and rule 12A-1.094, F.A.C., Governmental Entity will be subject to the tax, interest, and penalties due on the tangible personal property purchased. If the Florida Department of Revenue determines that the tangible personal property purchased tax-exempt by issuing this Certificate does not qualify for the exemption, Governmental Entity will be liable for any tax, penalty, and interest determined to be due.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate of Entitlement and the facts stated in it are true.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Title

\_\_\_\_\_  
Name (Print or Type)

\_\_\_\_\_  
Date

JEA's Federal Employer Identification Number: 59-2983007

Telephone Number: 904-665-6000

**Please attach a copy of the Purchase Ord**